

victims of human rights violations against the states in question, can only be taken by regional human rights courts. These courts have only been set up in pursuance of the three main regional human rights conventions in Europe, America and Africa.

The United Nations has, however, set up a number of ad-hoc criminal tribunals (for the former Yugoslavia, Rwanda, Sierra Leone or Cambodia) as well as a permanent International Criminal Court (ICC) in the Hague. They consist of independent, permanently appointed judges and their task is to call to prosecute and pass a sentence for those who have committed the most serious crimes under international law, such as war crimes, genocide and crimes against humanity. Crimes against humanity are the most grievous and systematic violations of human rights.

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## **LEGAL ISSUES OF LAND USE FOR EXPLORATION WORK**

The use of subsoil and land plots are known to be tightly correlated with each other. In some cases subsoil user cannot use subsoil without settlement of issues upon the corresponding land plot. Land plot may be used by any subsoil user as spatial and territorial basis. Therefore there arises a problem of acquiring rights on land by the subject – potential subsoil user.

Land law analysis shows an opportunity of performing certain types of subsoil use at temporary occupied land plots.

Article 97 of the Land Code of Ukraine (Obligations of Enterprises, Institutions and Organizations which Perform Exploration Works) sets forth the terms of using the corresponding land plots. For example, enterprises, institutions and organizations which perform surveying, searching, geodesic and other exploration works may perform them on the grounds of agreement with land owner or with land user. It is clear that the term of performing such works may differ but it shall have its own limits. In each certain case such term shall be stipulated with the consent of land right holder and by special legal entity entitled to perform the corresponding works. The issue upon place of geological exploration shall be settled by similar way, on contractual basis. It shall be bound in the process of temporary occupation of land plot.

Use of temporary occupied land plots for the purpose of exploration works may be both free and payable. Moreover, enterprises, institutions and organizations which perform exploration works are obliged to compensate all damages (including lost income) to land owners and land users, as well as to return land plots to previous condition for their own expense. For example, the amount of such damages and the procedure of compensation thereof shall be determined by agreement made between land owners or

land users and enterprises, institutions and organizations acting as work contractors. In case of failure to arrange the amount of damage it shall be determined by commissions created by Kyiv and Sevastopol city or district state administrations, executive committees of city councils (cities of region subordination) in compliance with the Order of the Cabinet of Ministers of Ukraine No. 284 dd. the 19<sup>th</sup> of April 1993. The return of land plots to previous condition shall be performed by means of remediation thereof. In literature land remediation means the complex of engineering, mining, reclamation, biological, sanitary and other works aimed at renovation of soil mantle, improvement of condition and productivity of destroyed lands.

We should mention that violation of terms of returning temporary occupied lands shall mean land law violation provided by Article 211 of the Land Code of Ukraine which implicates certain negative consequences, i.e. administrative responsibility of violator. If a special organization which performs exploration works fails to perform land remediation within the certain period it shall bear additional losses. Such losses shall be compensated on the grounds of decision made by commissions created in compliance with the Order of the Cabinet of Ministers of Ukraine No. 284 dd. the 19<sup>th</sup> of April 1993. Damage compensation does not release the persons from performing remediation of destroyed lands according to established procedure.

On the grounds of everything stated above we can make the following conclusion. Temporary occupation of land plots in order to perform exploration works (as a form of using thereof) has its own features which may be provided by the agreement made between special organization and land owner or land user.

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## **PLACE OF SUMMARY PROCEDURE IN THE SYSTEM OF CIVIL JUSTICE**

Law of civil procedure is constantly undergoing modernization according to the challenges of modern society. Public relations are permanently developing in all spheres of life that leads objectively to the particular changes in law and legislation, including the legal acts regulating the administration of justice in civil matters.

This trend leads to a permanent extension of the list of cases dealt with by way of civil proceedings, and therefore to potential increase of work load on the courts. As a general rule legal disputes in civil proceedings, as set forth in Part 1, Art. 15 of the CPC of Ukraine, is a priority: in civil proceedings dealing with cases arising out of any legal relationship, unless consideration of such cases is carried out according to the rules of other legal proceedings.

One of the areas of civil procedure law is the differentiation of court