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UDC 343.326

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### **SELF-PROCLAIMED OF DONETS'K AND LUHANS'K PEOPLE'S REPUBLIC AS TERRORIST ORGANIZATIONS: ANALYSIS OF COURT PRACTICE**

Paper deals with the problematic aspects of attributing of self-proclaimed Donetsk and Luhans'k People's Republics to terrorist organizations. In judicial practice, the issue of assigning "DNR" and "LNR" to terrorist organizations is a controversial one. There is no unity of positions on the solution of the problem and in the theory of criminal law.

On the basis of the analysis of the Bill of Ukraine "About Combating Terrorism", the main principles of the organization's responsibility for terrorist activities are summarized. In Ukraine, the procedure for recognizing "DNR" and "LNR" by terrorist organizations is still not regulated at the normative level. It was stated that both attempts by the Verkhovna Rada of Ukraine to admit "LNR" and "DNR" as terrorist organizations at the normative level have not succeeded.

The issue of the prejudicial significance of the procedure for recognizing such organizations as terrorist ones becomes of special importance in criminal legal qualification: whether the "DNR" and "LNR" should be recognized as terrorist organizations, and then the actions of their members should be qualified according to Art. 258(3) or 258(5) CC. An analysis of court sentences (it was selectively analyzed 110 judgments of courts of the first and appellate instances under the Unified State Register of Judgments issued during 2016–2018) shows that in court practice there are several approaches to criminal-law assessment of acts of a person, which consist in participation in the activities of "DNR" and "LNR".

The first of these is related to the fact that the "DNR" and "LNR" are recognized by the courts as terrorist organizations (in 72 verdicts analyzed (or 65 %). The second option is to assess the participation of individuals in the activities of the structural units of the self-proclaimed "DNR" and "LNR" as the creation of non-statutory paramilitary or armed formations (Article 260 of the Criminal Code) (27 sentences (or 25 %)). The third option is to assess the participation of a person in the activities of the structural units of the self-proclaimed "DPR" and "LNR" as a pre-promised promise of assistance to members of criminal organizations (Article 256 of the Criminal Code) (6 sentences (or 5 %)). The fourth option is to assess the individual's participation in the activities of the structural units of the self-proclaimed "DNR" and LNR "as actions aimed at forcible change or overthrow of the constitutional system or the seizure of state power (Article 109 of the Criminal Code) or encroachment upon the territorial integrity or integrity of Ukraine (Article 110 CC).

Therefore, the actions of a person who participated in the activities of their structural units should be qualified according to Art. 258(3) or 258(5) of the Criminal Code.

**Keywords:** terrorist organization; unforeseen by law paramilitary or armed formations; assistance to a criminal organization; terrorism; criminal-law qualification.

Отримано 02.04.2018