

ppi 201502ZU4645

Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185 Depósito legal pp
197402ZU34

CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela



Vol.41

Nº 79

Octubre

Diciembre

2023



Ensuring the safety of participants in the criminal process in the mechanism of prevention of criminal offenses against them

DOI: <https://doi.org/10.46398/cuestpol.4179.45>

Mykhailo Huzela *

Rostyslav Bundz **

Olena Kovalchuk ***

Taras Bagrii ****

Yevhen Bondarenko *****

Abstract

The article is devoted to the scientific analysis of the implementation of security measures of participants of criminal proceedings in the mechanism of prevention of criminal offences against them. It was concluded that an important component of effective prevention of criminal offenses committed against participants of criminal proceedings is the creation of a system to ensure their safety by applying international legal norms of the interdisciplinary institute specified in the national criminal legislation. The specified task can be achieved in the case of: introduction of specific programs for the protection of participants in criminal proceedings (creating a simplified mechanism for choosing and applying short-term security measures and, a detailed mechanism for long-term measures; defining criteria for danger assessment by individualizing the needs of a person in the application of security measures, or a combination of more effective tools developing approaches to the duration of security measures based on the interests of justice and the existence of threats to the person); creation of a special unit

* Candidate of Law, Associate Professor of the Department of Criminal Law and Procedure, Institute of Jurisprudence, Psychology and Innovative Education of the Lviv Polytechnic National University, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2254-6990>. Email: mhuzela@gmail.com

** Candidate of Law, Associate Professor, Lecturer of the Department of Criminal Law and Procedure, Institute of Jurisprudence, Psychology and Innovative Education of the Lviv Polytechnic National University, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-3651-4068>. Email: rostyslav.o.bundz@lpnu.ua

*** Candidate of Law, Associate Professor of the Department of Criminal Law and Procedure, Institute of Jurisprudence, Psychology and Innovative Education of the Lviv Polytechnic National University, Lviv, Ukraine. ORCID ID: <https://orcid.org/0000-0001-5547-1625>. Email: olena.b.kovalchuk@lpnu.ua

**** Doctor of Law, Judge of the Ternopil City District Court of the Ternopil Region, Ternopil, Ukraine. ORCID ID: <https://orcid.org/0009-0009-0028-0763>. Email: bat633933@gmail.com

***** Candidate of Legal Sciences, Professor of the Department of law enforcement and anti-corruption activities of the Educational and Scientific Institute of Law, Prince Vladimir the Great Interregional Academy of Personnel Management, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-6527-6548>. Email: bondarenko1.law@gmail.com

to ensure the safety of participants in criminal proceedings, separate from the investigative bodies.

Keywords: criminal justice participants; criminal investigation; protidium; international standards; crime prevention.

Garantizar la seguridad de los participantes en el proceso penal en el mecanismo de prevención de delitos penales contra ellos

Resumen

El artículo está dedicado al análisis científico de la aplicación de medidas de seguridad de los participantes en el proceso penal en el mecanismo de prevención de delitos penales contra ellos. Se concluyó que un componente importante de la prevención eficaz de los delitos penales cometidos contra los participantes en los procesos penales es la creación de un sistema para garantizar su seguridad mediante la aplicación de las normas jurídicas internacionales del instituto interdisciplinario especificado en la legislación penal nacional. La tarea especificada se puede lograr en el caso de: introducción de programas específicos para la protección de los participantes en procesos penales (creando un mecanismo simplificado para elegir y aplicar medidas de seguridad a corto plazo y, un mecanismo detallado para medidas a largo plazo; definiendo criterios para evaluación de peligrosidad por individualizar las necesidades de una persona en la aplicación de medidas de seguridad, o una combinación de herramientas más efectivas desarrollando enfoques sobre la duración de las medidas de seguridad basados en el interés de la justicia y la existencia de amenazas a la persona); creación de una unidad especial para garantizar la seguridad de los participantes en procesos penales, separada de los órganos de investigación.

Palabras clave: participantes en justicia penal; investigación penal; protidium; normas internacionales; prevención de delitos.

Introduction

Participants in criminal proceedings, their relatives and close ones, in one way or another are subjected to, or may be subjected to, physical and psychological influences. On the one hand, this is due to their personal

qualities, on the other hand, the involvement of these persons in the field of criminal justice significantly increases the degree of their victimhood in view of their procedural status. The social danger of criminal offenses against participants in the criminal process lies, in particular, in the fact that they significantly undermine the authority of law enforcement and judicial bodies, which ensure the protection of the rights and legitimate interests of the individual, and generate public distrust in their ability to effectively resist crime.

Crime prevention is the activity of state and society bodies aimed at keeping crime at a minimum level by neutralizing its causes and conditions, as well as at preventing and stopping specific criminal offenses (Ivanov, Dzhuzha, 2006, p. 165). To prevent means «to prevent something from happening in advance, to avert» (New Interpretive Dictionary of the Ukrainian Language, 2001, p. 89). Ensuring the safety of participants in the criminal process is an important and necessary component of the mechanism for preventing criminal offenses against them. This encourages the development of a system of effective measures to prevent and overcome opposition to the investigation of criminal offenses committed against participants in criminal proceedings.

The international community has developed normative and legal acts, which collectively determine the standards for national legislation in order to solve the most important issues of combating crime and its individual manifestations. The conditions of the modern socio-political life of Ukraine require bringing security measures into line with the international standards recognized in the world practice of many countries and related relevant procedures that ensure the proper functioning of the judiciary.

1. Methodology of the study

Philosophical, general scientific and special methods of knowledge of legal phenomena were used during the study of the peculiarities of the application of ensuring the safety of participants in the criminal process in the mechanism of prevention of criminal offenses in relation to them, which ensured the reliability and validity of the scientific results. The research methods were chosen taking into account the set goal and tasks of the research, its object and subject.

The process of writing a scientific article is determined by the use of a dialectical approach, which allowed to identify theoretical and applied problems of the protection of witnesses and other participants in criminal proceedings in the system of anti-crime measures against participants in criminal proceedings. The hermeneutic method was used during the formulation of proposals for legislation on ensuring security; with

the help of a systematic method, the structure of means of ensuring the safety of participants in criminal proceedings was revealed and their place in the mechanism of prevention of criminal offenses against them was established; the formal-logical (dogmatic) method made it possible to determine certain legal concepts, grounds, the purpose of applying security measures, as well as to develop proposals for improving the relevant provisions of the legislation; the comparative legal method was used during the study of the content of international legal standards for ensuring the safety of participants in criminal proceedings, as well as the provisions of the legislation of foreign countries that relate to this issue.

2. Analysis of recent research

The concept of counteracting the investigation of criminal offenses against participants in criminal proceedings, based on scientifically based theoretical provisions and conclusions, defines organizational and legal mechanisms for their detection and termination, offers a set of practical recommendations for the effective prevention of such illegal acts. Scientific works of many scientists in the field of criminology, criminal law, process and other sciences, and not only the legal cycle, are devoted to these questions. The reform of law enforcement and judicial bodies, the creation of new units, the adoption of new normative legal acts and the introduction of changes in the current ones attest to the need to study conceptual issues of ensuring the safety of participants in the criminal process in the mechanism of combating criminal offenses against them.

3. Results and discussion

The issue of security of participants in criminal proceedings is of international importance, and ensuring effective protection of persons who contribute to justice is one of the global problems in the field of combating crime. The United Nations (hereinafter – the UN) and other international institutions are conducting intensive work aimed at improving the standards of ensuring the safety of persons participating in criminal proceedings, forming the principles of such activity (Svintsytskyi, 2017, p. 307).

The peculiarity of international legal standards in the fight against crime is due to the fact that they are developed on the basis of the consensus of state representatives, reflect the highest achievements of the world community, constitute a certain model, and their main goal is to ensure the observance and effective protection of human rights (Korovaiko, 2010, p. 42).

International standards for ensuring the safety of participants in criminal proceedings should be understood as reflected in the provisions of international law and/or formulated in the decisions of international judicial institutions, requirements of an imperative and recommendatory nature (principles, norms, recommendations, etc.) regarding the scope of legal regulation of the activities of authorized persons of law enforcement agencies and bodies of justice regarding the provision of safe implementation by participants in criminal proceedings of their rights and obligations in criminal proceedings. International standards not only determine what rights a person is entitled to and their content, but also provide a mechanism for their guarantee and provision, primarily in those spheres of public life in which there is a high risk of violations of the rights and legitimate interests of a person.

At the international level, a number of normative legal acts dedicated to ensuring the safety of the specified persons were developed and adopted. In particular, the Conference of the Parties to the UN Convention against Transnational Organized Crime at its second session, held in Vienna on October 10-21, 2005, included witness protection in the list of areas for which monitoring and periodic review of the implementation of the Convention and related protocols will be carried out (CTOC / COP / 2005/8, paragraph 1, decision 2/1, 2/3, 2/4) (RECOMMENDED PRACTICES IN THE FIELD OF WITNESS PROTECTION IN CRIMINAL PROCEEDINGS INVOLVING ORGANIZED CRIME, 2008).

Article 32 of the UN Convention against Corruption specifies that each State Party shall take appropriate measures in accordance with its domestic legal system and within its capabilities to ensure effective protection against possible retaliation or intimidation of witnesses and experts testifying in cases of crimes defined by this Convention, and, in appropriate cases, regarding their relatives and other persons close to them (United Nations Convention against Corruption, 2010).

Also, the UN Convention against Transnational Organized Crime from 2000 provides provisions on witness protection, as well as encouraging persons who participate or have participated in organized criminal groups to: provide information useful to competent authorities for the purpose of investigation (art. Art. 24-26) (UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, 2000), and in Art. 24 defines that «each State Party shall take, within its capabilities, appropriate measures aimed at ensuring effective protection against possible reprisals or intimidation of witnesses who take part in criminal proceedings and give evidence in connection with the crimes covered Convention, and, in appropriate cases, regarding their relatives and other persons close to them (UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, 2000). Thus, states have a duty to protect individuals from transnational

crimes, as well as to assist victims of transnational crimes and to protect the rights of those who are involved in the prosecution of transnational crimes” (Bianchi, 2007, p. 21).

For adequate and professional conduct of cases in which participants in criminal proceedings may require the use of protection measures or programs, authorized subjects of criminal justice bodies should have adequate training and relevant guidance documents. When developing a set of measures aimed at combating serious crimes, in particular those related to organized crime and terrorism, and violations of international humanitarian law, it is necessary to take appropriate measures to protect witnesses and persons cooperating with justice from intimidation. No criminal offense related to terrorism should be excluded from the list of criminal offenses for which special measures / programs are provided for the protection of participants in the criminal process.

Also part 4 of Art. 24 of the UN Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 11/15/2000, provides that without prejudice to the rights of participants in criminal proceedings, including the right to a proper trial, the following measures may be included: establishment of procedures for the physical protection of such persons, to the extent necessary and practicable, for their resettlement, and for the adoption of such provisions as to permit, in appropriate cases, the non-disclosure of information relating to the identity and whereabouts of such persons, or establish restrictions on such disclosure of information; adoption of rules of evidence that allow witnesses and experts to testify in a manner that ensures the safety of such persons, for example, permission to testify by means of communication such as video-link or other appropriate means (UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, ADOPTED BY RESOLUTION 55/25, 2000). Participating states must consider the possibility of concluding treaties or agreements with other states on the resettlement of the specified persons (part 1 of Article 32 of the UN Convention) (UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, 2000).

Recommendations Rec (2005) of the Committee of Ministers of the Council of Europe to member states on the protection of witnesses and persons cooperating with the justice system recommend that strict sanctions be imposed for witness intimidation crimes. The term «intimidation» in the Recommendations is interpreted as any direct, indirect or potential threat to a witness that may prevent him from fulfilling his civil duty related to giving evidence (RECOMMENDATION OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE TO MEMBER STATES ON THE PROTECTION OF WITNESSES AND PERSONS , WHO COOPERATE WITH JUSTICE, 2005).

It is important to note that when deciding to provide protection to a person cooperating with justice, the following criteria should be taken into account, inter alia: participation requires the protection of a person (as a victim, witness, etc.) in an investigation and/or case; the significance of the contribution; seriousness of threats; readiness and suitability for protection through appropriate measures or programs (RECOMMENDATION OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE TO MEMBER STATES ON THE PROTECTION OF WITNESSES AND PERSONS COOPERATING WITH JUSTICE, 2005).

In our opinion, measures should be taken in Ukraine to intensify activities on the development of programs for the protection of participants in criminal proceedings and provide persons who need protection: witnesses and persons who cooperate with justice, the opportunity to use these programs. The main goal of these programs should be to protect the life and personal safety of witnesses / persons cooperating with justice and their relatives, especially providing physical, psychological, social and financial protection and support.

Also, Resolution No. 66/164, adopted by the UN General Assembly on December 19, 2011, states that protection programs that provide for fundamental changes in the private life of persons who are protected (for example, a change of place of residence and personal identification) should be applied to those of them, who need protection for a period exceeding the terms of consideration of the criminal cases in which they testify. These programs, which may be time-limited or lifelong, should be initiated only if no other measures can be considered sufficient to protect the witness or person cooperating with justice and their relatives (UNITED NATION RESOLUTION NO. 66/164, 2011). The initiation of such programs requires the informed consent of the person(s) subject to protection, as well as an appropriate legal framework, including appropriate guarantees of the rights of witnesses or persons cooperating with justice, in accordance with the norms of domestic law (UNITED NATION RESOLUTION NO. 66/164, 2011).

It should be emphasized that Art. 20 of the Law of Ukraine «On ensuring the safety of persons participating in criminal proceedings» does not contain the detail necessary for correct law enforcement, which is provided for by the cited international standards. In particular, in Part 1 of Art. 20 states that «as a basis for taking measures to ensure the safety of persons specified in Art. 2 of the specified Law, there are data that testify to the presence of a real threat to their life, health, housing and property» (ON ENSURING THE SAFETY OF PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS, LAW OF UKRAINE, 1993).

The presence of a real threat, in addition to threats and specific encroachments on a person's life, health, housing and property, can

be evidenced by the nature of the criminal offense in respect of which proceedings are being carried out, the importance of the testimony of the person who is threatened with danger, the characteristics of the person who poses a potential threat, and her connections. In our opinion, Art. 20 of the Law of Ukraine «On ensuring the safety of persons participating in criminal proceedings» does not contain a clear interpretation of the meaning of «real threat», which is too general, leads to unjustified refusals of authorized persons to appoint protection measures, or, conversely, the appointment of protection measures to anyone, who will apply with the relevant application. We believe that such a situation does not contribute to the achievement of the goal pursued by the legislator and the state in general.

Also, from the analysis of the content of the Law of Ukraine «On ensuring the safety of persons participating in criminal proceedings», it can be seen that the further procedure of individualization of the decision on the selection of specific protection measures is not regulated by this legal document. Instead, part 3 of Art. 22 of the specified law only specifies that the body entrusted with the implementation of security measures establishes a list of necessary measures and methods of their implementation, guided by the specific circumstances of the case and the need to eliminate the existing threat (ON ENSURING THE SECURITY OF PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS, LAW OF UKRAINE, 1993). At the same time, taking into account the content of the provisions of Recommendation Rec (2005) 9, the legislation of Ukraine must clearly define the criteria for the application of security measures, or a combination of the most effective security measures.

In general, in law enforcement practice, a distinction is made between short-term security measures, that is, those that are used in the event of the need to immediately eliminate a threat (personal physical protection, protection of housing and property, etc.), and long-term measures for long-term protection of a person (change of personal documents, change of appearance, change of location work and study, relocation to another place of residence, etc.).

However, unlike most leading European countries, the mechanisms of their application in Ukraine are identical, which requires a review of the legislator's approach to their regulation. It is logical that long-term security measures are much more expensive, the expediency of their application, type, nature, duration require an individual approach depending on the circumstances of the criminal proceeding, its importance, the person whose personal interests are threatened by danger, etc. In view of this, the application of a specific measure should be carefully planned by authorized subjects, the main role among which should belong to the prosecutor, who, according to Ukrainian legislation, carries out prosecutorial supervision in the form of procedural guidance at the stage of pre-trial investigation.

International standards for ensuring the safety of participants in criminal proceedings provide for the existence of appropriate procedures for internal control over the actions or inaction of the bodies that appoint and the bodies that provide security measures. In particular, the General Assembly of the Council of Europe in Resolution 1784 (2011) 1 calls on the competent authorities of the relevant states and territories: to create an independent body, separate from the police and investigative bodies, to supervise witness protection programs and the distribution of funds (clauses 16.1.1, 16.1.3) (RESOLUTION OF THE GENERAL ASSEMBLY OF THE COUNCIL OF EUROPE «WITNESS PROTECTION AS A CORNERSTONE OF JUSTICE AND RECONCILIATION IN THE BALKANS», 2011).

Institutionalization of witness protection programs can be done in different ways. In some countries, the choice in favor of the police is natural, since witness protection is considered primarily the task of police authorities. In other states, more importance is attached to the separation of the functions of witness protection and investigation, guided by considerations of impartiality and seeking to reduce the risk that the prospect of inclusion in the protection program itself will lead witnesses to give false testimony dictated by the desire to «please» or «help». In countries where the main task of witness protection is entrusted to the police, the responsibility for leading these programs rests with a senior official of the police department» (Recommended types of practice in the field of witness protection during proceedings in criminal cases involving organized crime, 2008, p. 46).

At the same time, «it is extremely important to ensure the isolation and autonomy (in organizational, administrative and operational terms) of the secret unit that is engaged in the implementation of the program from other police formations» (Recommended types of practice in the field of witness protection during proceedings in criminal cases involving organized crime, 2008, p. 46) This not only means ensuring independence from the investigative units of the police, but also serves as a guarantee of the integrity of the program. programs. Austria, Germany, Canada, Latvia, New Zealand, Norway, Sweden are among the countries in which witness protection is carried out under the supervision of the police. In other countries, such as Bulgaria, Colombia, the Netherlands, and the United States, witness protection programs are organizationally separate from the police and are subordinated to the Ministry of Justice, the Ministry of the Interior, the State Prosecutor's Office, or similar agencies (Recommended types of practice in the field of witness protection during proceedings in criminal cases involving organized crime, 2008, p. 46).

In some countries, where these programs are under the jurisdiction of the Ministry of Justice, they are implemented by an interagency body consisting of high-ranking representatives of law enforcement,

prosecutorial, judicial and government structures, and sometimes civil society. This body can make decisions on such issues as inclusion in the program or its termination. He can also supervise the implementation of the program and submit its budget to the government for approval. Such a procedure exists in Italy and Serbia (Recommended practices in the field of witness protection in criminal proceedings concerning organized crime, 2008, p. 46).

It should be noted that the resettlement and change of personal data of witnesses and their family members within the framework of the protection program is a difficult and expensive matter. For protected persons, especially for their family members, changing their lifestyle and complying with established rules can be associated with great difficulties and lead to depression, as well as to other psychological disorders. In addition, if even by chance the safety of any witness is threatened, he and his family members will have to be resettled and the process of adaptation and reintegration must begin again. Given the impact on the lives of those being protected, as well as the financial costs to the program, resettlement and identity change is a last resort suitable only for a small number of witnesses.

In general, the issue of departmental ownership of the program is not as important as the need to ensure compliance with existing government structures and functions and compliance with the principles of separation from investigative bodies, operational independence from the police and confidentiality of operations. Other important considerations are the ability to share sensitive information with other national authorities and protection programs in other countries. Finally, operatives must be able to carry and use firearms.

Currently, no internal impartial control procedures have been established in the system of ensuring the safety of persons participating in the criminal justice system of Ukraine. Only judicial control is envisaged. The implementation of internal control procedures for the actions or inaction of the bodies that appoint and the bodies that provide security measures should be regulated as part of the development and implementation, based on international standards and best global practices, of the program for the protection of participants in criminal proceedings.

Also, a significant shortcoming of national legislation in the field of security in criminal proceedings is that it does not contain provisions that provide for the interaction of bodies that make decisions on the application of security measures and bodies that carry out such measures among themselves and with other authorized entities. In this regard, in Art. 10 of the Model Law of the United Nations Office on Drugs and Crime on the Protection of Witnesses states that: 1) protected persons are included in the Program after signing a Memorandum of Understanding with the Protection Authority; 2) The memorandum of understanding is not a legally

binding contract and cannot be challenged in court; 3) The memorandum sets out the voluntary conditions that will be applied within the framework of the Program and contains at least the following information: conditions for inclusion in the Program; permitted general categories of protection measures set forth in Art. 9 (1); financial and other material assistance; the consent of the witness to comply with all the instructions of the defense body, including undergoing a medical examination and psychological examination; the consent of the protected person not to jeopardize the integrity of the Program and the safety of its participants; the consent of the protected person to provide information about all his legal and financial obligations, and about the method of fulfilling these obligations; the person's consent to provide the Protection Authority with information about all criminal and civil cases and bankruptcy cases in which he was and is a participant; the conditions that give the Protection Authority the right to exclude a person from the Program (MODEL LEGISLATIVE PROVISIONS FOR THE ESTABLISHMENT OF A WITNESS PROTECTION PROGRAM, 2013).

Conclusions

An important component of effective prevention of criminal offenses committed against participants in criminal proceedings is the creation of an effective system for ensuring their safety. The implementation of international legal standards for ensuring the safety of participants in criminal proceedings, reflected in general regulatory and legal documents, into domestic criminal legislation will prevent the improvement of the aforementioned interdisciplinary institute. The specified task can be achieved in the case of: introduction of specific programs for the protection of participants in criminal proceedings in order to take into account the conditions and features of national legislation; creation of a special unit for the protection of participants in criminal proceedings, separated from the investigative bodies.

International standards for ensuring the safety of participants in criminal proceedings - reflected in the provisions of international law and/or formulated in the decisions of international judicial institutions, requirements of an imperative and recommendatory nature (principles, norms, recommendations, etc.) regarding the scope of legal regulation of the activities of authorized persons of law enforcement bodies and bodies of justice in relation to ensuring safe implementation by participants in criminal proceedings of their rights and obligations in criminal proceedings.

It is necessary to adapt the Ukrainian legislative framework regarding the creation of a simplified mechanism for the selection and application

of short-term security measures and a thoroughly detailed mechanism for long-term measures according to the standards of the witness protection program. At the same time, special attention needs to be paid to: early detection of threats to the safety of participants in the criminal process and timely neutralization of relevant threats; determination of risk assessment criteria for the individualization of a person's needs in the application of security measures, or a combination of the most effective of them; approaches regarding the duration of security measures based on the interests of justice and the existence of threats to the person.

Bibliographic References

- IVANOV, Yuriy; DJUZHA, Oleksandr. 2006. Criminology: education. manual Kyiv: Ed. Palyvoda. 264 p.
- KOROVAYKO, Oleksandr. 2010. Peculiarities of conducting actions aimed at collecting and verifying evidence during a judicial investigation: Dissertation. ... candidate law sciences: 12.00.09. Odesa, 242 p.
- MODEL LEGISLATIVE PROVISIONS CONCERNING THE ESTABLISHMENT OF A WITNESS PROTECTION PROGRAM. ANNEX I ASSISTANCE, GOOD PRACTICES AND COMPARATIVE ANALYSIS OF NATIONAL LEGISLATION IN THE FIELD OF IDENTIFICATION AND PROTECTION OF VICTIMS AND WITNESSES IN ORGANIZED CRIME CASES. DOCUMENT OF THE WORKING GROUP OF GOVERNMENTAL EXPERTS ON TECHNICAL ASSISTANCE. Available online. In: https://www.unodc.org/documents/treaties/organized_crime/2013_CTOC_COP_WG2/CTOC_COP_WG2_2013_2_R.pdf. Consultation date: 19/04/2023.
- NEW EXPLANATORY DICTIONARY OF THE UKRAINIAN LANGUAGE. 2001. in four volumes. 2001. Volume 2. K: Aconite. 911 p.
- ON ENSURING THE SAFETY OF PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS. 1993. LAW OF UKRAINE dated December 23, 1993 No. 3782-XII. News of the Verkhovna Rada of Ukraine. 1994. No. 11. Art. 51.
- RECOMMENDATION REC. 2005. 9 OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE TO MEMBER STATES ON THE PROTECTION OF WITNESSES AND PERSONS COOPERATING WITH JUSTICE. Available online. In: https://supreme.court.gov.ua/userfiles/Rec_2005_9_2005_04_20.pdf. Consultation date: 19/04/2023.
- UN. Recommended Practices for the Protection of Witnesses in Organized Crime Proceedings. 2008. New York, USA. 2008. 129 p.

RECOMMENDED TYPES OF PRACTICE IN THE FIELD OF WITNESS PROTECTION DURING PROCEEDINGS IN CRIMINAL CASES RELATED TO ORGANIZED CRIME. 2008. UNODC. Available online. In: <https://cutt.ly/WfaaLuI>. Data of consultation: 14/05/23.

RESOLUTION 1784. 2011. 1 OF THE GENERAL ASSEMBLY OF THE COUNCIL OF EUROPE «WITNESS PROTECTION AS A CORNERSTONE OF JUSTICE AND RECONCILIATION IN THE BALKANS». Available online. In: <https://pace.coe.int/en/files/17946>. Consultation date: 19/04/2023.

RESOLUTION ADOPTED BY THE UN GENERAL ASSEMBLY ON DECEMBER 19. 2011. NO. 66/164 “PROMOTING THE DECLARATION ON THE RIGHT AND DUTY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS”. Available online. In: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=55f287544>. Consultation date: 19/04/2023.

SVINTSYTSKYI, Anatoly. 2017. World experience in ensuring the safety of persons involved in criminal proceedings. Carpathian Legal Gazette. Vol. 04, Issue 1(16), pp. 307310.

THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, ADOPTED BY RESOLUTION 55/25 OF THE GENERAL ASSEMBLY OF NOVEMBER 15, 2000. Available online. In: http://zakon.rada.gov.ua/laws/show/995_789 BIANCHI, Andrea. Security Council's Anti-Terror Resolutions and Their Implementation by Member States. Journal of International Criminal Justice. 2006. Vol. 4. No. 5. pp. 1044-1073.

THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME. 2000. ADOPTED BY GENERAL ASSEMBLY RESOLUTION 55/25 OF NOVEMBER 15 2000. Available online. In: https://zakon.rada.gov.ua/laws/show/995_789#Text. Consultation date: 19/04/2023.

UNITED NATIONS CONVENTION AGAINST CORRUPTION. Ratification dated 18.10.2006, basis – 251-V; Entry into force 01.01.2010, basis – v3264321-09. Available online. In: https://zakon.rada.gov.ua/laws/show/995_c16#top. Consultation date: 19/04/2023.



UNIVERSIDAD
DEL ZULIA

CUESTIONES POLÍTICAS

Vol.41 N° 79

*Esta revista fue editada en formato digital y publicada en octubre de 2023, por el **Fondo Editorial Serbiluz**, Universidad del Zulia. Maracaibo-Venezuela*

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org