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INTERNATIONAL LEGAL VIEWS OF R. LEMKIN CONCERNING THE QUALIFICATIONOF THE CERTAIN HISTORICAL FACTS OF THE MASSIVE HUMAN RIGHTS VIOLATIONS AS A CRIME OF «GENOCIDE»

The article is devoted to the international legal views of R. Lemkin concerning the qualification of the certain historical facts of the massive human rights violations as a crime of «genocide». Rafal Lemkin – is an international lawyer of the Jewish descent who was born in Russian Empire, worked and lived in Poland and became famous and died in the United States. His most outstanding contribution to the legal science is the term «genocide» which was coined by him and the international legal conception of this crime.

Besides his legal works, Lemkin studied the historical background of the genocide. He made a number of research devoted to the qualification of the different facts of the mass violence in the past as the crime of genocide. For example, Lemkin worked with the Spanish colonization policy in America in the XVI century; actions of German colonial administration in Africa in the beginning of XX century; Armenian genocide in 1915.

The analysis of international legal views of Lemkin concerning these historical events gives an opportunity to state that R. Lemkin had qualified all these facts as the crime genocide. The position of the scholar on these issues can be further used as a strong argument in discussions about the legal qualification of these tragic events.

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ILLICIT ENRICHMENT: INTERNATIONAL LEGAL ASPECT

The problem of fighting against the corruption is an actual question nowadays in all the countries of the world without exception. A great attention is attached to this problem from the side of international organizations. As a result of many years work it was the signing and ratification of Inter-American Convention Against Corruption, of African Union Convention on Preventing and Combating Corruption, of Council of Europe Criminal Law Convention on Corruption and of Convention

drawn up on the basis of Section K3 (2) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union. The experience gained in the frames of these Conventions was implemented in the UN Convention Against Corruption.

The problem of illicit enrichment of state officials takes the most significant place among the questions that are embraced by the international documents in the sphere of combating against the corruption.

The manifestation of total corruption among the countries of African continent caused those facts that African Union Convention on Preventing and Combating Corruption defines that illicit enrichment is not only the significant increase in the assets of a public official which he or she income or to any other person. Thus a priori, if a citizen has a property much bigger than his official incomes, not mattering his attachment towards his state official position, it would be defined as an act of corruption, would acquire certain investigation.

This question is quite actual for the countries of the world, but at the same time having different levers of influence at the legal, administrative and civil levels in the frames of the Council of Europe and of the European Union, the standard form as for keeping responsibility for illicit enrichment is absent. The majority of the European countries, and also the USA, unwillingly complete the criminalization of the illicit enrichment as a separate criminal act, like before. The declaring of incomes and outcomes of state officials and of the members of their families with the corresponding administrative and even criminal responsibility for giving false information is a form of realization of combating illicit enrichment in the countries of Europe and America.

Breaking the principles of criminal law-suiting and of the Constitutions of many countries of the world, as for presumption of innocence, for putting burden of evidence on the side of prosecuting and for the possibility not to witness against oneself, is a reason of not wishing to introduct the norms (as for illicit enrichment) into the national legislative systems.

The scientists' thoughts, concerning the expediency of limiting basic rights and freedoms for combating corruption, differ. Every side from both ones has its own short-comings and advantages, which being in its unity, create the whole picture of the institute of illicit enrichment and of the possibility of its introduction into the national legislative system.