

Criminal Code of Ukraine with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

Chapter VI Complicity in a Criminal Offense Art. 26 The concept of complicity. Complicity in a criminal offense is the intentional joint participation of several subjects of a criminal offense in the commission of an intentional criminal offense.

Art. 27 CCU Types of accomplices 1. Accomplices of a criminal offense, along with the perpetrator, are the organizer, instigator and accomplice. 2. The perpetrator (co-perpetrator) is a person who, in complicity with other subjects of a criminal offense, directly or through the use of other persons who, according to the law, are not subject to criminal liability for the committed act, committed a criminal offense provided for by this Code. 3. The organizer is a person who organized the commission of a criminal offense (criminal offenses) or managed its (their) preparation or commission. The organizer is also a person who provided financing or organized the concealment of the criminally unlawful activities of an organized group or criminal organization. 4. An instigator is a person who, by persuasion, bribery, threat, coercion or otherwise, persuaded another accomplice to commit a criminal offense. 5. An accessory is a person who, by advice, instructions, provision of means or instruments or removal of obstacles, facilitated the commission of a criminal offense by other accomplices, as well as a person who promised in advance to hide the person who committed the criminal offense or objects, or instruments or means of committing the criminal offense or objects obtained by criminally unlawful means, to purchase or sell such objects or to otherwise facilitate the concealment of the criminal offense.

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Art. 28 of the Criminal Code of Ukraine Committing a criminal offense by a group of persons, a group of persons in conspiracy, an organized group or a criminal organization.

- 1. A criminal offense is recognized as having been committed by a group of persons if several perpetrators participated in it WITHOUT prior conspiracy among themselves.
- 2. A criminal offense is recognized as having been committed BY prior conspiracy by a group of persons if it was jointly committed by several persons (two or more) who agreed in advance, that is, BEFORE the beginning of the criminal offense, to commit it jointly.
- 3. A criminal offense is recognized as committed by an organized group if several persons (three or more) participated in its preparation or commission, who previously organized themselves into a stable association to commit this and other (other) criminal offenses, united by a single plan with the distribution of functions of the group members, aimed at achieving this plan, known to all group members.
- 4. A criminal offense is recognized as committed by a criminal organization if it is committed by a stable hierarchical association of several persons (five or more), whose members or structural units, by prior conspiracy, organized themselves for the joint purpose of directly committing grave or especially grave crimes by the members of this organization, or leading or coordinating the criminally unlawful activities of other persons, or ensuring the functioning of both the criminal organization itself and other criminally unlawful groups.

The liability of the members of the criminal organization is determined by Art. 29, 30 CCU

Criminal Code of Ukraine with reference to Art. 416 ter ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE No relative Ukrainian legislation.

Constitution of Ukraine with reference to Law 175/2010 BAN ON CARRYING OUT ELECTORAL PROPAGANDA FOR PERSONS SUBJECT TO PREVENTIVE MEASURES

Convicted persons have the right to run for the position of President of Ukraine - Art. 103 of the Constitution of Ukraine. At the same time, Art. 76 of the Constitution stipulates that citizens of Ukraine who have a conviction for committing an intentional crime, if this conviction has not been extinguished and has not been removed in accordance with the procedure established by law, cannot run for election of people's deputies. (The above is also stated in: Clause 9 Part 2, Article 2 of the "Law of Ukraine "On Elections of the President of Ukraine" and Clause 4, Article 9 of the "Law of Ukraine "On Elections of People's Deputies of Ukraine"). Also, the legislation of Ukraine, in terms of crimes against the electoral rights of citizens, provided for by the special part of the Criminal Code of Ukraine (Articles 157-160), notes that convicted persons can fully exercise their right to express their will in the electoral process, guaranteed by law.

With reference to Law 575/1965 PERSONAL PREVENTION MEASURES
No relative Ukrainian legislation.

With reference to Art. 6 of Legisl. Decree 159/2011 SPECIAL PUBLIC SECURITY SURVEILLANCE No relative Ukrainian legislation.

With reference to Art. 6, par. 2 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH PROHIBITION OF RESIDENCE No relative Ukrainian legislation.

With reference to Art. 6 par. 3 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH OBLIGATION TO STAY No relative Ukrainian legislation.

Law "On Prevention and Counteraction to the Laundering of Proceeds of Crime, Financing of Terrorism/Proliferation of Mass Destruction Weapons" with reference to Art. 16 Legisl. Decree 159/2011 ASSET-RELATED PREVENTIVE MEASURES ENTITIES SUBJECT TO THE LAW Art. 22, in particular: "Freezing of Assets Related to Terrorism and Its Financing, Proliferation of Weapons of Mass Destruction and Its Financing". These same issues are regulated by the "Law of Ukraine "On Combating Terrorism", namely: Art. 11-2 "Freezing of Assets Related to Terrorism and Its Financing, Proliferation of Weapons of Mass Destruction and Its Financing".

With reference to Art. 18 Legisl. Decree 159/2011 DECEASED PERSON No relative Ukrainian legislation.

Civil Code of Ukraine with reference to Art. 20, Legisl. Decree 159/2011 SEIZURE

According to Art. 1074 of the Civil Code of Ukraine, restrictions on the client's rights to dispose of funds in his account are not allowed, except in cases of restriction of the right to dispose of the account by court decision or in other cases established by law, as well as in the case of suspension of financial transactions that may be related to the legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction, as provided for by law.

Law of Ukraine 10.11.2015 No. 772-VIII with reference to Legisl. Decree 159/2011 CONFISCATION

Management of confiscated and recovered assets to the state revenue is carried out in accordance with the Law of Ukraine "On the National Agency of Ukraine for the Identification, Search and Management of Assets Obtained from Corruption and Other Crimes".

Law of Ukraine 10.11.2015 No. 772-VIII with reference to Art. 25, Legisl. Decree 159/2011 SEIZURE AND CONFISCATION OF AN EQUIVALENT VALUE

Management of confiscated and recovered assets to the state revenue is carried out in accordance with the Law of Ukraine "On the National Agency of Ukraine for the Identification, Search and Management of Assets Obtained from Corruption and Other Crimes" dated 10.11.2015 No. 772-VIII

Law 10.11.2015 No. 772-VIII with reference to Article 110, Legisl. Decree 159/2011 AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS

Management of confiscated and recovered assets to the state revenue is carried out in accordance with the Law of Ukraine "On the National Agency of Ukraine for the Identification, Search and Management of Assets Obtained from Corruption and Other Crimes" dated 10.11.2015 No. 772-VIII

Criminal Code of Ukraine with reference to Decree-Law 8/1991 converted into Law 82/1991 KIDNAPPINGS FOR THE PURPOSE OF EXTORTION AND PROTECTION OF WITNESSES OF JUSTICE

Art. 146 of the Criminal Code of Ukraine "Unlawful Deprivation of Liberty or Kidnapping of a Person"

Unlawful deprivation of liberty or kidnapping of a person –

shall be punished by restriction of liberty for a term of up to three years or imprisonment for the same term.

The same acts committed against a minor or for selfish motives, against two or more persons or by prior conspiracy by a group of persons, or in a manner dangerous to the life or health of the victim, or such as was accompanied by causing him physical suffering, or with the use of weapons, or committed over a long period of time, shall be punished by restriction of liberty for a term of up to five years or imprisonment for the same term.

Acts provided for in parts one or two of this Art., committed by an organized group, or such as caused grave consequences, shall be punished by imprisonment for a term of five to ten years.

Since 2018, criminal liability for "Enforced Disappearance" has appeared - these are actions similar to kidnapping, but committed by a representative of a state, including a foreign one (for example, these actions include the activities of gangs or groups of mercenaries organized by the Russian Federation, as well as representatives of the Russian occupation administration in the occupied territories).

Laws of Ukraine with reference to Art. 143 TUEL Consolidated Law for Local Authorities DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION

These issues in Ukraine are regulated by the Law of Ukraine "On Local Self-Government in Ukraine" and "On Military-Civil Administrations", "On the Legal Regime of Martial Law", etc.

With reference to Art. 84, Legisl. Decree 159/2011 COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION

No relative Ukrainian legislation.

PROVISIONS OF THE CRIMINAL CODE NOT INCLUDED IN THE ITALIAN CRIMINAL CODE

Art. 10 of the Criminal Code of Ukraine Resolving the issue of criminal liability of persons subject to criminal liability under the legislation of a foreign state and staying on the territory of Ukraine, and the execution of sentences passed by foreign courts or international judicial institutions.

Citizens of Ukraine who have committed crimes outside the borders of Ukraine may not be extradited to a foreign state for criminal liability and trial.

Foreigners and stateless persons who have committed crimes outside the borders of Ukraine and are staying on the territory of Ukraine may be extradited to a foreign state for criminal liability and trial.

Ukraine may take over criminal proceedings in which a sentence has not been passed by the judicial authorities of a foreign state, concerning citizens of Ukraine and foreigners who have committed crimes outside Ukraine and are on the territory of Ukraine, but who cannot be extradited to a foreign state or whose extradition has been refused, if the act in connection with which the transfer of criminal proceedings is requested is recognized as a crime in accordance with this Code.

Execution in Ukraine of a sentence of a foreign court or international judicial institution is possible if the act in connection with which the sentence was passed is recognized as a criminal offense in accordance with this Code or would be a criminal offense if it were committed on the territory of Ukraine.