

**IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION
ON PREVENTION OF GENOCIDE AND PUNISHMENT
FOR IT IN LEGISLATION OF THE REPUBLIC OF BELARUS**

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There are many tragic events taking place in the world today, as a result of which people are dying, buildings and life support facilities are being destroyed, which is incompatible with the concept of humanity's civilization. Responsibility for everything that happens in the world in one way or another is borne by everyone living in it, so the task of every person of good will is to improve this world, to do everything necessary to reduce evil and multiply good. In this regard, one of the most important tasks is to eliminate genocide as the most serious crime against humanity.

The purpose of the work is to conduct a detailed study of the implementation of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide in the legislation of the Republic of Belarus.

Material and methods. The material is the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter the Convention), the Criminal Code of the Republic of Belarus (hereinafter the Criminal Code), the Law of the Republic of Belarus "On the Genocide of the Belarusian People" (hereinafter the Law). To achieve this goal, methods of analysis, comparative, synthesis were used.

Findings and their discussion. The victory in the Great Patriotic War brought numerous losses to the Belarusian people. "In September 1941, when the entire territory of Belarus was captured by Nazi troops, about 7-7.5 million of its inhabitants were in captivity" [1]. Therefore, the participation of the BSSR in the signing of the Convention on the Prevention and Punishment of the Crime of Genocide, the fight against the Crime of Genocide is natural. The Convention was adopted and proposed for signature, ratification or accession on December 9, 1948 by the UN General Assembly Resolution No. 260 (III). The representative of the BSSR signed the document on 12/16/1949, and as each State party to the Convention, our State undertook to include the norms on genocide in national legislation in accordance with its constitutional procedure (Article V of the Convention). The Convention entered into force on January 12, 1951. The Convention has a larger volume, consists of 19 articles. In art. II contains the following definition of genocide: "... acts committed with the intent to destroy, in whole or in part, any national, ethnic, racial or religious group as such: a) killing members of such a group; b) causing serious bodily injury or mental disorder to members of such a group; c) deliberately creating for any group of such living conditions that are designed for the complete or partial physical destruction of its; d) measures designed to prevent childbearing among such a group; e) forcible transfer of children from one human group to another" [2]. According to Article III of the Convention, the following acts are punishable: "a) genocide; b) conspiracy to commit genocide; c) direct and public incitement to commit genocide; d) attempted genocide; e) complicity in genocide" [2].

The main provisions of the Convention on the Definition of Genocide, Punishable Acts, and the scope of Responsibility are implemented in Belarusian legislation. Responsibility for genocide and the definition of this crime are enshrined in Article 127 of the Criminal Code: "Actions committed with the aim of systematically destroying, in whole or in part, any racial, national, ethnic, religious group or group determined on the basis of any other arbitrary criterion, by killing members of such a group or causing them grievous bodily harm, or intentionally the creation of living conditions designed for the complete or partial physical destruction of such a group, or the forcible transfer of children from one ethnic group to another, or taking measures to prevent childbearing among such a group (genocide), – are punishable by imprisonment for a term of seven to twenty-five years, or life imprisonment, or the death penalty" [3].

In 2021, the Prosecutor's Office of Belarus opened a case on the genocide of the Belarusian people during the Second World War. In 2022, in order to "ensure the protection of the fundamental values of the Belarusian people, the establishment of effective barriers to attempts to falsify events and outcomes

World War II, giving a fair assessment of the atrocities of the Nazi criminals and their accomplices, nationalist formations in the years The Great Patriotic War and the post-war period (the period up to December 31, 1951)" the Law on the Genocide of the Belarusian people was adopted [4]. Its content is based on the Constitution of the Republic of Belarus, The Convention of December 9, 1948, the Convention on the Non-Applicability of the Statute of Limitations to War Crimes and Crimes against Humanity of November 26, 1968.

The Law consists of 5 articles. The first article establishes a peculiar definition of the genocide of the Belarusian people: "Committed by Nazi by criminals and their accomplices, nationalist formations during the Great Patriotic War and the post-war period (until December 31, 1951), atrocities aimed at the systematic physical destruction of the Belarusian people through murder and other actions recognized as genocide in accordance with legislative acts and norms of international law are genocide of the Belarusian people" [4]. Therefore, in order to understand "other actions", it is necessary to refer to the provisions of the Convention.

Referring to Article 2 of the Law, a new article 1302 is included in the Criminal Code – Denial of the genocide of the Belarusian people. The article describes in detail what is a crime in this regard, as well as the responsibility for its commission: "1. Denial of the genocide of the Belarusian people contained in a public speech, or in a printed or publicly displayed work, or in the mass media, or in information posted on the global computer network Internet, other public telecommunication network or a dedicated telecommunication network, – is punishable by arrest, or restriction of liberty for up to five years, or imprisonment for the same term. 2. The action provided for in part 1 of this Article, committed by a person previously convicted of denying the genocide of the Belarusian people, or by an official using his official powers, is punishable by imprisonment for a term of three to ten years" [4].

Conclusion. In the modern world, genocide is recognized internationally a crime committed by 147 States, including the Republic of Belarus. Criminal liability is provided for the commission of these actions, in addition, a separate law regulating this issue has been created in our country, with its help and the help of the Criminal Code in national legislation the norms of international law are being implemented.

The Convention is a more detailed, elaborated, specific international document. The Law of the Republic of Belarus implements only a few provisions concerning the main points of the crime of genocide, its definition, punishable acts and measures of responsibility. Its articles are supplemented by the Convention and the Criminal Code. The law is a more modern NPA containing a new corpus delicti of genocide: denial of genocide, as well as information on the further activities of state bodies related to the punishment of crimes committed against the Belarusian people, with the perpetuation of the memory of the victims. There is no such data in the Convention.

1. Mandrik, I.V. Belarus during the Fascist occupation: the regime of total genocide on the Vitebsk land / I.V. Mandrik, N.N. Parkhimovich // Scientific notes of the P.M. Masherov VSU: collection of scientific works. – Vitebsk: VSU named after P.M. Masherov, 2019. – Vol. 29. – P. 7–16. – URL: <https://rep.vsu.by/handle/123456789/18764> (date of access 10.11.2022).

2. Convention on the Prevention and Punishment of the Crime of Genocide [Electronic resource]. – Access mode: https://www.un.org/ru/documents/decl_conv/conventions/genocide.shtml – Date of access: 25.10.2022.

3. The Criminal Code of the Republic of Belarus [Electronic resource]. – Access mode: <https://pravo.by/document/?guid=3871&p0=Hk9900275> – Date of access: 25.10.2022.

4. The Law of the Republic of Belarus On the Genocide of the Belarusian People [Electronic resource]: January 5, 2022, No. 146-Z: adopted by the House of Representatives on December 14, 2021: approved. By the Council of the Rep. on December 22, 2021 // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Rep. Belarus. – Access mode: <https://pravo.by/document/?guid=12551&p0=H12200146&p1=1> – Date of access: 25.10.2022.

LEGAL REGULATION OF THE INVESTMENT CLIMATE IN THE REPUBLIC OF BELARUS

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Currently, economic renewal and growth in modern countries, including the Republic of Belarus, are determined by the size and structure of investments, the quality and speed of their implementation. In this regard, the formation of the legal field of investment relations is of particular importance, which predetermined the relevance of the research topic.

The purpose of the work is to analyze the legal foundations of the formation of the investment climate in the Republic of Belarus.

Material and methods. The material was the results of the study of the legal regulation of the investment sphere in the Republic of Belarus. The methodological basis of the study was the dialectical approach to the cognition of legal phenomena, as well as system-structural, formal-legal and comparative-legal methods.

Findings and their discussion. As the study showed, due to its favorable geopolitical position, the Republic of Belarus cannot but attract the attention of potential investors, which is greatly facilitated by the formation of a favorable investment climate.