



Research Article

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International Legal Regulation of Countering Propaganda of War and Manifestations of Extremism

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Abstract

The research paper analyses the international legal regulation of countering manifestations of extremism and propaganda of war. The understanding of extremist activity as an encroachment on the foundations of the constitutional order and the security of the state, as well as the violation of the rights, freedoms and legitimate interests of the individual and the citizen resulting from the denial of legal and/or other generally accepted norms and rules of social behaviour have been formulated. It is established that the proposed definition is built on two basic criteria. The first is the circle of public relations, which is prone to extremist encroachment (such as: the foundations of the constitutional order, state security, rights, freedoms and legitimate interests of an individual and a citizen). The second is motivation of extremist manifestations, that is, denial of legal and/or other generally accepted norms and rules of social behaviour. The following constructive features of extremism are distinguished: a) attachment, that is, loyalty or devotion to someone or anything (attachment of extremism is expressed in devotion to a certain ideology); b) the extreme nature of views, positions and arrangements in human activity (they reflect the essence of extremism, since they are characterized by the ideology of intolerance of the existing state system and violent methods of struggle); c) extremist acts can be committed both by individuals and groups or organizations; d) the spheres that are prone to negative effect of this phenomenon (the spheres of public consciousness, social psychology, morality, ideology, relations between social groups, ethnic groups, public associations, political parties and denominations). The directions of international cooperation in the field of countering extremism in the form of propaganda of war and hatred based on generally recognized principles and norms of international law, which serve as the unification and harmonization of means and methods of countering extremism and terrorism, are disclosed. The conceptual features of extremism produced by the world community are formulated, which include: a) specific motivation characteristic of extremist crimes; b) global nature of the danger directed at all world powers; c) transnational organized nature of the activities of extremist organizations, such as unification and harmonization of the means and methods of countering extremism and terrorism.

Keywords: extremism, countering extremism, propaganda of war, hatred, state security, constitutional order, intolerance, international cooperation in the field of countering extremism, terrorism, extremist organizations, organized crime

1. Introduction

In recent times, global processes increasingly cover negative trends for international and national security. The numerous wars of the second half of the 20th and the first half of the 21st century (Hong,

2018; Steflja, 2018; Oostindie, Hoogenboom & Verwey, 2018) have increased the risk of extremism and propaganda, which in the current context creates a global threat to international peace, security and national stability.

The rise of extremism is inextricably linked to the increasing threats to global security, the intensification of local and regional conflicts, and the creation of new conflict zones. The reasons for such conflicts are irrelevant, since in the conditions of propaganda war speculation and threats of violence can occur in any direction of public relations. In order to counter these phenomena, it is important to make rational use of available resources, with the understanding that it is very difficult to counter global threats effectively at the national level.

That is why, in the context of globalization and internationalization of public relations, an important element in countering the risks and threats to the proper functioning of the system of international relations is their important component. Extremism and propaganda of war are seen as key risk factors and therefore, to effectively counteract them, both approaches to their understanding and methods of combating them must be clearly identified and unified.

The need for education, preservation, improvement and maintenance of the international security system and its architecture confirms the relevance of this issue.

Such architecture must have a foundation that is accepted, supported and recognized by all participants in international relations in the field of overcoming and countering extremism and propaganda of war. A similar foundation is the system of international law. But in today's world, the established norms and customs of international relations in the field of global security require revision and correction. Unfortunately, the system of international law is becoming less effective in the fight against global threats and risks, and does not meet the needs and demands of modern society in the face of increasing extremist attitudes against the background of the general rise in the cost of quality of life, the growth of interethnic and religious conflicts, the fight for democratic values. National legal systems are also less utilitarian in countering the propaganda of war or the rise of extremism among various social classes.

The objective of the study is to analyse, on the basis of existing international legal acts in the field of countering extremism, the state of legal regulation in the field of countering propaganda of war and hatred, to describe the content of regulatory legal acts on countering extremism and to submit proposals for their improvement.

Achieving the objective of the study determines setting and successful solution of the tasks of formulating the author's understanding of extremist activity in the form of propaganda of war and hatred; covering the shortcomings and benefits of international legal support for countering extremism; revealing the conceptual features of extremism produced by the international community.

2. Theoretical Background

In the preparation of the study, the author used the scientific works of domestic and foreign specialists in the field of international legal support for countering extremism and terrorism (Sameer, 2017; Badar, 2016; Burgess, 2014; Valuch, Gabris, & Hamulyak, 2017; Oostindie, Hoogenboom & Verwey, 2018; Galeotti, 2018; Garrod, 2012; Gonçalves, 2019; Deguzman, 2018; Depiazza, 2017; Derkach, Zhukova & Lapteva, 2003; Joy, 2018; Dolgova et al., 2010; Dremluga, Korobeev & Fedorov, 2017; Durrant & Poppelwell, 2017; Tellidis & Kappler, 2016; Ovchinskij & Kochubey, 2009; Lamont, 2010; Levchenko, 2009; Nikitin, 2010; McGarry, 2015; Plitochkina, 2008; Pain, 2002; Pysmensky, 2017; Roth, 2017; Rudakova, 2016; Sayapin, 2014; Sweet, 2016; Timmermann, 2006; Hickman, 2018).

For example, in the works of some researchers, the process of emergence of extremist organizations and organized crime in the Soviet period and in modern Russia has been revealed at a quite high scientific level (Galeotti, 2018; Gonçalves, 2019; Roth, 2017).

Many research deal with clarifying the role and importance of propaganda influence in conducting military campaigns in different countries of the world (Rwanda, North Korea, Yugoslavia,

Afghanistan, etc.) (Pain, 2002; Steflja, 2018; Hickman, 2018; Tellidis & Kappler, 2016; Timmermann, 2006; Burgess, 2014; Garrod, 2012; Depiazza, 2017).

In addition, a separate part of the research deals with clarifying the role of criminal proceedings in the process of bringing to justice for crimes related to war propaganda and extremist activities (Lamont, 2010).

At the same time, in the works of the mentioned scholars the issues concerning understanding of extremist activity in the form of propaganda of war and hatred, clarification of efficiency of the international legal regulation of countering extremism through covering positive and negative features of the international legislation in the outlined sphere of public relations remain poorly studied.

A comprehensive study of international legal support for countering extremism in the form of propaganda of war and hatred was conducted on the basis of scientific, historical, legal, formal and logical methods and forecasting method.

Such methods as systemic-structural and dialectical methods play an important role in the study of international acts in the field of countering extremism and propaganda of war.

Their use made it possible to solve the scientific problem of identifying the shortcomings and advantages of international legal support for countering extremism, as well as to reveal the conceptual features of this phenomenon developed by world practice.

The method of hermeneutics, which allowed studying the basic provisions of international legal acts in the field of countering extremism and their interpretation in national legislation, is of particular importance. In addition, the work has extensively used the historical and legal method.

The formal and logical method is used to formulate the author's understanding of extremist activity.

The forecasting method was used to determine further prospects for improving the effectiveness of international law in the field of countering extremism.

3. Results and Discussion

Propaganda of war, extremism and terrorism have a long history. At the same time, in the early stages of development of these socially dangerous phenomena, they were expressed in more loyal forms and were episodic (Sayapin, 2014). Now, manifestations of extremist activity in the form of propaganda of war, racial, national or religious discord have caused concern of international institutions of power and of the whole world community. They have become ethnic in nature, have become a global problem for humanity, so their effective combating requires the cooperation of all world powers. It should be noted that the greatest effectiveness in countering extremism and propaganda of war is in the continuous improvement and optimization of the organizational and legal support of the relevant area of law enforcement activity. It is important not only to develop and adopt effective regulatory acts, it is important to create organizational and institutional conditions for their implementation that will enable to respond promptly to appropriate threats.

As early as the 20th century, the United Nations proclaimed countering extremism and terrorism as the main task of its activities. However, the system of international law in this field is to develop and consolidate active forms of combating propaganda of war, extremism and even fundamentalism. To date, there is clearly a lack of systemic and consistent action in this area, which must be coordinated and organized by the international community.

In 2001, the Declaration on the Elimination of All Forms of Racial Discrimination was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (United Nations, 2001).

The resolution condemns "propaganda and all organizations based on ideas of racial superiority or attempting to justify or promote racial hatred and discrimination in any form" (Ovchinskij, & Kochubey, 2009) and urges states to "Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and

shall recognize participation in such organizations or activities as an offence punishable by law.” (Ovchinskij, & Kochubey, 2009) The resolution calls on the UN member states “to take steps to end praising Nazism and its supporters, the destruction and desecration of monuments, and also states that all these extremist and Nazi movements pose a real threat to democratic values” (Ovchinskij, & Kochubey, 2009).

At the international level, the directions of improving the organizational and legal support of countering extremism in the form of propaganda of war and hatred are approved, namely: enshrinement of the very concepts of “extremism”, “propaganda of war” at the level of international legal acts, their recognition by states and implementation in national legislation; formation of a system of principles and criteria for attributing certain activities to propaganda of war or extremism; improving the mechanisms of bringing to justice for propaganda of war and hatred; establishing effective interstate cooperation in signing already existing international conventions and protocols on countering extremism (Nikitin, 2010).

The active formation of a legal framework to counter the propaganda of war and hatred as the most dangerous manifestations of extremism and terrorism began immediately after the Second World War. At the same time, the main problem in this direction remains the development of a unified categorical apparatus for the definition of the terms “propaganda of war”, “extremism” and “terrorism” in the law of different states. Unfortunately, at the international level, a universal legal structure in the form of a regulatory legal act, which contains a common and binding definition of these phenomena for all states, has not yet been developed. The solution of this issue is in the plane of implementation of joint interstate mechanisms of conclusion of multilateral and bilateral international legal treaties.

It is important to understand that adherence to a system of international legal treaties or the conclusion of bilateral, multilateral agreements in the field of countering extremism or propaganda of war does not in itself ensure the fullness and effectiveness of the relevant measures. An integral element of international cooperation is the implementation of the most important aspects of foreign experience and international practice in this field into national law, in particular, legislation that ensures prosecution and responsibility for such unlawful acts.

The implementation must be carried out in accordance with the basic principles of humanism and legality, and should reflect the provisions of the Universal Declaration of Human Rights, approved by the United Nations General Assembly Resolution of 10 December 1948 (United Nations, n./d.b). The provisions of the Universal Declaration of Human Rights are key imperatives and limitations of the system of state coercion in the field of combating and countering extremism, since they determine the limits of permissible interference with human rights by public authorities (Dolgovaly et al., 2010).

Equality of citizens, regardless of racial, national or religious background, is also enshrined in the International Covenant on Civil and Political Rights, and also points to the need to counter extremism (OHCHR, n./d.).

These international legal acts formed the legal basis for countering racial, religious and national discord. At the same time, the absence of a resumptive term that would cover the categories of “extremism”, “fundamentalism”, “propaganda of war”, “propaganda of war”, etc. draws attention. However, it should be noted that the very concept of “extremism” as a term and as a manifestation of another global threat – terrorism – was first mentioned in the Declaration on Measures to Eliminate International Terrorism, approved by UN General Assembly Resolution No. 49/60 (United Nations, 1994).

It should be noted that in the above legal framework, the legislator, unfortunately, does not focus on the definition of extremism, but only notes that the said socially dangerous phenomenon, along with intolerance, acts as the basis of terrorism.

A somewhat different understanding of the relationship between terrorism and extremism is given in United Nations General Assembly Resolution No. 58/174, which defines “terrorism as the most radical manifestation of extremism” (United Nations, 2004). Extremism in relation to terrorism

is a general concept that covers all manifestations of negative behaviour, but the term “extremism” does not find final enshrinement at the level of international legal acts. However, definitions of racism (United Nations, 2000), xenophobia (United Nations, 2003), Nazism (United Nations, n./d.a) are used, and each of them contains either a direct mention of extremism as a variation of it, or is a consequence of the radical form of extremist manifestations.

For example, the International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966 (Parliament of Ukraine, 1994a) and the Protocol II of 1977 to the Geneva Conventions of 12 August 1949 on the Protection of Victims of Non-International Armed Conflict (International Committee of the Red Cross, 2010) set out distinctive features that identify such negative behaviour as extremism. However, such behaviour is not related to the nature of the situation, but can create its own negative consequences by changing the socio-economic situation and violating local, regional and even global security. In other words, extremism is an extreme form of disrespect for the established rule of law and a clear aggressive form of behaviour directed against the individual characteristics of the social system.

Although international law does not provide a clear definition of “extremism”, it forms the necessary organizational and legal environment in which its features and the threats associated with it are determined. It is also stated that combating extremism and war propaganda is one of the most relevant areas of international cooperation in the field of security.

The analysis of the mentioned international legal acts gives grounds for the conclusion about their declarative nature. International law lacks the necessary flexibility and, by virtue of the historical features of its formation, defines extremism rather as a manifestation of aggression of a racial, ethnic or religious nature. Most of the legal acts deal with these problems, and the propaganda of war is seen as a separate form of exacerbation of extremism, again based on the said contradictions. However, not enough attention is paid to its more modern forms, such as propaganda of war and hatred, manifestations of extremism on the Internet, including cyberterrorism.

At the same time, as noted by Khavroniuk (2007), “despite the great public danger and international nature, there is almost no criminal prohibition of propaganda of war as a crime against peace in European countries. The reason is that more and more European countries are gradually recognizing the jurisdiction of the International Criminal Court and, under their national criminal codes, the provisions on liability for international crimes (crimes against peace and security of humanity, war crimes, genocide, etc.) are disappearing”. This approach is correct in terms of the magnitude of public danger that may threaten mankind or the individual region as a result of hostilities or martial law. Although propaganda can have negative social consequences even for a particular religious, ethnic or cultural group, regardless of the place of residence or stay of its representatives.

According to Pekar (2016), propaganda, as a type of crime, “is associated with very specific social phenomena or processes, the violation or exacerbation of which threatens serious negative consequences of local, regional and even global nature.” Thus, propaganda, if viewed as an international illegal act, is recognized solely in relation to a specific act.

Thus, Khavroniuk (2007) notes that “the common tendency for European countries is to establish criminal liability for public calls for armed aggression against their own country. Such a crime, as a rule, is located among the generic features of national security threats”. At the same time, the international legal enshrinement of the propaganda of war had already occurred as a result of the Second World War in 1947. For example, the UN General Assembly has drafted and adopted Resolution No. 110 on Measures to be Taken against Propaganda and the Inciters of a New War, according to which “the UN condemns any form of propaganda, if it is intended to create or heighten the threat to peace or causes an act of aggression (Parliament of Ukraine, 1994b). The same condemnation of the propaganda of war was enshrined in the UN Charter, and later in Nuremberg Principle VI, which revealed that “crimes punishable under international law are, in particular, crimes against peace:

- Planning, preparing, initiating or conducting aggressive war or war as a result of violation of

- international agreements and treaties;
- Participation in a general plan or conspiracy to carry out any of the actions referred to above” (United Nations, 2000).

On this basis, it can be argued that the propaganda of war is a crime in international law, that is, an international recognition of the wrongfulness of actions only if such actions have caused material harm to civilians, the subject of international relations. That is, the consequence of the propaganda of war must be either the beginning of hostilities or direct harm caused by the actions of the parties aimed at initiating war or damaging a particular social group in any way.

It should be borne in mind that there are cases in international legal practice where authors and direct executors of propaganda actions have been held liable for crimes against humanity. As is the case with the International Criminal Tribunal for Rwanda on the founders of the RTLM radio station (Garrod, 2012). The International Tribunal found them guilty and brought to justice the director of the radio station, F. Nahimana, and the presenter, G. Ruggiu, in the form of a life sentence and 12 years’ imprisonment, respectively. Bringing to justice was made possible after it was proved that as a result of radio broadcasts, the Interahamwe armed groups and other militias were incited to commit aggressive acts and killings of Tutsi people through calls and rationale of RTLM saying that the Tutsi are enemies of Rwanda.

However, it should be concluded that the main focus of international law is just on such a crime as “propaganda of war”, although the formulation itself requires considerable expansion given the current socio-economic realities and changing military doctrine in many countries. Actualizing this issue through the lens of Ukrainian experience, it is necessary to extend the crime of “propaganda of war” to actions that promote animosity and hostility between different social, ethnic, and cultural groups. Generally, the intentional contrasting of one social group (regardless of the trait that is common and uniting for such a group) to another is to be considered as an identifier of the action or intent of this crime. That is why, propaganda of war needs expansion and inclusion of such phenomena as “propaganda of violence”, “propaganda of armed aggression”, “propaganda of separatism”.

EU law in the field of countering extremism and propaganda of war also contains a number of rules aimed at the harmonization of national laws and national policies in this field. An important distinguishing feature of EU law from the system of international treaties is that it is not simply advisory or binding, depending on the subject of the rulemaking, but the EU has a particular institutional basis for the implementation of the provisions of that law.

For example, Annex No. 3 to the Vienna Declaration (Base Garant, n./d.) contains a number of important provisions on combating various manifestations of extremism, both at national and pan-European level:

First, it is recommended to develop and implement instruments of political and social tolerance in the field of religious, interethnic and transnational relations. It is assumed that it is through a high level of legal culture, tolerance and sense of justice that extremism can be minimized as a social phenomenon or eradicated at all;

Second, it is recommended to develop realistic plans for the prevention of religious hatred, interethnic conflicts, manifestations of anti-Semitism, fundamentalism and xenophobia, as well as chauvinism;

Thirdly, at the institutional level it is proposed to create a new body in the system of EU bodies - the Council of Europe Committee for the development of a policy to counteract any manifestations of extremism and propaganda of war;

Fourth, to develop program measures for the cooperation of public authorities with youth organizations and movements, that minimizes the manifestations of extremism in various spheres of relations, primarily through the policies of collectivism and assimilation.

However, the value of these activities seems low due to the serious differences in national laws regarding the understanding of the nature and manifestations of extremism. That is why it is important for us, first of all, to define not only “extremism”, but also describe its main varieties and mechanisms of manifestation, as well as methods and measures for overcoming it. Only in this way it

will be possible to speak of the comprehensiveness, systemic nature and consistency of a pan-European policy to combat manifestations of extremism and propaganda of war.

In this regard, in our view, understanding of extremist activity in the form of propaganda of war is in encroachment on the foundations of the constitutional order and the security of the state in order to fuel a military conflict.

Based on the structure of the proposed definition, it can be seen that extremism is determined by two key indicators: a negative impact on national security and public order; violation of the democratic rights of a man and a citizen, with not so much by the unlawful acts in which extremism is embodied, but by a set of actions from the stage of forming the modus of negative behaviour to its realization.

The definition of extremism that we provided allows us to determine a number of features that are characteristic of this phenomenon:

- direction of extremism against the fundamental rights and freedoms of a man and a citizen, which is detailed through specific spheres of public relations (most often or mostly of an intangible nature - religious, ethnic, nationalistic, etc.);
- always has an extremely hostile manifestation, which is revealed through appeals, threats, slogans and other verbal and practical actions aimed at consciously causing harm or calling third parties for similar actions;
- is accompanied by extremely negative social consequences, up to armed conflicts and confrontations, which may result in civil war or other military local or regional conflict;
- extremism is realized by a group of individuals or alone, but the modus of behaviour is fixed in the public consciousness and can be adopted by the followers of the idea;
- antagonism towards a particular phenomenon or social group, manifested in opposition based on its complete denial in favour of another phenomenon or social group.

The above characteristics of extremism should contribute to its definition in the national legislation of countries that decide to jointly counter its manifestations. In order to successfully coordinate joint action and develop effective action in the context of resource constraints, national governments need to understand the parameters of engagement based on the threats and nature of extremist activity itself.

The author formulates measures of international legal support to counter extremism, their classification is given in Table 1.

Table 1. Measures of International Legal Support for Countering Extremism

Item No.	Type of measures	The main measures to counter extremism
1.	Political and legal	They consist in the development of a centralized state policy to counter extremism, increase the level of legal culture, tolerance and sense of justice in society, form the concept of multinationalism, inter-religious and interethnic cooperation and interaction. On the basis of the principles enshrined in the national policy, appropriate regulatory acts are developed governing the issues of countering extremism and propaganda of war, including through criminal prosecution
2.	Social	The development of social policy is focused on overcoming the problems of interethnic, interreligious, transnational confrontation. A special emphasis is also placed on social equality and partnership programs
3.	Economic	Poverty eradication program is being developed, the activities are aimed at raising the standards of living of the population, equalizing social imbalance
4.	Informational	Creating a negative image of the extremist movement in any sphere of public relations. Information campaign aimed at familiarizing with the attitude and sanctions applied by the state to persons involved in extremist movements. Formation of a sustainable perception of the need to stop manifestations of extremism at any stage, creating a high level of social responsibility and involvement of society in the problems of countering extremism.
5.	Educational	Measures to work with various youth movements, development and implementation of educational programs in the processes of teaching socially-oriented humanities in all educational institutions, development of family values.

4. Conclusions

Thus, the conducted research allows us to formulate conceptual signs of extremism in the form of propaganda of war and hatred produced by the world community.

First, it is determined that at the present stage of the development of international law, the general nature of countering manifestations of extremism in all areas of public relations without exception consists in the detailing and determination of its specific forms in ethnic, religious and cultural spheres. This level of detailing leads to a lack of systemacy and comprehensiveness in the policy to counter it. Most international legal instruments contain only general principles for combating its manifestation, while national legislation develops on its own, defining extremism as a negative socio-legal phenomenon in certain spheres of public relations. That is why the need to develop a modern unified concept of "extremism" and its consolidation in separate international legal acts with subsequent implementation in national laws of different countries has been proved.

Second, the need to develop international cooperation in the field of countering extremism and propaganda of war, including through cooperation of resources and coordination of efforts at the international level, has been proved. Such interaction is most representative in the EU, where they propose the creation of new institutional forms of organization of management of public processes in the field of counteraction and state prosecution for manifestations of extremism.

Third, having determined the signs of extremist activity, it is supposed to improve the national legislation of individual countries by developing and implementing specific measures to combat its manifestations. In addition, an important aspect is the continuous improvement of the institution of criminal prosecution for the propaganda of war and manifestations of extremism. But to do this, it is necessary to continue the international dialogue in order to create a new doctrinal understanding of "propaganda of war" as a separate independent unlawful act.

In case of propaganda, there are active actions of the owner or disposer of the information aimed at firing the discord, incitement to armed conflict, incitement to racial, ethnic, cultural, etc. hostility.

Propaganda is embodied in the sphere of socio-political activity and is aimed at the general population through their perception of political, public or social information, which in one way or another contributes to the formation of a certain hostile idea in groups of people, which is then embodied in acts of aggression and violence.

The crimes of propaganda of war have received the international legal recognition, and liability for such crimes is contained in a number of international acts and mainly in the UN Charter. Responsibility for such crimes involves participation in the process of involving the international judicial instances - the International Court of Justice.

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