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### **THE CIRCUMSTANCES OF PERMITTING HUMAN TRAFFICKING IN CONDITIONS OF ARMED CONFLICT AS AN ELEMENT OF FORENSIC CHARACTERISTICS**

The circumstances of committing certain types of criminal offenses play an important role during their investigation. After all, based on its processing, it is possible to identify certain features of the criminal's personality, the trace picture and other components of the forensic characteristics. At the same time, in the context of the forensic study of human trafficking, most forensic scientists do not distinguish this element in the structure of a certain scientific category.

On the other hand, we consider the circumstances of human trafficking to be as important as other elements of its forensic characterization, such as: methods of preparation, commission and concealment of human trafficking; “tracer pattern” of human trafficking; characteristics of individuals, organized groups and criminal organizations specializing in human trafficking; identity of the victim [3, s. 458]. This is explained by the specifics of the subject of our study, namely the investigation of human trafficking in conditions of armed conflicts. It is precisely armed conflicts that will determine the specific features that are currently inherent in this negative phenomenon. In general, as M. M. Yefimov aptly points out, the situation in which criminal offenses are committed is of great importance at the initial stage of the investigation. The author notes that this applies to both investigative (search) actions to obtain information from material sources (various types of inspections, searches) and actions to obtain information from personal sources. After all, after the detection of illegal acts, the situation must be clearly recorded (by photographing, drawing up plans, detailed recording in the protocol of individual procedural actions), because this will be important both for the subsequent stage of the investigation and for conducting other investigative (search) actions, covert investigative (search) actions [4, s. 165]. This position fully corresponds to our understanding of the significance of the situation of human trafficking in armed conflicts.

Regarding the formulation of the concept of the circumstances of the commission, researchers currently do not have a single opinion. For example, O. O. Astakhova emphasizes that for a forensic specialist, this scientific category is an important source that is difficult to reproduce in order to obtain objective primary information about the event of a crime and the identity of the criminal who committed it. For a criminologist, it is the source material for the development and implementation of preventive measures and crime prevention. For a person who applies the law, it is of interest: from the position of the general theory of the composition of a crime; in the individualization of a socially dangerous act; in the differentiation of a crime from another similar offense; in the differentiation of related crimes; for clarifying the conditions of criminal liability; from the position of the need to characterize the (specific) external signs of a socially dangerous act; from the position of characterizing the conditions for the commission of a socially dangerous act [2, s. 90]. That is, the forensic understanding of the circumstances of the commission of a criminal offense is broader than its criminal-legal significance.

A rather interesting definition was provided by O. O. Andreev, who determined that under the circumstances of the commission of a crime, most scientists understand a system of interdependent and interacting objects, processes and phenomena that characterize the conditions of place and time, material, meteorological, physicochemical and other factors, the peculiarities of the behavior of the participants in the event and other circumstances of objective reality that affect the method and mechanism of committing a criminal act [1, s. 43]. In other words, the scientist characterized the specified category through a system of various interacting phenomena and processes: material, meteorological etc.

And K. S. Kravchenko points out the need to study individual components of the situation of human trafficking for the purpose of labor exploitation (time, place), given that this will ensure

optimal conduct of procedural actions at the initial stage of the investigation of criminal offenses of the studied category [6, s. 23]. As we can see, the researcher identified the time and place of the commission as mandatory components of the circumstances of the commission of an unlawful act.

In turn, M. M. Yefimov notes that the circumstances should be considered through a combination of objective and subjective factors and conditions of the material situation, socio-economic and socio-psychological factors, as well as the peculiarities of the influence of indirect participants in the event on the process of preparation, commission and concealment of a criminal offense [5, s. 67]. In this definition, as in the previous one, there is a certain set of factors, such as: socio-economic, socio-psychological, material situation, spatial-temporal and others.

Regarding the circumstance of time, in particular, O. M. Dufenyuk correctly indicated that it is practically impossible to determine the prerogative of the hours of the day for committing the specified illegal act, given the certain duration of the process of agitation and recruitment of a person, registration of documents, moving the victim to the destination, transfer to the buyer, use of the victim for the "purpose" depending on the purpose of the bargain. The author noted that in cases where the first four stages can be implemented within several days, more often weeks, the last stage can last months and even years until the victim finds a way to get rid of the owner, contact with family or law enforcement agencies. Regarding the place of commission of the illegal act, the researcher indicated that the movement of a person across the border is not a mandatory sign of its objective side, so all cases of human trafficking or other illegal agreement to transfer a person on the territory of Ukraine are also subject to qualification under the criminal offense under investigation. In addition, O. M. Dufenyuk cites as an example the situation of transferring a person from one region of the country to another for the purpose of sexual exploitation, use in the porn business, involvement in criminal activity, involvement in debt bondage, adoption for commercial purposes, use in armed conflicts, exploitation of their labor and removal of organs or tissues from the victim for transplantation or forced donation. As a conclusion, the author indicates the main recipient countries of "living goods" from Ukraine as: Italy, Spain, Germany, Belgium, Greece, Turkey, Israel, United Arab Emirates, etc. [7, s. 644–645].

In conclusion, we would like to note that the circumstances of human trafficking in armed conflicts are a very important element of forensic characterization. The components of this scientific category will be: place of commission, time of commission, and conditions of commission.

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