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Chapter 7

War, Crime, Victimology, Human Rights and Criminal Justice Holistic Approach

ABSTRACT

International and national substantial criminal law protects human rights and maintains a balance between people's security and the state's apparatus. New hybrid and aggressive war challenges necessitate understanding the stability of criminal legal form and social care amidst evolving public and social relations. By analyzing crime and abuse of power tendencies, we can challenge social control schemes related to international society, the state, perpetrators, victims, and civil society attitudes. This article explores the interrelationships among war consequences, crime, modern victimology, human rights, and criminal justice, using a holistic approach grounded in human rights discourse. It highlights the integration of international and national means within modern criminal justice to safeguard victims from crime and abuse of power at individual and collective levels. The article particularly focuses on the interplay between war and crime, fragmentation of international criminal law, victims' reparations, and criminal policy development.

Keywords: security, penal law, victim, human rights, war, crime, holistic approach

From 4 a.m. on 24 February 2022, when the Russian Federation's armed attack against Ukraine started, to midnight 9 June 2022 (local time), the Office of the UN High Commissioner for Human Rights (OHCHR) recorded 9,585 civilian casualties in the country: 4,339 killed and 5,246 injured. This included a total of 4,339 killed (1,646 men, 1,098 women, 102 girls, and 105 boys, as well as 67 children and 1,321 adults whose sex is yet unknown) and a total of 5,246 injured (1,073 men, 730 women, 120 girls, and 151 boys, as well as 172 children and

3,000 adults whose sex is yet unknown (*Ukraine: Civilian Casualty Update…*). It is estimated that since 2014 to February 2022, the conflict between Russia and Ukraine resulted in more than 40,000 casualties. It was also reported earlier that as of 2021, more than 3,300 civilians lost their lives because of the conflict and the number of injured civilians exceeded 7,000. NB, according to the Crisis Group analysis, there was no unified source for casualties resulting from this conflict. While international organizations provided concrete, triangulated data on civilian casualties and the Ukrainian government issued detailed statements about its reported military losses, statements from de facto officials have been patchy. In many cases, the Crisis Group has sought to triangulate data using social media posts or to gather more information through communications with private citizens (*Conflict in Ukraine's Donbas…*).

February 24, 2023 – a full of Russian aggressive imperial war against Ukraine (UA). A huge number of changes in life, social values, interactions, legal solutions notwithstanding from what side you are. The ideas on sanctioning and declaring Russia as the state-terrorist that have been spread in the beginning of 2022 by academia and realized in political statements, joint declarations, sanctions packages, etc. Ukrainian news is at the top of the list, and victims' treatment became a trend in the whole world, causing unexpected reactions from survivors of military conflicts in other parts of the planet.

The problem of interrelationships of consequences of war, crime, modern victimology, human rights and criminal justice in holistic approach methodology is based on the idea of uniting international and national means of modern criminal justice to protect victims of crime and abuse of power on individual and collective level through human rights discourse. Special attention should be brought to war and crime interrelationships in the context of the fragmentation of international criminal law, victims' reparations and criminal policy development.

The reports of ongoing extrajudicial and military killings of civilians as well as the concepts of crime of aggression and its consequences should also be analyzed from the legal perspective of the humanitarian and economic crisis and the possibilities of respecting human rights.

What does the 'state as a victim' mean in international and domestic law? Should the state be treated as a victim of international crime? Since Arie Friberg's concepts, there have not been many works highlighting this theoretical and practical lacuna (Freiberg, 1988). International tribunals, political and economic sanctions, military operations, diplomatic measures are supported by international mechanism of restitution and compensation. Calling international community to continue providing humanitarian support to Ukraine means not only to punish perpetrator but to organize and promote fair compensation, restitution and reparation processes. New actors in international war crimes and crimes against humanity (private secu-

rity and international private warfare companies) should also be treated in view of the concept of responsibility and reparations. Therefore, the system of international criminal policy should be changed.

The interest of the international community lies not only in ensuring that individual victims of international crimes obtain justice and reparations and perpetrators of atrocities receive fair trial and just sentence, but also in constituting the state as a collective victim in line with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of 29 November 1986 and Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of 15 December 2005 According to these documents, "'victims' means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally" (Declaration of Basic Principles…).

International and national criminal law is a fundamental tool to protect human rights. New hybrid-war challenges make it necessary for us to understand how global and regional imbalances and conflicts affect the rule of law. In order to grasp the importance of maintaining a stable criminal justice system and social care initiatives amidst evolving public and social dynamics, it is crucial to challenge existing social control mechanisms within the realms of international society, state institutions, perpetrators, victims, and civil society's responses to crime and abuses of power. By critically examining these control schemes, we can discern the potential discord that may arise between them and the progressive nature of public and social relationships and processes. It is imperative to analyze how these systems interact and adapt to changing societal dynamics to ensure their efficacy and alignment with evolving social norms and values.

The way international criminal justice is understood and implemented can have significant implications for society. When there is a lack of consensus within the world's biggest actors regarding the principles and goals of rule of law, it can lead to situations where the state or individuals and social groups feel entitled to mistreat their opponents. This can manifest in the formation of armed groups and a tolerance for local restrictions on freedom of movement. These conditions, in turn, create an environment where imperial thinking, ideology of terrorism and rebellion as well as aggressive wars may be justified as a means of seeking justice or challenging an illegitimate authority. Such circumstances undermine the fundamental idea of the legitimacy of power in transitional periods of development.

In simpler terms, when there is a lack of agreement on how international and substantial criminal law should be enforced, it can lead to situations where states or people feel justified in mistreating others. It is important to strive for a common understanding and consensus on the principles of law enforcement to maintain a just and stable world through new system of management. It is known that in response to Russia's military aggression against Ukraine, the European Union has adopted sectoral and individual measures in the form of asset freezes and entry restrictions, as well as anti-circumvention provisions that prohibit knowledge and intentional participation in activities aimed at circumventing these measures. In order to further counteract the risk of violation of such measures, a proposal was adopted to add violation of the Union's restrictive measures to the areas of crime defined in Article 83(1) of the Treaty on the Functioning of the European Union to define violations of the Union's restrictive measures legislation as a particularly serious crime with a cross-border dimension.

The question to ask is whether, on the abovementioned background, we must develop a theoretical model of war, crime, and international criminal justice from victimological perspectives. The concept is quite simple: criminal justice shows the transition from absolute forms of public-law relationships to today's postmodern approach with a holistic system that is essentially based on the concept of human rights primacy and the ideology of basic human values landscape protection in local and international levels.

War consequences and crime tendencies are the last Horsemen of Apocalypse that should be analyzed in this respect.

"Justice" and "criminal law" were identified with the understanding of truth and justice.

In contemporary political discourse, there is an increasing concern regarding the post-truth phenomenon and its influence on the interpretation and application of the law. This concept encompasses the deliberate misuse of legal principles to erode the foundations of justice and truth. It is not limited to individual cases but extends to the theoretical underpinnings that explain the occurrence of interstate and mass misuses and abuses of power. These distortions of law reflect various manifestations, including acts of aggression, hybrid attacks, corruptive practices, and the pursuit of political interests. They are influenced by the attitudes, values, and beliefs of individuals, as well as the prevailing communicative and religious norms, both at the national and international levels of interaction. Within this context, contemporary criminal policy serves as a crucial instrument to enforce a shift in the framework of social relationships, moving away from outdated structures towards a new transnational public law. This entails a reevaluation of established legal paradigms and the adoption of innovative approaches that align with the demands of a rapidly

changing global landscape. By implementing a modern criminal justice policy, societies can address the challenges posed by post-truth interpretations and promote a more just and inclusive legal framework.

It is more dynamic and flexible; it is constantly changing and contributes to breaking the legal forms and outdated stereotypes at the same time. Unity and sovereignty are changed to the legality of international criminal law virtual relationships, where the production of certain types of criminal offenses is given to international society's universal jurisdiction scheme. However, this creates the possibility of non-governmental transnational authorities and other supra-national actors influence on local legislative level by protection of international interests (like the proposed 'ad hoc tribunal' for Putin's aggression with the paragraph 2 of Article 7 of European Convention on Protection of Human Rights, 1950).

Criminal law is a tool for protecting the sovereignty and security of human rights and freedoms, which is the main tool that symbolizes the legal, moral and social attitude of people, society and the state to defend against various threats and criminogenic factors. Thus, criminal responsibility and victims' compensation schemes on domestic and international levels constitute mutual rights and obligations between the state (legality and justice), offender (punishment), victims (fair treatment), and third persons (cognitive control) on crime commission. Mutual rights mean that criminal norms should be constructed to effectively modify forbidden human behavior respecting all actors' needs. Such complex holistic approach and new law constructing as the result of new security paradigms based on internationalization of domestic laws. and mutual recognition of all parties' rights and obligations should produce positive effects in combatting international and transnational crime. The shift for criminalizing those non obeying the sanctions on the EU level is a strict argument for the abovenamed thesis (Communication from the Commission…).

It seems that we have not to make a choice between the law in force, the law in media, the law in minds, and the law in communications, but to find out a common model of multipolar crime and its victims through modern conditions of the aggressive war in UA. That approach should help to describe and implement new rules regarding the usage of the universal principle of justice for collective victims and societies, too (Tuliakov, 2023).

This theoretical methodology needs to carry out:

– Formulating human rights oriented theoretical approach of victimology means (concepts of legality, crime, and punishment regarding state of the victim on domestic, supranational, and international level).
– Structural analysis of international, state, social, communicative, and cognitive approach to victims of aggression and international crimes common indicators through war and crime interrelationships background.

– Formulating the Academic Matrix as a tool for collective and individual victims' treatment (dignity, sanctions, reparations, restitution, and compensation, right to self-destruction and self-defense).

That practice should be reflected as in crime of genocide's corpus delicti and other international crimes and crimes against humanity' as well as at special construction of individual and collective victim's notion in General Part of Draft Criminal Code of Ukraine (Tekst proiektu novoho Kryminalnoho kodeksu Ukrainy, 2023).

Thus, the final aim is to prepare a new theoretical background to Ukrainian criminal law doctrine development as from its path to EU standards and ROL, as from changes that war and crime "contributed" to the civil society of nowadays (Tuliakov, 2022a).

The development of the new criminal legislation of Ukraine in the context of using modern European narratives and discourses of public understanding of the importance of criminal law influence should prove how global and regional contradictions, imbalances and conflicts have affected the rule of law and how human security should be protected in general on the European continent.

Understanding how stable should be the criminal legal form that is dissonant with the development of public and social relations and processes challenges the social schemes of effective control of crime by the state, the victim and civil society.

To be happy means to feel safe, secure and independent. The status of happiness reflects the commonly accepted sense of peace and security in today's sustainable world.

But the role of the state is changing in a multipolar post-truth information society. Abuse of power and large-scale corruption practices in the transition period of development lead to the situation that the criminal legal form of ensuring sustainable development may be in dissonance with the development of civil liberties.

Moreover, the understanding of the criminal law differs according to the level of education of citizens, characteristics of the media, narratives of social groups and networks, and security discourses in law enforcement. It also differs between victims and perpetrators, civil society and police and judges. The criminal legal protection of fundamental rights and freedoms opens less prospects for abuse of power (lack of the right to appeal, the right to legal assistance in most disciplinary proceedings, ample opportunities for abuse of law, etc.) And this problem is not exclusively national in nature. Interpretative characteristics in cases of competition of paradigms in the absence of significant violations of human rights are transferred to national jurisdictions, recognizing, as a rule, subsidiarity, complementarity of interstate institutional mechanisms. Thus, the Lisbon Treaty in Art. 83.1 states that

> […] the European Parliament and the Council may, by directive adopted in accordance with the ordinary legislative procedure, lay down minimum rules on the definition of criminal offences and sanctions in the field of particularly serious crimes with cross-border characteristics arising from the nature or consequences of such offences or from the special need to combat them on a common basis. These areas of crime are as follows: terrorism, trafficking in human beings and sexual exploitation of women and children, drug trafficking, arms trafficking, human trafficking, money laundering, corruption, counterfeiting, computer crime and organized crime (Communication from the Commission…, COM/2010/0171 final).

In other words, disciplinary practices related to criminal law in the form of harmonization of sanctions for particularly serious crimes are spreading across the entire system of public law norms. And therefore, European Commission will add the breakage of EU sanctions to the list of EU crimes (Sanctions: Council requests…; Tuliakov, 2021).

This is the central discourse (model) of penalization of relations at different levels of social interaction based on subsidiarity and proportionality, legality and necessity demand. Thus, as it was noted above, the new criminal legislation, victimological and penological practice are formed based on a multidisciplinary matrix, taking into account the norms of European criminal law and human rights law.[1] The Council

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[1] Strategic guidelines for legislative and operational planning within the area of freedom, security and justice adopted by the European Council by 26/27 June 2014. Retrieved from: https://data.consilium.europa.eu/doc/document/ST-79-2014-INIT/en/pdf; Council framework decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and surrender procedures between Member State;
Council framework decision 2008/947/JHA 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions; Directive 2014/62/EU 15 May 2014 of the European Parliament and of the Council on the protection of the euro and other currencies against counterfeiting by criminal law; Council framework decision 2003/568/JHA 22 July 2003 on combating corruption in the private sector; Directive 2014/42/EU 3 April 2014 of the European Parliament and of the Council on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union; Directive 2014/57/EU 16 April 2014 of the European Parliament and of the Council on criminal sanctions for market abuse; Directive 2013/40/EU 12 August 2013 of the European Parliament and of the Council on attacks against information systems; Directive 2011/36/EU 5 April 2011 of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims;
Directive 2017/541 15 March 2017 of the European Parliament and of the Council on combating terrorism; Council framework decision 2008/913/JHA 28 November 2008 on 66 combating certain forms and expressions of racism and xenophobia; Directive 2008/99/EC 19 November 2008 of the European Parliament and of the Council on the protection of

of Europe has adopted a significant number of recommendations aimed at criminalization of certain crimes and procedural aspects of combating them (Complete list…).

However, the issues of harmonization of national legal systems and approximation of international normative acts are not solved effectively enough or not solved at all. In addition, according to the latest trends, the European Union criminal policy seeks to achieve only a basic level of harmonization in terms of criminalization of cross-border crimes and in terms of supporting mutual recognition of judgments. There is also a separate impact of transnational norms of corporate conduct of non-state actors (Lex Mercatori, Lex Medici, Lex Sportive) on the dynamics of criminalization in national jurisdictions.

The cross-border nature of the actions of the IMF, WHO, FIFA, which ensure the systemic impact of their norms on the legislation of individual states, does not require proof. But it is the processes of interpretation of criminal prohibitions in accordance with the requirements of transnational structures that require criminological analysis in terms of compliance of the latter with jurisdictional processes and sovereignty of the country. Otherwise, the primacy of interstate narratives leads to the weakening of state coercion. Accordingly, criminal law dissolves in the processes of transit and limitations of the sovereignty of national political and legal forms. At the same time, it is in the field of criminal law that the process of fragmentation is increasingly seen, when the primacy is given to national rather than interstate standards.

Even the final completion of the process of joining the European system of combating crime, signing, ratification, accession, recognition of international treaties does not justify innovations. The reason is also connected with turbulent state of developing a new system of interrelations through traditional criminal senses to "Crimistrative" penological contest that is more flexible to executives.

The state has the right to punish its citizen and compensate victims. Only the state. This is an axiom of transition from talion laws to a democratic system of governance.

The limitations of this rule on international level need to create a new system of ad hoc tribunals and ad hoc compensating international schemes. But these measures are limited by the "ad hoc" rule. Complementarity is a working principle for a certain state or a certain type of victims. Thus, the question of frozen Russian assets usage to compensate losses from the current Russian aggression is open to for-

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the environment through criminal law. Retrieved from: https://eur-lex.europa.eu/homepage.html.

mulate a legal solution that solves the contradiction between legality and necessity on EU governance and Human Rights legislation. The same was considered at International and the UN level while the The Draft of Ljubljana—the Hague Convention on international cooperation in the investigation and prosecution of the crime of genocide, crimes against humanity, war crimes and other international crimes and the United Nations Conventional mechanism on restitution and compensation for victims of crime and abuse of power still exists as a principle not the norm (Redo, 1997; Ljubljana–The Hague Convention, 2023).

According to EU legislation, Council Directive 2004/80/EC of 29 April 2004 related to compensation to crime victims, each EU country has its own system for compensating victims for the damage they have suffered because of a crime. As a victim of crime, you have two channels of compensation: you can claim compensation from the offender during the criminal proceedings or you can claim compensation from the state (from the compensation authority or any other relevant body in the country) (Council Directive 2004/80/EC…).

Despite the traditional constitutionalist understanding of the primacy of international treaties over national law, criminal law has a certain degree of protection. As a rule, conventional norms or human rights law are applied in the criminal law sense only when they become part of the national legislation, being implemented or approximated into the national criminal law. In addition, European states seek to achieve a basic level of harmonization and approximation of legislation only in terms of criminalization of cross-border crimes and support for mutual recognition of judgments.

In this sense, it is extremely important to resolve the issue of adequate understanding of criminal prohibition as a necessary tool for the political establishment to ensure public and national security, a guarantor of public peace, a regulator of antisocial activity of citizens in specific spatial, temporal, and historical boundaries, backed by the coercive power of the state. It is the limitation of criminal prohibition by spatial limits that does not provide an opportunity to ensure the effectiveness of the process of approximation and harmonization of national criminal legislation and the formation of artificial supranational criminal law.

The limit of punishment is connected precisely with the state of development of political and legal ideology in the state, the degree of permission to use punishment by the state and the tacit permission of society to use coercion against its individual members. At the same time, criminal law coercion (punishment and other measures of criminal law influence) and criminal law compromise (reconciliation, restitution, and compensation), being in formal contradiction, provide an effective limitation of the punitive power of the state. As for supranational structures, the possible solution to the issues of union cooperation in criminal matters (European Arrest Warrant,

etc.) does not provide an incentive to formulate a unified punitive policy; in this case we are talking about the inevitability of responsibility, not the unity of punishment and compensational mechanisms (Tuliakov, *Approximation…*; Tuliakov, 2009; Tuliakov, 2022c).

We refer to the famous decision of the Grand Chamber of UA Supreme Court in the case 635/6172/17 (Supreme Court UA, 2022) on compensation for non-pecuniary damage caused by the death of an individual, in which Ukrainian Supreme Court drew attention to the fact that

> […] the ECHR, having analyzed the provisions of Article 1177 of the Civil Code of Ukraine in the wording that was in force until June 9, 2013, and Article 1207 of this Code, in the cases of applications № 54904/08 and № 3958/13 (filed by the victims, to whom the state did not compensate for the damage caused as a result of a criminal offense), indicated that obtaining compensation on the basis of these orders is possible only under the conditions provided for in them and in the presence of a separate law, which does not exist, and which should determine the procedure for awarding and paying the relevant compensation. Therefore, the ECHR noted that the right to compensation by the state to victims of a criminal offense in Ukraine has never been unconditional. Since the applicants did not have a clearly established right of claim for the purposes of Article 1 of the First Protocol to the Convention, they could not claim that they had a legitimate expectation of receiving any specific amounts from the state. In view of this, the ECtHR declared the applicants' complaints of violation of Article 1 of the First Protocol to the Convention incompatible with the provisions of the Convention ratione materiae (see the ECtHR admissibility judgments of 30 September 2014 in the case of Petlyovanyy v. Ukraine (no. 54904/08) and 16 December 2014 in the case of Zolotyuk v. Ukraine (no. 3958/13)). Part one of Article 19 of the Law No. 638-IV provides for a special rule, according to which compensation for damage caused to citizens by a terrorist act shall be paid from the State Budget of Ukraine in accordance with the law and with the subsequent recovery of the amount of this compensation from the persons who caused the damage in accordance with the procedure established by law. In addition, in the manner prescribed by law, compensation for damage caused by a terrorist act to an organization, enterprise or institution is carried out (part two of Article 19 of Law No. 638-IV). Considering the content of these provisions of the Law No. 638-IV, the exercise of the right to receive the said compensation is made dependent on the existence of a compensation mechanism to be established in a separate law. The law regulating the procedure for compensation at the expense of the State Budget of Ukraine for damage caused by a terrorist act is absent both at the time of the disputed legal relations and at the time of consideration of the case by the courts. Moreover, the legislation of Ukraine lacks not only the procedure for payment of the said compensation (see, for comparison, mutatis mutandis, the ECHR judgment of 24 April 2014 in the case of Budchenko v. Ukraine, application no. 38677/06, § 42), but also clear conditions necessary for

> making a property claim against the State for such compensation (see, mutatis mutandis, the ECHR admissibility judgment of 30 September 2014 in the case of Petlevany v. Ukraine). Thus, the right to compensation by the state in accordance with the law for damage caused by a terrorist act, provided for in Article 19 of Law No. 638-IV, does not give rise, without a special law, to a legitimate expectation to receive such compensation from the State of Ukraine for non-pecuniary damage caused to the plaintiff as a result of the death of his mother during a terrorist act during the ATO, regardless of whether the act took place in the territory controlled or uncontrolled by Ukraine. There is no such legal basis in the legislation of Ukraine that allows to determine the specific property interest of the plaintiff regarding the right to claim under the Law No. 638-IV against the state for compensation for non-pecuniary damage caused in connection with the death of the plaintiff's mother during the ATO (see similar conclusions in the resolutions of the Grand Chamber of the Supreme Court of September 4, 2019 in case No. 265/6582/16-ц (paragraphs 36, 69), of September 22, 2020 in case No. 910/378/19 (paragraphs 7.5, 7.11)) (Supreme Court UA, 2022).

Alas, the right to compensation by the state in accordance with the law for damage caused by a terrorist act does not give rise, without a special law, to a legitimate expectation to receive such compensation… It is strictly understandable from a legal perspective but politically makes a shift towards widespread understanding of victim in individual, societal and governmental level as forgotten figure.

Making possible systematic analysis of national criminal, criminal procedural, preventive and criminal enforcement legislation of Ukraine with the aim to bring it in compliance with:

1.1. EU Strategy on victims' rights for the period 2020-2025, which established the principles of further development of legislation on the rights of crime victims (Communication from the Commission…, COM/2020/258 final);
1.2. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (the 'Victims' Rights Directive');
1.3. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA;
1.4. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (the 'Compensation Directive');
2. Ratification of the COE European Convention on Compensation for Victims of violent crimes Strasbourg 11/24/1983 ETS No. 116, signed by Ukraine on April 8, 2005.

Considering that the huge amount of EU and COE prescriptions have not been implemented properly at national legislation, the question is to organize its legal background for individual and group victims at national level and state victims at UN legislation as well.

Therefore, the decision within the UA National framework requires:

1. Introduction of the term "victim" in the General Part of the Criminal Code (Chapter IV PERSON SUBJECT TO CRIMINAL LIABILITY (SUBJECT OF A CRIMINAL OFFENSE) and VICTIM OF A CRIMINAL OFFENSE) in line with EU aquis law and the Code of Criminal Procedure.
2. Amendment to the General Part of Criminal Code by Section XIV-2 Restitution and compensation (according to the rules of ETS #116).
3. Adopting of UA Draft Law on Compensation for victims of crime with a special attention to tourists, victims of terrorism, victims of war crimes, and crimes against humanity.

International treaties should be amended by special UN basic principles of justice for victims of international (transnational) crimes, resolving the case of states immunities, compensation, and reparation like it was done before in the UN. "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law" (Doc E/CN.4/RES/2005/35, 20 April 2005).

But as the practice shows, the latter is still hard to achieve.

Should we format a positive obligation of international community to react to the acts of interstate violence and aggression, slavery and misuse of law, supply chains and development via security system and obligation to compensate and recover?

The answer is "yes" but this depends on sovereignty and good will.

On 29 April 2022, the Federal Republic of Germany instituted proceedings before the International Court of Justice against the Italian Republic for allegedly failing to respect its jurisdictional immunity as a sovereign State. In its Application, Germany recalls that, on 3 February 2012, the Court rendered its judgment on the issue of jurisdictional immunity in the case concerning Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening). The Applicant indicates that, "[n]otwithstanding [the] pronouncements [in that Judgment], Italian domestic courts, since 2012, have entertained a significant number of new claims against Germany in violation of Germany's sovereign immunity" (Germany institutes proceedings…).

Being united means to divide sovereignty from common approach and interests realizing principle of proportionality and the rule of law (as recommendation to criminalize nonfulfillment of EU sanctions). But as S. Kandelbach truly noted:

> Rather, it is to be seen in the antagonism between subject matter and procedural law: whereas we are witnessing an increasing empowerment of the individual with respect to his or her rights in international law, the modes of implementing these rights are still strictly consensual. The individual has no standing before international courts or national courts of a foreign state unless states are willing to grant it, be it by agreement or by the waiver of immunity (Kadelbach, 2021).

Therefore, a joint concept of criminal responsibility constitutes mutual rights and obligations between state (legality and justice), offender (punishment), victims (fair treatment) and third persons (cognitive control) on crime commission. Mutual rights mean that one should construct criminal norms in order to effectively modify forbidden human behavior only respecting all actors' needs through national and international requirements. The second point of interest is connected with the development of contemporary methodology analysis based on multipolar understanding of criminal sanctioning while constructing administrative, disciplinary and criminal punishment in respect of compensation and restitution measures.

The truth and justice for victims on all levels of social interaction is over here.

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