

УДК 341.4

DOI: <https://doi.org/10.21564/2311-9640.2022.18.267202>

**Mykhaylo Shepitko,**

Doctor of Law, Senior Staff Scientist, Professor of Criminal Law Department of Yaroslav Mudryi National Law University (Kharkiv, Ukraine), Leading Staff Scientist of Academician Stashis Scientific Research Institute for the Study of Crime Problems, Secretary of AIDP Ukrainian National Group, Secretary Counsellor of International Criminalists Congress, Member of Ukrainian Association of Criminal Law;

**Oksana Senatorova,**

PhD in Law, Associate Professor, Associate Professor of the International Law Department of Yaroslav Mudryi National Law University (Kharkiv, Ukraine), Director of the Research Centre for Transitional Justice (RCTJ), founder of the NGO «Centre for IHL and Transitional Justice», member of the Law Reform Commission of Ukraine under the President of Ukraine, member of the Interdepartmental Commission on Implementation of IHL in Ukraine, expert at the International Council on Crimes Committed in Armed Conflict at Ukraine's Office of Prosecutor General, expert for the Council of Europe on the IDPs in Ukraine, Member of AIDP Ukrainian National Group;

**Kostiantyn Zadoia,**

PhD in Law, Associate Professor, Associate Professor of Criminal Law Policy and Criminal Law Department of Taras Shevchenko National University of Kyiv (Kyiv, Ukraine), Member of AIDP Ukrainian National Group;

**Yuri Ponomarenko,**

Doctor of Law, Associate Professor, Head of Criminal Law Department of

Yaroslav Mudryi National Law University (Kharkiv, Ukraine), member of the Law Reformation Commission of Ukraine under the President of Ukraine, Member of AIDP Ukrainian National Group

## **INTERNATIONAL CRIMINAL LAW PERSPECTIVES ON ARTIFICIAL INTELLIGENCE IN UKRAINE: BETWEEN THE WAR AND LEGAL REFORMATION**

*In late 2021 – early 2022 (before Russian war aggression against Ukraine), the oldest criminal law non-governmental organization International Association of Penal Law (AIDP-IAPL, Paris, France) asked the Ukrainian National Group to answer the most important questions about artificial intelligence in the context of International Criminal Law and International Humanitarian Law. In this regard, a subgroup was created and four scientists worked together in collecting material, searching for local legal acts that regulate this sphere in Ukraine, and searching for precedents for the use of artificial intelligence.*

*The solution to the issue of criminal responsibility for the use of artificial intelligence in Ukraine in the context of the preparation of the new Criminal Code of Ukraine by the Law Reformation Commission of Ukraine under the President of Ukraine becomes important and promising. Such criminal-law approaches to solving this problem may be on the borders of criminal liability for individuals (operators), legal entities (plants and suppliers), as well as states that implement them in peacetime or wartime with a criminal (terrorist) purposes.*

**Key words:** *International criminal law, International Humanitarian Law, Artificial Intelligence, Criminal Liability, Criminal Law.*

### **1. Are Automated Weapon Systems (AWS) defined in your national law? If so, where (military code, legislation)?**

Automated Weapon Systems (AWS) are not defined in Ukrainian military law, criminal law or another branch of law. Though recently adopted [Military Security Strategy of Ukraine](#) (approved by decree № 121/2021 of the President of Ukraine, March 25, 2021) prescribes "equipping the defence forces with high-precision means of destruction, unmanned platforms (systems) of ground, sea and air bases" and "using the opportunities of public-private partnership and military-technical cooperation for <...> production and equipping of defence forces with

<...> modern weapons, military and special equipment, including unmanned and robotic”, and the [Concept of Development of Artificial Intelligence in Ukraine](#) (approved by order № 1556-r of the Cabinet of Ministers of Ukraine, December 2, 2020) includes the demands to ”ensure the use of artificial intelligence technologies in systems of armaments and military equipment”. [Strategy for the Development of the Defence-Industrial Complex of Ukraine](#) (approved by decree № 372/2021 of the President of Ukraine, August 20, 2021) also mentions the necessity in the development of ”artificial intelligence technologies, new materials, robotics and autonomous drones”.

The concept of equipping the Armed Forces with unmanned aerial vehicles for the period up to 2025 [has been developed](#). For today the task of clarifying these documents under the leadership of the Military-Scientific Department of the General Staff of the Armed Forces of Ukraine has been set, the doctrine of unmanned aerial vehicles is being revised.

In November 2013, Ukraine has [supported the proposal to commence multilateral talks on lethal autonomous weapons systems](#). Ukraine participated in CCW meetings on killer robots in 2015-2016 but not in 2014 or 2017-2019.

## **2. Does your national law limit the use of AWSs in any way? If so, how?**

Since Ukrainian law does not contain a specific definition of AWSs, their use is limited by ratified IHL treaties (e.g. Articles 1(2), 35, 36 of the AP I to GC 1949, and IHL customary rules; Military Law (e.g. Section II of the [Instruction on the Procedure for Implementing the IHL rules in the Armed Forces of Ukraine \(IHL Military Manual\)](#)) and Human Rights Law (e.g. Articles 27, 28 of the Ukrainian Constitution, Articles 2, 3 of the European Convention on Human Rights which guarantee the right to life and prohibit inhuman or degrading treatment). Unfortunately, without established case law, it is not easy to judge to what extent and in what situations the mentioned rules restrict the use of AWSs.

**3. Is there a significant academic and/or policy debate in your country regarding the use of AWSs? If so, please briefly describe the majority and the minority view.**

Only a few academic publications are devoted to the use of AWSs. The authors state the absence of special legislation on the use of AWSs and insist on its establishment. These publications usually refer to foreign authors. AWSs are not an issue of policy debate in Ukraine, although the international armed conflict between Ukraine and Russia has been going on since 2014.

**4. Within your legal system, which entity can officially declare war or officially begin using force against another country? The President, Congress, Parliament, etc.?**

According to the Art. 85(9) of the [Constitution of Ukraine](#) the authority of the Verkhovna Rada of Ukraine comprises inter alia declaring war upon the submission of the President of Ukraine and concluding peace, approving the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine. Articles 189, 190, 191 of the Regulations of the Verkhovna Rada of Ukraine details the procedure of approving the decision of the President of Ukraine.

**5. Are there legal limitations on such declarations of war/uses of force? If so, which ones?**

As a [founding member of the UN](#) and as a subject of international law, Ukraine is bound by *jus cogens* customary rule codified in Art. 2(4) of the UN Charter according to which "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations".

Ukraine is not a member state to ICC the Rome Statute and Kampala amendments. Nevertheless, Ukraine [has lodged two declarations](#) according to Art. 12(3) of the Rome Statute accepting the jurisdiction of the Court.

**6. Is your country bound by any specific regional agreements which limit the use of military force, or which obligate your country to become involved in a defensive operation?**

Among other international law binding provisions (Art. 2(4) UN Charter, UN GA Resolution 3314 ((XXIX)) prohibiting the use of force and acts of aggression, the Budapest Memorandum on Security Assurances signed at the OSCE conference in Budapest and entered into force 5 December 1994 by signature, guaranteed Ukraine's security, political independence and territorial integrity. Ukraine's territorial integrity has been violated by a supposed guarantor – the Russian Federation. It resorted to the illegal occupation and annexation of the Autonomous Republic of Crimea and the city of Sevastopol and proxy occupation and direct invasion to Ukraine's Donbas, violating international law, Helsinki Final Act, and numerous OSCE commitments.

The Minsk Protocols as agreements (with no defined legal binding force) written by the Trilateral Contact Group on Ukraine, consisting of Ukraine, the Russian Federation, and the OSCE, aimed to implement an immediate ceasefire and end hostilities in the Donbas region of Ukraine. Minsk I and Minsk II failed to stop the fighting, but the Normandy Format parties agreed that so-called "Minsk agreements" remain the basis for any future resolution to the conflict.

There is no agreement obligating Ukraine to become involved in a defensive operation.

**7. Are fundamental *jus in bello* principles, such as the principles of distinction and proportionality, embedded in your national law? If so, which type of law – military code of conduct, national law, etc.?**

The Ministry of Defence has adopted Order No. 164 of 23 March 2017 approving the [Instruction on the Procedure for the Implementation of the IHL Rules in the Armed Forces of Ukraine](#) (IHL Military Manual or Military Instruction) This is the main legal act defining the application of IHL rules and principles by the Ukrainian military.

All the IHL treaties ratified by Ukraine are part of the national legislation of Ukraine according to Art. 9 of the Constitution of Ukraine. Ukraine has ratified all the IHL treaties with protocols to them, except the Convention on Cluster Munitions, 30 May 2008, and the Arms Trade Treaty of 2 April 2013. The ICC Rome Statute was signed but not ratified yet.

Ukraine is also bound by customary IHL rule which according to Art. X of [Declaration of State Sovereignty of Ukraine](#) prevails over the standards of the domestic law.

### **8. What type of national law governs the conduct of soldiers in your legal system?**

The legislation governing the conduct of soldiers in Ukraine includes the following:

- Constitution of Ukraine;
- Criminal Code of Ukraine;
- Code of Civil Defence of Ukraine;
- Law on Defence of Ukraine;
- Law on Armed Forces of Ukraine;
- Law on the Statute of Internal Service of the Armed Forces of Ukraine;
- Law on the Disciplinary Statute of the Armed Forces of Ukraine;
- Law on Emblems of Red Cross, Red Crescent, Red Crystal in Ukraine;
- Law on Securing Rights and Freedoms of Citizens and Legal Regime on the Temporary Occupied Territory of Ukraine;
- Law on Securing Rights and Freedoms of Internally Displaced Persons;
- Law on Peculiar Order of Local Self-Government in Certain Parts of Donetsk and Luhansk Regions (Oblasts);
- Law on Particular Aspects of Public Policy Aimed at Safeguarding the Sovereignty of Ukraine over the Temporarily Occupied Territory of the Donetsk and Luhansk Regions of Ukraine;
- Law on the Legal Status of Missing Persons;

- Resolution of the Cabinet of Ministers of Ukraine on Approving the Procedure to Produce, Issue and Register Identity Cards for Medical Personnel Using the Red Cross Emblem;
- Resolution of the Verkhovna Rada of Ukraine on the Recognition of Particular Districts, Cities, Towns and Villages of Donetsk and Luhansk Oblasts as Temporary Occupied Territories;
- Order of the Ministry of Defence of Ukraine on Adopting the Regulation on the Military Clergy (Chaplain Service) in the Armed Forces of Ukraine;
- Order of the Commander of the Ground Forces of the Armed Forces of Ukraine on the Field Manual of the Ground Forces of the Armed Forces of Ukraine ("Field Manual");
- Code of Conduct of Military Personnel of the Armed Forces of Ukraine who are Participants in Hostilities (Annex 4 to the Order of the Minister of Defence of Ukraine); and others.

The main legal act implementing IHL is the [Instruction on the Procedure for the Implementation of the IHL Rules in the Armed Forces of Ukraine](#) (IHL Military Manual or Military Instruction) approved by the Ministry of Defence Order No. 164, 23 March 2017.

**9. Is there relevant case law/prosecutions of soldiers for war crimes, where such soldiers have violated the principles of distinction and/or proportionality? Or where such soldiers have caused excessive collateral damage?**

There isn't relevant case law on situations, where soldiers have violated the principles of distinction and/or proportionality or where soldiers have caused excessive collateral damage. Ukrainian law enforcement agencies are investigating a number of criminal proceedings concerning the commission of these acts on the territory of Ukraine in 2014-2021 by the members of Russian armed forces or members of Russian-controlled paramilitary groups.

As of 2021, over 55,000 homes have been damaged or destroyed due to hostilities. During the entire conflict OHCHR recorded a total of 3,092 conflict-related civilian deaths; the number of injured civilians is estimated to exceed 7,000. More than 750 schools and kindergartens were damaged because of the shelling/use as military objectives. Although a fragile ceasefire exists, nearly 400,000 children still attend schools near the contact line, where shelling and landmines threaten their lives. Over the last three years, at least 118 attacks on schools have been reported, five of which in 2021 alone. Nowadays, Ukrainian law enforcement bodies are investigating more than 20,000 criminal offences (different violations) in more than 5,000 armed conflict cases involving nearly 9,500 people, including Russia's top political and military leadership and violations allegedly committed by Ukrainian forces<sup>1</sup>.

**10. What type of criminal liability do soldiers and commanders face within your national system if they commit war crimes and/or other misconduct? Are soldiers and commanders subject to court-martial procedures only, or are they also subject to criminal liability outside of the military system?**

In Ukraine don't exist the special court-martial procedure and the system of military courts. The persecution and trial of soldiers/commanders and civilians are governed by the same rules.

**11. What modes of liability exist within your national criminal system?**

Under Ukrainian criminal law, such modes of liability exist:

1. direct perpetration – there is no special provision in the Ukrainian Criminal Code that addresses this mode of liability, but there is a common understanding that perpetration is ‘basic’ or ‘normal’ mode of liability;

---

<sup>1</sup> Official site of OHCHR. URL: <https://ukraine.un.org/sites/default/files/2021-10/Conflict-related%20civilian%20casualties%20as%20of%2030%20September%202021%20%28rev%208%20Oct%202021%29%20EN.pdf>.



2. indirect perpetration – there is no special provision in the Ukrainian Criminal Code that addresses this mode of liability, but it is well-developed in the Ukrainian case law;

3. complicity – according to Article 26 of the Ukrainian Criminal Code (‘The notion of complicity), the label of ‘complicity’ covers all situations where two or more criminally responsible persons are involved in the commission of a crime, and Article 27 (‘Types of accomplices’) in turn distinguishes four types of accomplices:

- perpetrator (co-perpetrator),
- organiser,
- abettor and
- aider.

Therefore, under Ukrainian criminal law, as under the law of many post-Soviet states, situations of perpetration connected with organizing, abetting or aiding, and co-perpetration are considered complicity. E.g., in situations where an aider gives a perpetrator a crime tool, both are considered accomplices. In the same way, all co-perpetrators are considered accomplices. Prima facie, the boundary between perpetrator and organizer/abettor/aider is drawn by the objective criterion - considered a perpetrator a person that directly infringes provision of the Special Part of the Ukrainian Criminal Code.

Meanwhile,

(a) according to the case law, a person who at the crime scene aids another one who directly infringes provision of the Special Part is considered a perpetrator;

(b) according to Article 30 of the Ukrainian Criminal Code, members of organized groups are treated as perpetrators even if they do not infringe provision of the Special Part directly (e.g. leader of the organized group give an order to commit a crime to the members of the group).

**12. Does your national criminal law provide for command responsibility/other types of liability? If so, what are the requirements for command responsibility?**

International law rules on command responsibility have not been adequately implemented into Ukraine's criminal law. Unfortunately, both the General and the Special parts of the Ukrainian Criminal Code do not contain special provisions on command responsibility.

Hypothetically, some situations covered by the rules of international law on command responsibility could be considered a *sui generis* crime according to Article 426 of the Ukrainian Criminal Code «Omission of military authorities»). But this provision (a) is addressed only to the members of Ukrainian armed forces, (b) does not cover «to prevent» and «to submit the matter to the competent authorities for investigation and prosecution» limbs of command responsibility and (c) has many others flaws.

Another possibility is the application of Article 438 of the Ukrainian Criminal Code («Violation of the laws and customs of war»). This provision pretends to cover conduct that is considered war crimes under international criminal law, but it is full of ambiguous and vague wording. However, the existence of the formulation in this Article as «any other violations of the laws and customs of war recognized by international instruments consented to by binding by the Verkhovna Rada [Parliament] of Ukraine» theoretically allows referring to the provisions on command responsibility prescribed in AP to GC 1949, to which Ukraine is a party, and thus provide command responsibility according to national criminal law.

Unfortunately, in legal doctrine, Article 438 of the Ukrainian Criminal Code is interpreted very controversially, and there is no established case law on the application of this provision. As a result, it is difficult to say whether Article 438 allows criminal prosecution and punishment under the principle of command responsibility.

**13. Is there case law within your criminal justice system or your military system of commanders for abuses committed by their subordinates, using the mode of liability known as command responsibility? If so, please provide relevant citations and a brief summary of such cases.**

In Ukraine, there is no established case law on command responsibility. Article 438 of the Criminal Code of Ukraine (mentioned above in Answer to question 12) was applied only three times since 2001 when the Code came into force, and in none of these cases concerned command responsibility.

**14. Is there significant academic and/or policy debate in your country regarding the attribution of responsibility to soldiers/operators/commanders for misconduct of AWSs? If so, please briefly describe the majority and the minority view.**

In Ukraine there is no significant academic and/or policy debate regarding the attribution of responsibility to soldiers/operators/commanders for misconduct of AWSs.

**15. Does your national system recognize any other modes of attribution of criminal liability?**

Ukrainian national system is included corporate criminal liability («criminal law measures against corporations (legal entities)»). These measures can apply in relation to war crimes (art. 436, 437, 438, 442, 444, 447 of the Criminal Code of Ukraine) and crimes against basics of national security (art. 109, 110, 113 of the Criminal Code of Ukraine).

**16. Does your national military or criminal system address the issue of liability for the "misconduct" of AWSs? Can an operator and/or his/her commander face criminal liability in such circumstances?**

The national military and criminal system do not address liability (including criminal liability) for AWS misconduct. According to part 1 of Art. 2 of the Criminal Code of Ukraine, the basis of criminal liability is the commission by a person of a socially dangerous act that contained corpus delicti of the criminal

offence under this Code (Criminal Code of Ukraine). Thus, the operator, his/her commander, and others in charge may be liable for using AWS.

**17. Is there any relevant case law, within the criminal justice system or within the military system, which addresses the issue of operator/commander liability for crimes committed by AWSs? If so, please provide relevant citations and a brief summary of such cases.**

There is no case law in the criminal justice or military system that addresses the issue of operator/commander liability for crimes committed by AWS. However, these issues have become relevant in connection with the growing use of AWS in Russia's aggressive war activities against Ukraine in the Donetsk and Luhansk regions of Ukraine. Such issues are resolved in accordance with the current Criminal Code of Ukraine in a general manner.

**18. What mechanisms exist in your national law to handle jurisdictional/conflict-of- law disputes? Please cite any relevant case law on jurisdictional disputes.**

The criminal legislation of Ukraine, defining the limits of its action in space, proceeds from the general provision that any criminal offence that at least partially concerns the territory of Ukraine is generally recognized as committed on its territory (parts 2 and 3 of Art. 6 of the Criminal Code of Ukraine). At the same time, the fact is not taken into account that, according to the criminal legislation of a certain foreign country (countries), the same act can be recognized as committed on its (their) territory.

Thus, in cases where, according to Ukrainian legislation, a criminal offence (crime) is considered committed on its territory, when resolving jurisdictional disputes with any foreign state that will also consider this crime committed on its territory, Ukraine can use three alternative mechanisms:

1) provided that the person, who committed the criminal offence (crime), is under the control of the Ukrainian authorities (on the territory of Ukraine, for example), Ukraine is empowered to independently bring him/her to criminal

responsibility, regardless of the claims of a foreign state. However, after the coming into legal force of the sentence (verdict), provided that such a person is convicted to serve a sentence (criminal penalty), he/she may be transferred to serve a sentence to a foreign state of which he/she is a citizen. Articles 605, 606, 607 of the Criminal Procedure Code of Ukraine determine the procedure and conditions for such a transfer;

2) provided that the person who committed the criminal offence (crime) is under the control of the Ukrainian authorities (on the territory of Ukraine, for example), Ukraine is also empowered to extradite him to a foreign state for criminal prosecution. Chapter 44 of the Criminal Procedure Code of Ukraine determine the procedure and conditions for extradition from Ukraine;

3) provided that the person who committed the criminal offence (crime) is not under the control of the Ukrainian authorities (outside the territory of Ukraine, for example), Ukraine is empowered to apply to a foreign state (including one that considers this crime committed on its territory) with a request to extradite such a person and to take over criminal proceedings against him/her. Chapters 44 and 45 of the Criminal Procedure Code of Ukraine determine the procedure and conditions for sending a request for the extradition of a person to Ukraine and taking over criminal proceedings against him/her. These three mechanisms are activated on international legal treaties and interstate agreements between Ukraine and a foreign state.

### **19. Does domestic law apply to AI systems processing data inserted into Cyberspace from abroad?**

The Law of Ukraine «On the Basic Principles of Ensuring the Cybersecurity of Ukraine» protects «the vital interests of a person and citizen, society and the state, the national interests of Ukraine in cyberspace». At the same time, cyberspace itself is understood as a virtual space created as a result of the functioning of compatible communication systems and the provision of electronic communications using any global data transmission network (primarily, but not

exclusively, the Internet), which makes it possible to communicate or implement public interests (§ 11 part 1 Art. 1 of the Law).

The Law does not establish any restrictions on whether data were entered into cyberspace with a cam of the territory. Thus, it allows the application of the national legislation of Ukraine to artificial intelligence systems processing data introduced into cyberspace from abroad, provided that such data may violate the vital interests of a person and citizen, society and the state, the national interests of Ukraine in cyberspace.

**20. Does domestic law apply if the AI hardware system involved in committing a criminal offence is on national territory, but the artificial agent operates on websites or networks that can be traced back to foreign countries (and the converse situation)?**

Based on the answers to questions 18 and 19, the national legislation of Ukraine (including criminal law) shall be applied in both cases described in question 20.

**21. If a crime using AWSs is committed using software located in your home country but hardware located elsewhere, how does your domestic law localize such a crime? Would such a crime be considered as being committed within the borders of your country? Please cite any relevant case law.**

Since in the described situation part of the crime continued (was committed) on the territory of Ukraine, then according to Part 2 of Art. 6 of the Criminal Code of Ukraine, full crime (including those of its components that were de facto committed outside Ukraine) will be considered *de jure* committed on the territory of Ukraine. In accordance with Part 1 of Art. 6 of the Criminal Code, of Ukraine the person who committed such a crime will be subject to criminal liability under the Criminal Code of Ukraine.

**22. Does your government have extradition treaties with other countries which cover crimes committed by AWSs? Name such extradition treaties. What offences are typically covered in such extradition treaties?**

There are no specific treaties on extradition covering crimes committed by AWSs.

**23. Have agreements/protocols been concluded between your State and other States on judicial and police cooperation?**

Ukraine is a party to numerous multilateral (e.g. European Convention on Mutual Assistance in Criminal Matters (1962), European Convention on the Transfer of Proceedings in Criminal Matters (1972), Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases, adopted in Minsk (Minsk Convention 1993) and bilateral (e.g. Treaty Between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters (1998), Treaty Between Ukraine and the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters (2004), Agreement between Ukraine and the Argentine Republic on Mutual Legal Assistance in Criminal Matters (2018)) agreements on judicial and police cooperation.

**24. To what extent have the domestic law and the debate on the subject among scholars been influenced by international sources, initiatives, white papers or reports developed at European and/or international levels?**

On September 25, 2020, the Discussion Panel of the IV Kharkiv International Legal Forum «emOR Statute of the International Criminal Court: Problems of Implementation to the National Legislation of Ukraine» was held (Kharkiv, Ukraine). The conference was attended by judges of the International Criminal Court, representatives of the General Prosecutor's Office of Ukraine, the Committees of the Verkhovna Rada of Ukraine (Parliament), government officials and a large number of specialists in criminal law, international law and international criminal law from different Ukrainian Universities. In this context, AIDP has exerted more influence, which holds colloquia, conferences and congresses on these issues. The results of this Discussion Panel was the adoption of the Law of Ukraine «On Amendments to Acts of Legislative Acts of Ukraine for

the Implementation of the Norms of International Criminal and Humanitarian Law» (20.05.2021).

Regarding the accountability issues for the application of AWS, scientific events are planned with the possibility of introducing the results of such discussion at the level of AIDP.

### Bibliography

1. Strategy for the Development of the Defence-Industrial Complex of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/372/2021#Text>.
2. Concept of Development of Artificial Intelligence in Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1556-2020-%25D1%2580%23Text>.
3. Military Security Strategy of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/121/2021%23n8#Text>.
4. Instruction on the Procedure for Implementing the IHL rules in the Armed Forces of Ukraine (IHL Military Manual). URL: <https://zakon.rada.gov.ua/laws/show/z0704-17%23Text>.
5. Declaration of State Sovereignty of Ukraine. URL: [https://web.archive.org/web/20100111101705/http://gska2.rada.gov.ua:7777/site/po\\_stanov\\_a\\_eng/Declaration\\_of\\_State\\_Sovereignty\\_of\\_Ukraine\\_rev1.htm](https://web.archive.org/web/20100111101705/http://gska2.rada.gov.ua:7777/site/po_stanov_a_eng/Declaration_of_State_Sovereignty_of_Ukraine_rev1.htm).
6. Constitution of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text>.
7. Criminal Code of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.
8. Criminal Procedure Code of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/4651-17>.
9. Code of Civil Defence of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/5403-17>.
10. Law on Defence of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1932-12#Text>.
11. Law on Armed Forces of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1934-12#Text>.
12. Law on the Statute of Internal Service of the Armed Forces of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/548-14#Text>.
13. Law on the Disciplinary Statute of the Armed Forces of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/551-14#Text>.
14. Law on Emblems of Red Cross, Red Crescent, Red Crystal in Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/862-14#Text>.
15. Law on Securing Rights and Freedoms of Citizens and Legal Regime on the Temporary Occupied Territory of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>.



16. Law on Securing Rights and Freedoms of Internally Displaced Persons. URL: <https://zakon.rada.gov.ua/laws/show/1706-18#Text>.
17. Law on Peculiar Order of Local Self-Government in Certain Parts of Donetsk and Luhansk Regions (Oblasts). URL: <https://zakon.rada.gov.ua/laws/show/1680-18#Text>.
18. Law on Particular Aspects of Public Policy Aimed at Safeguarding the Sovereignty of Ukraine over the Temporarily Occupied Territory of the Donetsk and Luhansk Regions of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2268-19#Text>.
19. Law on the Legal Status of Missing Persons. URL: <https://zakon.rada.gov.ua/laws/show/2505-19#Text>.
20. Resolution of the Cabinet of Ministers of Ukraine on Approving the Procedure to Produce, Issue and Register Identity Cards for Medical Personnel Using the Red Cross Emblem. URL: <https://zakon.rada.gov.ua/laws/show/939-2000-П#Text>.
21. Resolution of the Verkhovna Rada of Ukraine on the Recognition of Particular Districts, Cities, Towns and Villages of Donetsk and Luhansk Oblasts as Temporary Occupied Territories. URL: <https://zakon.rada.gov.ua/laws/show/254-19#Text>.
22. Order of the Ministry of Defence of Ukraine on Adopting the Regulation on the Military Clergy (Chaplain Service) in the Armed Forces of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/z0010-17#Text>.
23. Order of the Commander of the Ground Forces of the Armed Forces of Ukraine on the Field Manual of the Ground Forces of the Armed Forces of Ukraine ("Field Manual"). URL: <https://zakon.rada.gov.ua/laws/show/z0611-14#Text>.
24. Code of Conduct of Military Personnel of the Armed Forces of Ukraine who are Participants in Hostilities (Annex 4 to the Order of the Minister of Defence of Ukraine). URL: <https://zakon.rada.gov.ua/laws/show/z0455-22#Text>.
25. Instruction on the Procedure for the Implementation of the IHL Rules in the Armed Forces of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/z0704-17%23Text>.
26. Official site of OHCHR. URL: <https://ukraine.un.org/sites/default/files/2021-10/Conflict-related%20civilian%20casualties%20as%20of%2030%20September%202021%20%28rev%208%20Oct%202021%29%20EN.pdf>.
27. Law on the Basic Principles of Ensuring the Cybersecurity of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2163-19#Text>.
28. European Convention on Mutual Assistance in Criminal Matters (1962). URL: <https://rm.coe.int/0900001680989f06>.
29. European Convention on the Transfer of Proceedings in Criminal Matters (1972). URL: <https://rm.coe.int/1680072d42>.
30. Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases, adopted in Minsk (Minsk Convention 1993). URL:

<https://www.unhcr.org/protection/migration/4de4edc69/convention-legal-aid-legal-relations-civil-family-criminal-cases-adopted.html>.

31. Treaty Between the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters (1998). URL: <https://www.congress.gov/treaty-document/106th-congress/16/document-text>.

32. Treaty Between Ukraine and the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters (2004). URL: <https://www.govinfo.gov/app/details/CRPT-106erpt24/CRPT-106erpt24>.

33. Agreement between Ukraine and the Argentine Republic on Mutual Legal Assistance in Criminal Matters (2018). URL: <https://www.kmu.gov.ua/en/news/pavlo-petrenko-pidpisav-mizhderzhavni-dogovori-pro-spivpracyu-z-argentinoyu-ta-braziliyeyu>.

***Шенітько М. В., Сенаторова О. В., Задоя К. П., Пономаренко Ю. А. Міжнародні перспективи штучного інтелекту в Україні: між війною та реформуванням***

*Наприкінці 2021 – початку 2022 рр. (до початку російської військової агресії проти України) найстаріша кримінально-правова неурядова організація «Міжнародна асоціація кримінального права» (МАКП, Париж, Франція) звернулася до Української національної групи з проханням відповісти на найважливіші питання щодо штучного інтелекту в контексті Міжнародного кримінального права та Міжнародного гуманітарного права. У зв'язку з цим була створена підгрупа і четверо науковців спільно працювали над збором матеріалів, пошуком національних нормативно-правових актів, які регулюють цю сферу в Україні, пошуком прецедентів використання штучного інтелекту.*

*Актуальним і перспективним стає вирішення питання кримінальної відповідальності за використання штучного інтелекту в Україні в контексті підготовки Комісією з реформування законодавства України при Президентові України нового Кримінального кодексу України. Такі кримінально-правові підходи до вирішення цієї проблеми можуть бути на межі кримінальної відповідальності фізичних (операторів), юридичних осіб (заводів і постачальників), а також держав, які реалізують їх у мирний або воєнний час із злочинною (терористичною) метою.*

***Ключові слова:*** міжнародне кримінальне право, міжнародне гуманітарне право, штучний інтелект, кримінальна відповідальність, кримінальне право.