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MECHANISMS TO ENSURE CRIMINAL LIABILITY FOR THE CRIME OF AGGRESSION OF THE RUSSIAN FEDERATION ON THE TERRITORY OF UKRAINE

Abstract. The authors put attention to the key features of the mechanism of ensuring criminal liability for the crime of aggression committed by the russian federation on the territory of Ukraine, because despite the rather extensive system of legal acts regulating this issue, there are many obstacles to bringing perpetrators to international criminal liability.

This study focuses on the judicial practice that demonstrates the absence of a proper effective mechanism at the legislative level to regulate the issue of bringing the russian federation to legal responsibility at the international legal level for acts of aggression and other international crimes, taking into account the compensation for the damage caused by them.

In particular, among the important achievements of the study is the creation of a Special Tribunal with the possible conclusion of a separate International Code of War Crimes, which will detail the disposition of articles in view of modern realities, as well as the grounds and principles of international criminal liability, possible sanctions and grounds for exemption from liability and punishment. At the same time, the author studied the national legal framework in terms of amendments and additions to the Criminal Procedure Code of Ukraine of 2022 to Section IX-2, which pose new challenges to the doctrine of criminal procedure law related to theoretical and applied rethinking of ideology, allowing for a fresh look at the issues of procedural science which have already been studied.

Keywords: *crime of aggression, international crimes, individual criminal liability, Special Tribunal, ratification of the Rome Statute, international justice, country-aggressor.*

Introduction. Today, the military aggression of the russian federation, which began in 2014 and gained momentum with a full-scale invasion in 2022, has influenced the international recognition of russia as a terrorist state at both the doctrinal and normative levels, which has contributed to the widespread international community's concern about holding individuals, including military and political commanders, individually liable for the crime of aggression and internationally recognized war crimes (Smyrnov, 2022).

The subject of war crimes in terms of crimes of aggression has attracted and will continue to attract the attention of a significant number of scholars and

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practitioners as long as wars continue to rage in the world. Unfortunately, scholars have not yet been able to agree on the issue of characterizing the phenomenon of aggression. However, it is one of the most dangerous threats to international peace and security and is the most serious international crime. Therefore, it is important to define aggression in international law and to regulate the nature of the international crime of aggression in accordance with existing legal norms.

Analysis of recent research and publications. Among the most thorough studies of certain aspects in this area, the names of the following authors can be distinguished: A. Babenko, I. Basysta, M. Vivchar, A. Vozniuk, M. Zhmur, A. Ivanitskyi, M. Miroshnichenko, O. Skrylnyk, O. Pchelina, T. Pavlenko, V. Pylypenko, O. Kyrychenko, Ye. Romenko, N. Morozyuk, S. Nesterenko, M. Smyrnov, Y. Nazar, R. Topolevskyi, L. Filyanina, S. Luchkin, V. Shepitko, T. Fomina, V. Fedorenko and others.

The works we have reviewed illustrate the multidimensionality of this concept. It should be noted that the main source of the most complete coverage of such definitions on the topic is explanatory dictionaries that explain the concept in a broad sense and form a general idea. In a narrower sense, the crime of aggression is defined in international legal acts and in some criminal codes of foreign countries.

The purpose of the article is is to highlight the peculiarities of the mechanism of ensuring criminal liability for the crime of aggression.

Formulation of the main material. It is worth noting that today there are two dimensions in the field of maintaining international security and peace, which are manifested in the prohibition of crimes of aggression, which should be understood as the planning, preparation, initiation or commission by a person in a position to actually direct or control the political or military actions of a state of an act of aggression which, by its nature, gravity and scale, constitutes a gross violation of the UN Charter (Simma (ed.), 1995), as provided for by international legal instruments, customary law and the practice of international tribunals.

Please note that according to the Resolution "Definition of Aggression" (hereinafter – the Resolution), adopted at the 29th session of the UN General Assembly in 1974 (Filyanina, 2023, p. 278), and amendments to Part 2 of Art. 8 of the Rome Statute of the International Criminal Court in 1998 (https://treaties.un.org/Pages/ViewDetails.aspx?src), russia's actions constitute a crime of aggression, namely, waging an aggressive war of aggression, which is confirmed by the commission of almost all actions that fall under such qualification. This implies that the essence of aggression lies in the aggressive tactics of warfare, which is a crime against peace, the motive of which is a directly intentional act involving the use of weapons. It is worth noting that under international law, war or hostilities can be recognised as an act of aggression only by the UN Security Council, and the definition of aggression in the Resolution refers only to state responsibility, not individual responsibility (Filyanina, 2023, p. 275).

In this context, individualisation of criminal liability and punishment of the perpetrator of the offence requires proof of the ability to control and effectively direct the political or military actions of the state, in accordance with Art. 25 (3bis) of the Rome Statute. It follows that:

– Individual criminal liability for the crime of aggression is imposed on

the military and political leadership of the russian federation – therefore, 627 individuals are involved (https://warcrimes.gov.ua/all-crimes.html);

– Acts of military aggression should be provided for in Art. 1 of UNGA Resolution 3314/XXIX and Art. 8bis of the Rome Statute;

– Such actions should be qualified as waging an aggressive war of aggression, not as a "special military operation" (https://treaties.un.org/Pages/);

At the same time, let us not forget that one of the most pressing problems of the institution of international legal responsibility is the prosecution of states for acts of aggression in the absence of a decision of the UN Security Council (hereinafter – the UNSC). In this case, the permanent members of the UN Security Council have the opportunity to block decisions concerning themselves or issues related to their interests, but the UN Security Council's decisions on non-procedural issues are adopted when nine out of fifteen members of the UN Security Council, including the votes of all permanent members of the UN Security Council, vote for it (Simma (ed.), 1995).

Thus, international lawyers rightly believe that the UN Security Council should have been reformed long ago, depriving the permanent members of the Security Council of the right to block decisions directed against their countries and their interests, since the veto threatens the maintenance of international peace and security, which is the main task and purpose of the UN, and has negative consequences (Pylypenko, 2021). At the same time, the Resolution is a recommendatory act by its legal status, i.e. it is not binding. Therefore, the above definition of aggression is not a dogma, and each country may offer its own interpretation of what aggression is and what types of aggression exist. It should be noted that no country has yet officially ratified, accepted or acceded to the Resolution, as it has no legal force. Therefore, it would be incorrect to use this resolution for the legal recognition of state actions as aggression (Bazov, 2018, pp. 124-125).

However, state officials who commit acts of aggression are prosecuted by the International Criminal Court (hereinafter – the ICC) and the judicial authorities of the state in accordance with national criminal law. The initiation of criminal proceedings in respect of international crimes is possible, after the entry into force of the Rome Statute (hereinafter – the Statute), in respect of the States Parties to the Statute, recognising the jurisdiction of the Court in accordance with Art. 11 and Art. 12 of the Statute (Filyanina, 2023). In this regard, the jurisdiction of the ICC is rather limited by certain conditions: the date of the act of aggression must be after July 17, 2018; the states that submit the case for consideration or whose citizens have committed crimes of aggression must have ratified or accepted the Kampala Amendments adopted by the Kampala Resolution at the 2010 Review Conference of the Rome Statute. In addition, jurisdiction may be exercised upon the submission of the UN Security Council, which decides on the definition of an act of aggression – Art. 6, 7 of the Charter (Filyanina, 2023, p. 277). In other words, the relevant jurisdiction over the crime of aggression is based on the consent of states. However, it may take the form of refraining from withdrawing from the Court's jurisdiction – passive consent. However, after the Kampala Conference, some states took the position that active consent is required and that the ICC should only have jurisdiction over states that have ratified the Kampala Resolution (https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/).

Considering the main provisions of the Rome Statute, it can be concluded that it covers only the limits of the ICC's jurisdiction and does not outline the issues of cooperation with other states whose citizens are perpetrators of crimes. It is doubtful that all states parties have defined the scope of cooperation with the ICC in their national legislation, as the issues of arrest, extradition and trial of perpetrators of crimes under the jurisdiction of the ICC require more extensive and thorough regulation, even though the status of the ICC is defined as complementary to national justice. However, as it is of international importance, the Statute should contain a provision that discloses the algorithm of interaction between the ICC and law enforcement and judicial authorities of any state, including the state parties.

Pursuant to Art. Art. 121 and 123, the Court did not actually exercise jurisdiction over the crime of aggression until a provision was adopted defining the crime of aggression and establishing the conditions under which the Court would exercise jurisdiction over this crime. Such provisions were consistent with the relevant provisions of the Charter of the United Nations (Lazareva & Melnychenko, 2022). As already mentioned, the Kampala Resolution provides for a set of features by which dangerous acts are qualified as "crimes of aggression". It is a legally significant document that allows the Court to determine the composition, essence and impose a sanction for such an act. It is believed that the Statute should contain a single definition of the crime of aggression, with its features, peculiarities of punishment and subjects of commission.

As A. Korinevych rightly notes: "The history of international relations does not know a single case when a permanent member of the UN Security Council was known to be an aggressor" (Pylypenko, 2021). However, there has been only one case in UN practice when a permanent seat on the UN Security Council was changed. It was in relation to China. Namely, the Republic of China (Taiwan), hereinafter – the ROC.

Art. 23 of the UN Charter and other articles of this most important modern international legal treaty refer to the Republic of China (Simma (ed.), 1995). Despite its transfer to the island of Taiwan in 1949 and the establishment of the People's Republic of China on the Chinese mainland, until 1971, the Republic of China was a permanent member of the UN, all its bodies and the UN Security Council, but did not participate in the UN activities. Already on October 25, 1971, the UN General Assembly adopted Resolution 2758 "Restoration of the legitimate rights of the People's Republic of China in the United Nations", which was voted for by 76 UN member states, 17 abstained, 35 were against and 3 did not vote. As a result of the adoption of the Resolution by the majority of UN Member States, the PRC was expelled from the UN and the UN Security Council, and its place was taken by the People's Republic of China. Within a year, the People's Republic of China was expelled from all UN bodies, and by the end of the 1970^{s}, it was no longer recognised by almost all countries of the world (Pylypenko, 2021). Thus, based on the above, permanent membership in the UN Security Council can be changed by adopting a resolution of the UN General Assembly.

It should be noted that since the end of the World War II, there has been only one case when a state was held legally liable for the crime of aggression under international law. When the UN Compensation Commission was

established to determine the amount of compensation to Iraq for the damage caused to Kuwait by the military invasion, which was established by UN Security Council Resolution 687 of 3 April 1991 and UN Security Council Resolution 692 dated May 20, 1991 (https://uncc.ch/sites/default/files/attachments/documents/res0687.pdf).

However, in the context of the situation between Ukraine and russia, the creation of such a compensation commission is almost impossible, firstly, because russia, as a permanent member of the UN Security Council, will block the adoption of such a resolution, and secondly, the creation of such a commission will require mutual agreement between the states.

As is well known, modern customary international law provides that victims of internationally wrongful acts may demand from another state that has committed such acts, first, to stop them (Art. 43 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts of 2001), and second, to compensate for damages in the form of restitution, compensation or satisfaction – Art. 34 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts of 2001 (https://undocs.org/en/A/RES/56/83).

At the same time, international law should provide for a comprehensive consideration of the claims of victims of aggression. Accordingly, a special international judicial body has been established to address the issue of making decisions on compensation for damage caused to the victim state by aggression and prosecution of those responsible for the crime of aggression, war crimes and crimes against humanity. It should be borne in mind that the mechanisms of compensation for material and non-material damage caused by the russian federation should be not only domestic, but also, above all, international (bilateral negotiations, appeals of the affected state, its individuals and legal entities to international judicial and arbitration bodies, establishment of international compensation commissions, etc.

However, just as neither Ukraine nor russia is currently a party to the Rome Statute of the ICC, the possibility of resolving disputes over compensation for damages caused to the russian federation through bilateral negotiations or by applying to the International Court of Justice (with the consent of both states) or the ICC seems illusory. In our opinion, the international legal nature of russia's actions against Ukraine should be defined at the legislative (and lower regulatory) level, and it should include, first of all, the launch and conduct of an aggressive war, which is the most serious crime against peace and security.

It should be noted that Part 6 of Art. 124 of the Constitution of Ukraine provides: "Ukraine may recognize the jurisdiction of the International Criminal Court under the conditions set out in the Rome Statute of the International Criminal Court" (https://ips.ligazakon.net/document/DH47R00I), the relevant amendments were made by the Law of Ukraine "On Amendments to the Constitution of Ukraine (regarding justice)", which, according to the Constitutional Court of Ukraine, makes it possible to recognize the jurisdiction of the International Criminal Court. We can state that Ukraine is in the process of preparing for the ratification of the Statute (Filyanina, 2023, p. 276), as Art. 9 of the Constitution of Ukraine prohibits the conclusion of international treaties that contradict the Constitution, but this is possible only after the relevant amendments have been made (https://zakon.rada.gov.ua/laws/show/4651-17#Text 8).

Currently, we are at the stage of proving in international courts, in particular in the International Court of Justice, the existence of both effective and generalized standards of control by the russian federation, and in this context, it is important that Ukraine already has legislation that partially regulates relations in connection with the lack of control over the temporarily occupied territories of Ukraine. For example, Art. 2 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" regulates the status of the territories of Ukraine that are temporarily occupied as a result of the armed aggression of the russian federation, the specifics of the functioning of state bodies, local governments, enterprises, institutions and organizations under this regime, the observance and protection of human and civil rights and freedoms, as well as the rights and legitimate interests of legal entities (https://zakon.rada.gov.ua/laws/show/1207-18).

Also, the Resolution of the Verkhovna Rada of Ukraine "On a set of urgent measures for the practical implementation of the international legal responsibility of the russian federation for armed aggression against Ukraine" of 20.08.2018 No. 2356-VIII provided for the establishment of an interagency coordination body, the functioning of which is intended to summarize the legal position of the state on repulsing and deterring russian armed aggression and to prepare consolidated requirements of Ukraine to russia to fulfil its international legal responsibility for armed aggression (https://ips.ligazakon.net/document/DH47R00I).

It should be noted that legislation on the temporarily occupied territories of Ukraine is currently one of the main challenges for national legal systems. We consider it urgent to develop appropriate scientifically based proposals in this context, taking into account relevant international experience and European standards. It should be borne in mind that the issue of the temporarily occupied territories, as well as their de-occupation and reintegration, is a complex political, socio-economic, environmental, ideological, moral and psychological problem. In this regard, before adopting any legislative act, strategy or concept on the de-occupation and reintegration of Ukraine, the national and international expert community, including the European Commission for Democracy through Law (Venice Commission), the OSCE, the Council of Europe, representatives of the expert community and NGOs, should hold a broad professional discussion and obtain assessments and recommendations for further improvement of the provisions of the current legislation of Ukraine in this area (www.venice.coe.int).

Changes have also been made to criminal procedure legislation in terms of amendments made to Section IX-2 "Peculiarities of Cooperation with the International Criminal Court" in accordance with Law No. 2236-IX dated May 03, 2022 (https://www.ukrinform.ua/rubric-ato/36370109). Thus, after February 24, 2022, after the illegal invasion of Ukraine by the russian federation, which led to a full-scale war, on March 2, 2022, at the request of the States Parties to the Rome Statute, the Office of the Prosecutor of the International Criminal Court announced the launch of an investigation into the situation in Ukraine regarding the commission of war crimes, crimes against humanity and genocide on the territory of Ukraine due to the fact that in 2015 our country officially recognized the jurisdiction of the ICC, and § 3 of Art. 12 of the Statute

states that "a State which accepts jurisdiction shall cooperate with the Court without delay or exception in accordance with Part 9" (Filyanina, 2023). Therefore, such amendments to the Criminal Procedure Code at the national level indicate the creation of an appropriate legal framework for the prosecution of war criminals in the russian federation, taking into account Art. 5 of the Rome Statute.

As already mentioned, the Rome Statute has not yet been ratified by the Verkhovna Rada of Ukraine. In the context of russian aggression, it is obvious that in most cases, Ukraine's domestic legal mechanisms of prosecution are not able to prevent such crimes or provide adequate protection against them for objective reasons. Therefore, it is quite natural to ensure the use of procedures and mechanisms established at the regional and universal levels.

However, if Ukraine ratifies the Rome Statute, it will have certain legal consequences. By becoming a member of the Assembly of States Parties, it will have the right to put issues on the agenda, as well as to have its own judges and participate in the work of the court. These actions are fully in line with the principle of "positive complementarity" and ensure the fulfilment of Ukraine's international obligations.

However, after the occupation of Crimea and the outbreak of hostilities in Donbas, russia withdrew its signature to the Rome Statute in 2016 to avoid international legal responsibility in the ICC, and full ratification will not help bring russia to international responsibility under the conditions provided for in the Statute. Although Ukraine's early ratification of the Statute and the intensification of the activities of the competent institutions to investigate all crimes from 2014 to 2022 may bring results in terms of gathering evidence, the mechanisms of the Statute system need to be improved. However, there is currently no consensus on the need to ratify this document. To a certain extent, this state of affairs does not contribute to a clear understanding that national legislation needs to be brought into line with the provisions of international humanitarian law. At the same time, such changes should take place regardless of the decision to ratify the Statute, and the ratification process should certainly be comprehensive.

Fortunately, the rejection of a signature does not exempt it from future punishment before international criminal justice bodies, as was the case with the murderers at the Nuremberg and Tokyo trials. The Nuremberg trials considered crimes against peace – planning, preparation, unleashing and waging of an aggressive war in violation of international agreements and treaties; war crimes – violation of the laws and customs of war, murder, torture, abduction, torture of both civilians and prisoners of war, looting of private and public property, destruction of settlements; crimes against humanity – murder, enslavement, exile, persecution on racial, religious or political grounds (Tsevukh et al., 2023).

Unfortunately, the russian federation remains a permanent member of the UN Security Council, blocking any opposition from other member states to its illegal activities. Due to such restrictions, the jurisdiction of the ICC over the crime of aggression of the russian federation against Ukraine has led to the formation of the concepts of international criminal justice bodies:

1) Establishment of a Special Tribunal, the establishment of which is provided for in the Declaration, which was developed by a working group on behalf of and approved by the Minister of Foreign Affairs of Ukraine;

2) Establishment of a "hybrid" court, which is the result of an agreement between the UN and Ukraine based on the recommendations of the UN General Assembly prepared by the Global Accountability Network working group;

3) Ukraine and the Council of Europe, or in other words, an "internationalized" court, the powers and establishment of which are determined by an international treaty concluded between the European Union and Ukraine, the Council of Europe and Ukraine, and the Council of Europe has decided to become interested in it;

4) In accordance with the national legislation of Ukraine under Art. 437 of the Criminal Code of Ukraine and criminal procedures of various foreign countries, in this case, the management enjoys the immunity of the highest official under international law.

In our opinion, the best way to ensure individual criminal liability is to create a special international court, the effectiveness of which should be based on international support through voting in the UN General Assembly and signing a relevant multilateral treaty approved by the UN General Assembly, which will unite like-minded states and be supported by the Council of Europe, the EU and other international organisations. Of course, russia can veto the creation of the tribunal in the UN Security Council, but it cannot prevent the creation of the court, as it does not have a veto in the General Assembly. The creation of such a tribunal would make it impossible for Putin's representatives to refute the accusations and would allow for a verdict in a matter of weeks, not years, as in other war crimes trials.

According to the resolution, the proposed tribunal should be empowered to investigate and prosecute crimes of aggression committed by the political and military leadership of the russian federation. The tribunal should also have the power to issue international arrest warrants, without limiting the immunity of states, heads of state, governments and other public officials. The experience of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are examples of this, despite their longevity. In view of this, we believe that not only Ukraine, but also other countries can provide evidence, which is linked to the military actions that led to mass migration processes that began in 2014 (Bereznyak, 2022).

Conclusions. The crime of aggression is provided for in the main international instruments through which the international community expresses its agreement to reject aggressive war, but the current practice is to the contrary. Although the provisions on the crime of aggression are quite broad, practice has shown that there are many obstacles to international criminal liability of perpetrators. Even the development of the individual criminal liability regime has no impact on the process of the massive invasion of the aggressor state, the russian federation, whose political and military forces have committed dozens of crimes on the territory of Ukraine. Also, there are currently no legal decisions at the international legal level regarding the already committed acts of aggression of the russian federation, which does not exclude bringing it to international legal responsibility for such acts and other international crimes, including compensation for the damage caused by them, which may provoke such situations:

1) Possible legal liability of the russian federation will not be comprehensive, but will be fragmentary: our country may raise the issue of

international legal liability of the russian federation for internationally wrongful acts related to or caused by the aggression (but not directly related to the aggression itself) and provided for by multilateral and bilateral international treaties applicable to both countries, and create institutional mechanisms of liability for their violation, such as the European Convention on Human Rights;

2) This complicates the preparation of Ukraine's consolidated claims for compensation for damages caused by russian aggression. Ultimately, our country will only be able to claim damages related to the violation of certain (aforementioned) international treaties by the russian federation separately within the framework of these international treaties, taking into account the content of each international treaty.

As for the issue of ratification of the Rome Statute, it undoubtedly has its advantages, as mentioned above, but we are convinced that, given the experience and effectiveness of bringing to international criminal liability, the establishment of a Special Tribunal is an effective way. In addition, the ICC, as noted above, can accept cases not only at the request of a state party, but also on its own initiative. Therefore, our country should make more active use of the legal mechanisms provided for by the Rome Statute. We would also like to point out that the Rome Statute establishes the scope, jurisdiction and structure of the court. However, we believe that a separate International Code of War Crimes should be adopted, which would detail the disposition of the articles in the light of current realities, as well as the grounds and principles of international criminal liability, possible sanctions and grounds for exemption from liability and punishment.

This allows us to state that Ukraine, together with other international organizations and foreign partners, should make every effort to ensure that the ICC finally decides to launch a full investigation into crimes of international law committed by Ukraine in the temporarily occupied territories, including genocide, war crimes and crimes against humanity, which should result in the opening of criminal cases in the ICC. The key point is that their crimes are enshrined in the UN Charter and some other international instruments. In such circumstances, it is necessary to initiate the relevant procedures, and then announce the arrest, to start the international procedure for bringing criminals to justice.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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Василь БЕРЕЗНЯК, Валентин ЛЮДВІК

МЕХАНІЗМИ ЗАБЕЗПЕЧЕННЯ КРИМІНАЛЬНОЇ ВІДПОВІДАЛЬНОСТІ ЗА ЗЛОЧИН АГРЕСІЇ РОСІЙСЬКОЇ ФЕДЕРАЦІЇ НА ТЕРИТОРІЇ УКРАЇНИ

Анотація. У науковій статті автори звертають увагу на ключові особливості механізму забезпечення кримінальної відповідальності за злочин агресії рф вчиненого на території України, адже не дивлячись на досить розгалужену систему нормативно правових актів, які регулюють це питання, багато перешкод для притягнення винних до міжнародної кримінальної відповідальності.

В межах цього дослідження звернуто увагу на судову практику що свідчать про відсутність на законодавчому рівні належного дієвого механізму врегулювання питання притягнення рф до юридичної відповідальності на міжнародно-правовому рівні щодо актів агресії та інших міжнародних злочинів, з урахуванням відшкодування завданої ними шкоди. Зокрема, серед важливих здобутків дослідження слід назвати створення Спецтрибуналу з можливим укладенням окремого Міжнародного кодексу воєнних злочинів, в якому буде деталізована диспозиція статей з урахуванням сучасних реалій, а також підстави і принципи міжнародної кримінальної відповідальності, можливі санкції та підстави звільнення від відповідальності і покарання.

Ключові слова: *злочин агресії, міжнародні злочини, індивідуальна кримінальна відповідальність, Спецтрибунал, ратифікація Римського статуту, міжнародне судочинство, країна-агресор.*

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LATVIAN POLICY TOWARDS UKRAINIAN REFUGEES IN 2022 AS THE EXAMPLE OF EU TEMPORARY PROTECTION

Abstract. Latvian policy towards Ukrainian refugees and their social conditions in 2022 passed through the period of wide financial support in the end of the winter and spring as well as attempts to decrease financial aid in the summer and autumn. Being the part of EU policy of temporary protection, however, Latvian experience of support for Ukrainian citizens presented how such a little state could be one of those that provided the most aid to Ukraine having spent 1 % of the GDP in 2022. Offering almost the same rights for Ukrainian citizens staying in the country as for its residents, Latvia covered all the necessary costs of refugees' living.

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