

# **NAVIGATING THE UKRAINIAN CRIMINAL JUSTICE SYSTEM:**

## **A Toolkit**



## PREFACE

This Toolkit, created by [PEJ's Ukraine team](#), serves as a practical guide to navigating the Ukrainian criminal justice system. We aim to assist Ukrainian and international civil society and legal communities in engaging with criminal accountability efforts in Ukraine.

The Toolkit outlines the framework and constraints of accessing and supporting criminal accountability mechanisms in Ukraine, focusing on pre-trial investigations of war crimes. Additionally, it provides a basic overview of Ukraine's criminal procedure and the key actors involved, and the existing framework on confidentiality and witness protection. We specifically address the unique challenges faced by non-governmental organizations (NGOs) and other stakeholders working within Ukraine's criminal justice sector.

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## LIST OF ABBREVIATIONS

ACA	Atrocity Crimes Advisory Group
ARC	Autonomous Republic of Crimea
CC	Criminal Code
CNS	Georgetown Law Center on National Security
CICED	Core International Crimes Evidence Database
CISA	Covert Investigative (Search) Action
CPC	Criminal Procedure Code
Dep	Department
EU	European Union
EUAM	European Union Advisory Mission Ukraine
ICC	International Criminal Court
ICPA	International Centre for the Prosecution of the Crime of Aggression
IDLO	International Development Law Organization
ISA	Investigative (Search) Action
IWG	Interagency Working Group for Enhancement of Coordination between Governmental Bodies and NGOs
JIT	Joint Investigation Team into Alleged Core International Crimes Committed in Ukraine
LoU	Law of Ukraine
MJT	Mobile Justice Team
NGO	Non-Governmental Organization
NP	National Police
OSINT	Open Source Intelligence
PG	Prosecutor General
PGO	Prosecutor General's Office
PO	Prosecutor's Office
SBI	State Bureau of Investigations
SOP	Standard Operating Procedure
SSU	Security Service of Ukraine (also known as SBU)
TC	Territorial Community
UK	United Kingdom
US	United States of America

## INTRODUCTION

This toolkit describes the management and identifies who conducts the investigation and prosecution of international crimes in Ukraine, along with the applicable standards and rules.. It is structured as follows. [Section I](#) presents the various actors involved in the criminal justice process, including law enforcement bodies and their cooperation with non-governmental entities and international organizations. [Section II](#) delves into basic rules of evidence, focusing on digital and OSINT data as well as information received from external experts such as NGOs. Finally, [Section III](#) discusses confidentiality and witness protection measures under the Ukrainian legal framework.

## **SECTION I: ORGANIZATIONAL STRUCTURE AND COMPETENCES OF THE PROSECUTION, PRE-TRIAL INVESTIGATION AGENCIES, AND THE JUDICIARY**

This section considers the role, structure, and interplay between the prosecution ([I.A](#)) and various pre-trial investigative agencies ([I.B](#)).<sup>1</sup> We highlight the role of investigative judges ([I.C](#)), as certain investigative activities can only proceed with judicial authorization. Finally, this section presents the cooperation mechanisms between the prosecution and civil society/non-governmental actors ([I.D](#)).

### **A. PROSECUTION**

#### **1. Role and functions**

Ukraine's Public Prosecution Service (the "Prosecution") is an independent State institution separate from the legislative, executive, and judicial branches. With respect to criminal proceedings, the Prosecution's primary task is to bring criminal cases before the courts. During the pre-trial investigation phase, it organizes, manages, and oversees the actions of the investigative agencies involved. Additionally, heads of the different prosecutor's offices (see figure on page 9) coordinate crime-combating activities of the relevant law enforcement agencies.<sup>2</sup> The Prosecution's primary functions are as follows:<sup>3</sup>

- Leading public prosecution in courts;
- Organization and procedural management of pre-trial investigations;
- Supervision of investigative and search activities; and
- Other tasks prescribed by law (e.g., ensuring respect for the rights of detainees).

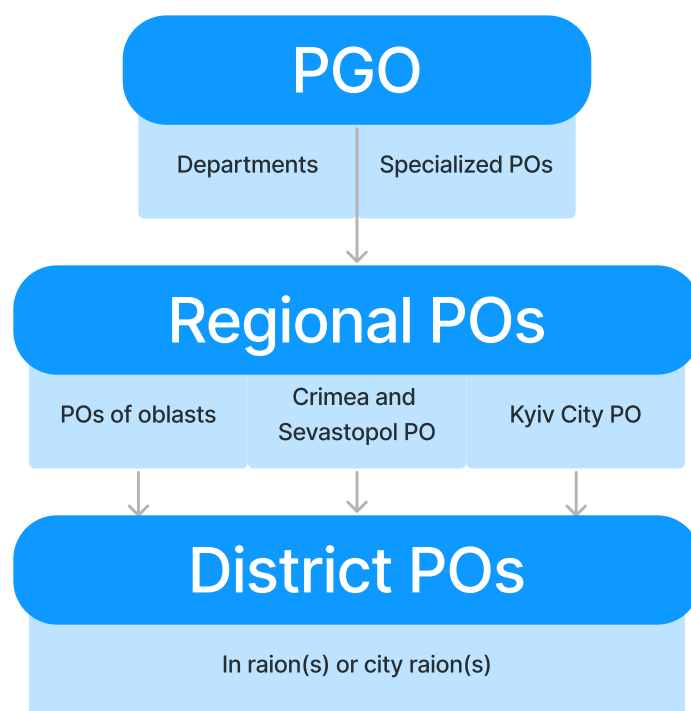
#### **2. Procedural management<sup>4</sup>**

As soon as a case is assigned to a prosecutor or a group of prosecutors,<sup>5</sup> they act as *procedural managers* of the pre-trial investigation. The prosecutors interact with the relevant investigative agencies, define the case strategy, and provide guidance and oversight throughout the investigation process.<sup>6</sup> Prosecutors in this capacity act independently, defining the general course of pre-trial investigation and making key procedural decisions; these include the opening or closing of investigations, issuing notices of suspicion, and forwarding cases to court for trial.<sup>7</sup> Prosecutors also oversee the legality and human rights compliance of investigators' conduct, order investigative (search) actions, prescribe instructions on their conduct, or conduct investigative acts themselves. Even though investigators have procedural discretion, their actions are generally subject to approval by the relevant prosecutor.<sup>8</sup>

#### **3. General structure**

The Prosecution in Ukraine is composed of three main hierarchical levels: the Prosecutor General's Office (PGO), regional (*oblast*) prosecutor's offices (POs), and district (*okruh*) POs.<sup>9</sup> The Prosecution in Ukraine is territorially organized with each level having jurisdiction over their corresponding territories (national, district, and local). Regardless, all prosecutors are centrally supervised and coordinated by the PGO. Additionally, each level supervises the level below them.<sup>10</sup> The structure of the different levels of prosecution

authorities in Ukraine is organized as follows:<sup>11</sup>



The *PGO* is the primary body within Ukraine's prosecution system, featuring an elaborate structure and multiple functions. In particular, it organizes and monitors the activity of lower-level POs, manages criminal cases investigated by the investigative agencies' central headquarters, and addresses other high-profile cases (*mahistralni spravy*).<sup>12</sup> Additionally, the PGO has jurisdiction over country-wide issues and is in charge of general strategic planning and organizational matters related to prosecution.

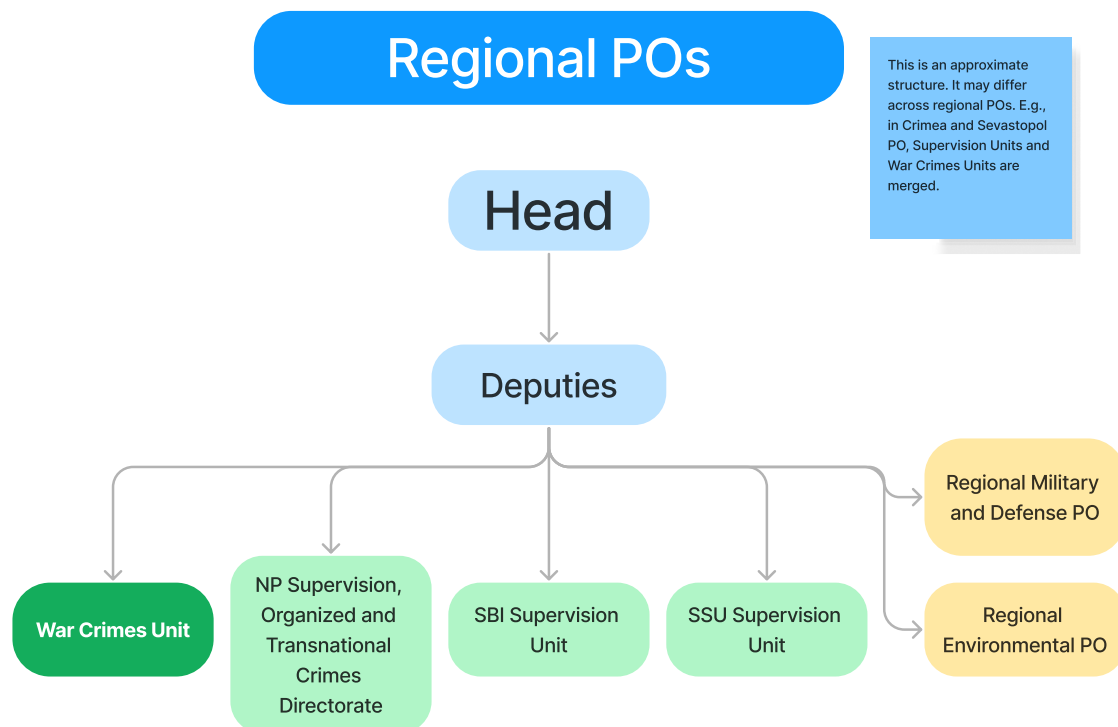
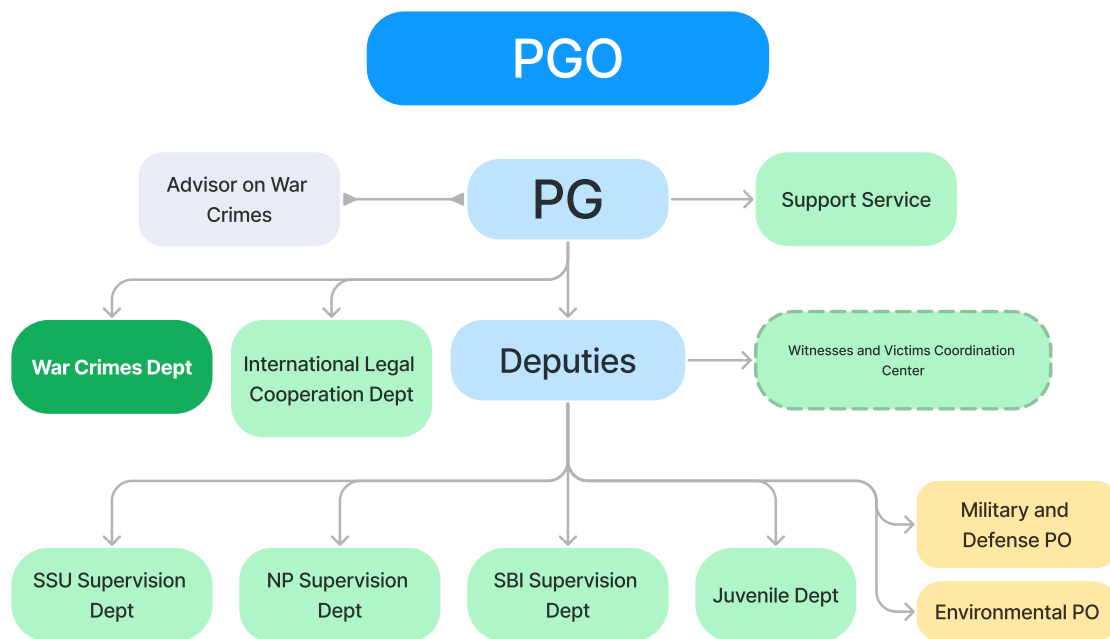
The 26 *Regional POs* organize and monitor the activity of the district POs under their jurisdiction. They have jurisdiction over cases investigated by the investigative agencies' regional departments and other cases of regional significance. There is one regional PO in each of the 24 oblasts, in the Autonomous Republic of Crimea (ARC) and the city of Sevastopol, as well as in the City of Kyiv.<sup>13</sup> Certain regional POs have specialized war crime units within their structure.<sup>14</sup>

*District POs* bear the greatest burden of prosecutorial activity within Ukraine's prosecution system. They are created in raion(s) or city raion(s) with local units in territorial communities (TC).<sup>15</sup> Generally, district POs are in charge of ordinary crimes investigated by the National Police of Ukraine (NP) with territorial jurisdiction over their local administrative units and are not engaged in the prosecution of war crimes.

#### 4. War crimes prosecution<sup>16</sup>

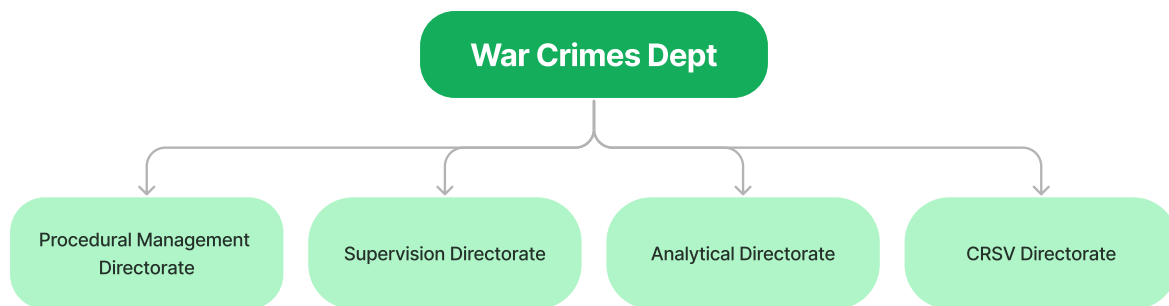
In the Ukrainian prosecution structure, only the PGO and regional POs have jurisdiction over war crime cases. While the primary role is vested in specialized war crime subdivisions, other structural units can also perform certain related functions including international cooperation, environmental crimes, or the prosecution of Ukrainian military personnel. The following figure shows the structure of Ukrainian prosecution, limited to officials and subdivisions engaged in the prosecution of war crimes:<sup>17</sup>





**Blue** – officials / **Light green** – subdivisions / **Dark green** – specialized war crimes subdivisions / **Yellow** – specialized POs / **Grey** – non-staff / **Dashed line** – subdivision is being developed.

The Prosecutor General (PG) is responsible for the general organizational routine, including cooperation with other governmental bodies and relevant international, intergovernmental, or regional organizations (Interpol, Europol, Eurojust, etc). The PG also organizes, guides, and directly controls the subordinate structural subdivisions, in particular the War Crimes Department and the International Cooperation Department. The *Advisor on War Crimes* provides independent and expert legal advice to the PG's activities.<sup>18</sup> The Advisor is an external and independent person with relevant experience, and advisors from the *Support Service*.<sup>19</sup> Advisors counsel the PG on specific tasks, projects, or even the overall direction of the PG's activities.



*The Department of Combating Crimes Committed in the Context of Armed Conflict (War Crimes Department) is a separate structure within the PGO, reporting directly to the PG.<sup>20</sup> It fulfills PGO functions related to the prosecution of war crimes (procedural management, supervision, coordination).<sup>21</sup> For example, the prosecutors in this Department manage the case on the alleged genocide committed by the Russian authorities in the context of the ongoing conflict. The War Crimes Department also supervises activities of the Regional POs' Units for Combating Crimes Committed in the Context of Armed Conflicts (War Crimes Units).<sup>22</sup> The Department consists of 4 Directorates (*upravlinnia*): the Procedural Management Directorate, the Supervision Directorate, the Analytical Directorate, and the CRSV Directorate.<sup>23</sup>*

*The International Legal Cooperation Department manages mutual legal assistance and extradition requests and is responsible for taking over legal proceedings. Additionally, it oversees all judicial cooperation and external relations with competent foreign authorities and regional and international organizations. This department is the PGO's focal point in communication and cooperation with foreign prosecutor's offices involved in the joint efforts to address the war crimes committed in Ukraine.*

*The Deputy PGs are responsible for organizing, directing, and controlling the structural subdivisions of the PGO in their designated scope. The First Deputy PG coordinates the activities of the other Deputy PGs and the PGO's structural subdivisions.*

*The Specialized Environmental Prosecutor's Office (Environmental PO)<sup>24</sup> manages ecocide and other environmental crimes cases under Article 442 of the Criminal Code (CC) of Ukraine. The Environmental PO also directly supervises the activities of the Regional Environmental POs.*

*The Specialized Prosecutor's Office in Military and Defense Spheres (Military and Defense PO)<sup>25</sup> has jurisdiction over crimes committed by Ukrainian military service members, including war crimes.<sup>26</sup> The Military and Defense PO also directly supervises the activities of the Regional Military and Defense POs.*

*The Department of Protection of Children's Interests and Prevention of Violence (Juvenile Department) manages war crimes cases involving child victims. For instance, the Department is involved in the cases of child deportation to Russia.*

*The Departments of Supervision over Compliance with Laws by the Bodies of the Security Service of Ukraine, NP, and State Bureau of Investigation (Supervision Departments) have residual jurisdiction over war crimes. This occurs when a case is reassigned to them due to (1) the War Crimes Department's workload or (2) when a case was opened before the creation of the War Crimes Department and was not transferred to it. The same applies to case allocation between the Regional Supervision Units and the Regional War Crimes Units.*

*The Coordination Center for Support of Victims and Witnesses is a specialized*

subdivision of the PGO in charge of supporting victims and witnesses and preventing their retraumatization.<sup>27</sup> To date, the unit is still under development and has not started its work.

## B. PRE-TRIAL INVESTIGATION AGENCIES

### 1. Role and functions

The Ukrainian Criminal Procedure Code (CPC) defines the specific law enforcement subdivisions exclusively authorized as “pre-trial investigation agencies.”<sup>28</sup> Investigators lead the pre-trial stage, conducting investigative activities such as interrogations, searches, and examinations.<sup>29</sup> Although investigators can start pre-trial investigations on their own motion, many of their actions require prosecutor’s approval, who oversees and directs the general course of investigations.

### 2. Investigative competences

The CPC defines investigative roles between different agencies. Nonetheless, prosecutors can use their discretion to change these standard competences.<sup>30</sup> While the *Security Service of Ukraine* (SSU) is formally the only agency authorized to investigate war crimes,<sup>31</sup> it cannot manage the overwhelming volume of cases alone. Thus, in practice, prosecutors distribute the workload between the SSU, the NP, and the *State Bureau of Investigations* (SBI) according to their expertise.<sup>32</sup> Further, in periods where martial law has been invoked, an investigative group can be composed of investigators from different agencies (inter-agency investigative groups).<sup>33</sup>

### 3. Agencies investigating war crimes

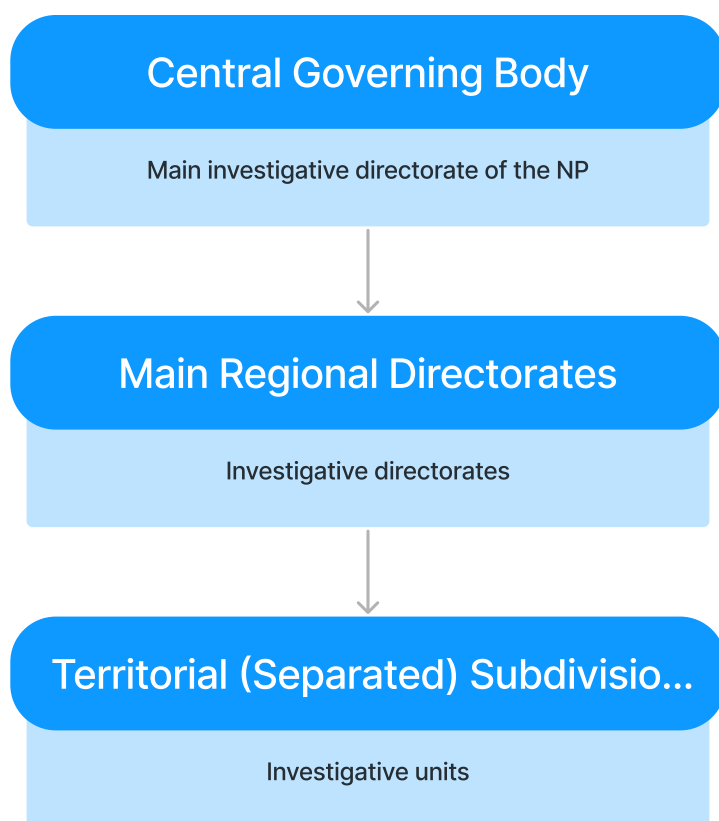
According to Ukrainian officials, the SSU, the NP, and the SBI have specialized war crimes units.<sup>34</sup> However, no detailed information on their roles is publicly available. Generally, these agencies’ central offices investigate high-profile cases and oversee the activities of Regional Offices, who have competency over war crimes that occur in their jurisdiction.<sup>35</sup>



The SSU’s primary responsibility is the protection of national security, state secrets, informational security, terrorism cases, and counterintelligence. The SSU includes a

Central Office and Regional Offices,<sup>36</sup> each with investigative subdivisions. The SSU's war crimes investigative competence comes from its national security mandate. The SSU focuses on large-scale war crimes and crimes attributed to the Russian leadership. This includes large-scale pillage of agricultural products.<sup>37</sup> The detailed structure of the SSU's investigative subdivisions is not publicly available.

The NP is a general law-enforcement agency aimed at combating crime, maintaining public order and security, and safeguarding human rights. The NP encompasses a plethora of interconnected structures, including criminal police (responsible for crime detection, operative activities, etc.) and investigative subdivisions. The NP's war crimes investigative competences align with its general expertise in cases of murder, bodily harm, torture, and rape. The table below illustrates the investigative subdivisions within the NP's general structure.



The SBI is a specialized investigative agency with jurisdiction over crimes committed by Ukrainian top officials. The SBI has a special war crimes subdivision, which investigates specific cases.<sup>38</sup>

### C. INVESTIGATIVE JUDGES

According to the CPC, investigative activities and precautionary measures affecting individual human rights require judicial approval.<sup>39</sup> Designated *investigative judges*, equal in status to other judges, have exclusive jurisdiction over these issues during the pre-trial investigation phase. Under martial law, heads of POs may assume certain investigative judge functions.<sup>40</sup>

## D. COOPERATION WITH INTERNATIONAL ACTORS AND NGOs

### 1. International support coordination attempt

Since the Russian full-scale invasion, a diverse range of international actors, NGOs, and supportive states have established projects and coordination platforms to support the PGO's capacity to prosecute international crimes. While much of this cooperation remains informal or occasional, certain initiatives have evolved into permanent partnership projects. These efforts include specialized teams or individuals providing legal, methodological, managerial, and analytical advice. In some cases, these actors also directly contribute to prosecutorial and investigative efforts, sharing the burden with Ukrainian authorities. Below are some of these initiatives.

#### The Atrocity Crimes Advisory Group (ACA) for Ukraine

This is an initiative by the USA, the EU, and the UK, announced on May 25, 2022.<sup>41</sup>

ACA STAKEHOLDERS		
Government partners and senior leadership		
US Clint Williamson, Lead Coordinator	EU Claudio Pala, Deputy Lead Coordinator	UK Wayne Jordash, Deputy Lead Coordinator
Lead implementing entity		
Georgetown Law Center on National Security ( <a href="#">CNS</a> )		
Implementing entities		
<a href="#">EUAM</a> ; <a href="#">Global Rights Compliance</a> ; <a href="#">IDLO</a> ; <a href="#">Pravo Justice</a>		

The ACA's mission is to support the PGO's War Crimes Units in the investigation and prosecution of conflict-related crimes. The ACA seeks to streamline coordination and communication efforts to ensure best practices, avoid duplicate efforts, and encourage the expeditious deployment of financial resources and skilled personnel. In particular, the ACA coordinates 2 key elements:

- *The Advisory Group to the PGO*. It consists of experienced senior war crimes prosecutors, investigators, military analysts, forensic specialists, and other experts based in the region. They provide ongoing expertise, mentoring, advice, and operational support to the PGO and to the field-level Mobile Justice Teams. This is done in cooperation with a wider range of state and non-state actors.
- *Mobile Justice Teams (MJTs)*. Composed of both international and Ukrainian experts, they are deployed at the request of the PGO to assist Ukraine's investigators on the ground. MJTs contribute to the PGO-led process of documenting, investigating, and prosecuting grave international crimes.

The exact list of experts and operational details of the ACA are not public.<sup>42</sup> According to Voice of America, the Advisory Group was among those that recommended the establishment of the International Center for the Prosecution of the Crime of Aggression in The Hague.<sup>43</sup>

## **The Dialogue Group**

The Dialogue Group is an initiative launched by Ukraine, the International Criminal Court (ICC), and the European Union (EU), represented by the EU *Commission* and *Eurojust*, with the support of the Netherlands.<sup>44</sup> Stemming from the Ukraine Accountability Conference held in The Hague in September 2022, the Dialogue Group was launched on March 3, 2023. The PGO leads the Dialogue Group.<sup>45</sup>

The Dialogue Group is a coordination mechanism that offers countries, international organizations, and civil society representatives a platform to discuss and align national and international accountability initiatives. It consists of the following workflows:

- International parties support for Ukraine;
- Regional and international organizations actions;
- National investigations;
- Civil society organizations ongoing documentation initiatives.

Appointed co-chairs and Ukraine representatives head each of the workflows.

## **The Joint Investigation Team (JIT) into alleged core international crimes committed in Ukraine**

JITs are a coordination tool for international criminal investigations and cooperation, established through a legal agreement between the competent authorities of two or more States.<sup>46</sup>

A dedicated JIT was created shortly after the full-scale invasion, on March 25, 2022, through an agreement signed by Ukraine, Poland, and Lithuania with the support of Eurojust. The JIT was then joined by the ICC Office of the Prosecutor (April 25, 2022), Estonia, Latvia, and Slovakia (May 30, 2022), and Romania (October 13, 2022). On March 4, 2023, the JIT signed a Memorandum of Understanding with the USA to facilitate coordination with the US Department of Justice War Crimes Accountability Team.<sup>47</sup>

The main objective of the JIT is to facilitate the collection and secure exchange among partners of evidence and information related to war crimes, crimes against humanity,<sup>48</sup> and genocide.<sup>49</sup> The JIT also aims to facilitate cooperation between participating countries and the ICC.

The JIT also includes *the International Centre for the Prosecution of the Crime of Aggression* (ICPA). Its primary aim is to support and enhance investigations into the crime of aggression by preserving key evidence and facilitating case-building in the earliest stages.

By February 2023, the Team established the *Core International Crimes Evidence Database* (CICED), a judicial database to securely preserve, store, and analyze evidence of core international crimes.<sup>50</sup>

## **US War Crimes Accountability Team (WarCAT)**

The *US Department of Justice* created this body to coordinate activities within itself and

with other Federal Agencies to ensure accountability for atrocities committed in Ukraine. WarCAT was established in June 2022<sup>51</sup> and, since January 2024, Christian Levesque serves as its Director.<sup>52</sup>

## 2. Inter-agency working groups

Cooperation between prosecutor offices and NGOs can be formalized through inter-agency working groups. Heads of relevant POs create these groups within their jurisdiction to coordinate law-enforcement agencies' crime-combating activities.<sup>53</sup> Members include representatives of law-enforcement agencies, other governmental bodies, international organizations, and NGOs. Although the PG's regulation does not specify the scope of activities, NGOs often provide legal or analytical advice and participate in field activities with prosecutors and investigators.

## 3. Specialist support from NGOs

The CPC allows parties to proceedings to obtain and use the services of a specialist — i.e., a person who has special knowledge and skills and can provide advice, explanations, references, and conclusions. Specialists provide technical support or draft relevant conclusions. Unlike experts, specialists are not subject to strict eligibility requirements beyond proving their expertise.

In specific cases, the prosecution may involve an NGO representative as a specialist. The nature of this cooperation depends on the prosecution's needs, the expertise of the NGO representatives, and the level of trust established between them. A common example of such collaboration is the support provided by NGOs in assessing OSINT evidence.

## SECTION II: TYPES, MODES, AND ADMISSIBILITY OF EVIDENCE IN UKRAINIAN CRIMINAL PROCEEDINGS

This section outlines the notion of evidence and its sources in the Ukrainian criminal justice system ([II.A](#)), basic considerations on proof and evidence collection procedures ([II.B](#)), and the established steps of evidence evaluation ([II.C](#)). It further examines digital/electronic evidence ([II.D](#)) and the admissibility of data received from NGOs ([II.E](#)).

### A. EVIDENCE AND ITS SOURCES UNDER THE CPC OF UKRAINE

#### CPC, Article 84. Evidence

1. *Evidence in criminal proceedings* is **factual data** obtained in the manner prescribed by this Code, on the basis of which the investigator, public prosecutor, investigating judge, and court establish the presence or absence of facts and circumstances relevant to criminal proceedings and subject to proof.
2. *Procedural sources* of evidence shall be testimonies, physical evidence, documents, and expert findings.



Evidence consists of factual data, i.e., information derived from different objects, events, and phenomena that clarify facts relevant to criminal proceedings. This data can be introduced in judicial proceedings through different sources of evidence. The sources and their specific characteristics defined by the CPC are set forth broadly below.

## 1. Testimony

Testimony refers to a statement received from a person in oral or written form during an interrogation related to circumstances relevant to criminal proceedings.<sup>54</sup> Generally, testimonies concern facts personally observed by the individual. In Ukrainian proceedings, *hearsay testimonies* statements based on what someone else has said are allowed only in exceptional circumstances.<sup>55</sup> Conclusions and opinions constitute evidence only if they clarify testimonies and are based on the declarant's special expertise.<sup>56</sup>

## 2. Physical evidence

Physical evidence refers to material objects containing data relevant to criminal proceedings, including items related to criminal actions (e.g., stolen money).<sup>57</sup> Physical evidence is not evidence *per se* but a source of evidence. For example, a shirt with a blood stain and a torn hole is a source of evidence. The data derived from examining the shirt constitutes the evidence used to establish facts and circumstances (e.g., the crime of serious bodily injury).

## 3. Documents

Documents are defined as material objects created to capture information, which contains data in the form of written symbols, sounds, images, and more.<sup>58</sup> While traditionally associated with text written on paper, the CPC expands the definition to include photo, audio, video footage, and other data or media<sup>59</sup> (including computer data). *Electronic documents* with information captured in electronic form have the same status as analog documents.<sup>60</sup> A document may also be classified as physical evidence when it contains the relevant data, such as fingerprints or traces of blood.<sup>61</sup>

## 4. Expert opinion

An Expert Opinion is generally a detailed report that presents the expert's examination and conclusion. It includes the expert's findings and substantiated responses to the questions posed by the party that retained the expert.<sup>62</sup> Such examinations could be conducted by specialized state institutions, certified experts, and other specialists from relevant fields of research.<sup>63</sup>

# B. PRINCIPLES AND PROCEDURES OF PROOF AND EVIDENCE COLLECTION

## 1. Scope of proof

Circumstances to be proven in Ukrainian criminal proceedings include:<sup>64</sup>

- Occurrence of a criminal offense (*actus reus*);
- Guilt and its form, motive, and purpose (*mens rea*);



- Damages;
- Mitigating and aggravating circumstances: circumstances that characterize the accused, preclude criminal liability, or constitute grounds for the closure of the case;
- Circumstances which constitute grounds for exemption from criminal liability.

## 2. Burden of proof

The prosecution<sup>65</sup> has the burden of proof over the circumstances mentioned above. Which means that they must prove the elements leading to a guilty decision.<sup>66</sup> However, there are exceptions to this rule where the burden of proof may also shift to other parties (defense or victims). Any party arguing facts on the admissibility of evidence, costs, and circumstances characterizing an accused has the burden of proof over these elements.

## 3. Standards of proof

Under the CPC, the following standards of proof apply to the different stages of the proceedings:

- Opening of a criminal case proprio motu: circumstances likely to indicate that a criminal offense has been committed.<sup>67</sup>
- Issuing notices of suspicion: sufficient evidence.<sup>68</sup>
- Guilty verdict: beyond reasonable doubt.<sup>69</sup>

## 4. Subjects of evidence collection

Evidence can only be collected by:<sup>70</sup>

- The prosecution, which includes the prosecutor and investigator assigned to a specific case and, in some cases, operative officers;
- The defense; and
- Victims.

## 5. Procedures for evidence collection

The basic evidence collection method for all parties is requesting and collecting documents from legal entities and individuals.<sup>71</sup> All parties to the criminal proceedings can retain experts. However, only the defense and the victims can initiate investigative (search) actions (ISA), including the identification of objects or persons, or searches of persons or locations. Investigators or sometimes prosecutors execute or support these actions at the request of the concerned party and following the procedure established in the CPC.<sup>72</sup> Only the prosecution can conduct covert investigative (search) actions (CISA).<sup>73</sup>

Types of ISA in the CPC		
ISA <sup>74</sup>	Notes	CPC Articles
Interrogation		224-227
Identification and identification parade	Could be persons, things, or corpses	228-231

Search	Subject to judicial control <sup>75</sup>	234-236
Examination	Could be a certain locality, building, thing, computer data, person, corpse	237, 238, 241
Examination of a corpse after exhumation	Subject to prosecutor's approval	239
Investigative experiment		240
Expertise		242-245
Taking readings of technical devices (photo, film, video recording)		245-1

Types of CISA in the CPC		
CISA <sup>76</sup>	Notes	CPC Articles
Audio and video control of a person/place	Subject to judicial control	260, 270
Interception of correspondence <sup>77</sup>	Subject to judicial control	261, 262
Removal of information from electronic communication networks and information systems	Subject to judicial control	265, 266
Examination of publicly inaccessible locations <sup>78</sup>	Subject to judicial control	267
Triangulation of communications	Subject to judicial control	268
Surveillance over a person, object, or a place	Subject to judicial control	269
Monitoring of bank accounts	Subject to judicial control	269-1
Control over the commission of a crime <sup>79</sup>	Subject to prosecutor's approval	271
Undercover operations <sup>80</sup>	Subject to the approval of the head of an investigative agency or a prosecutor	272

Covert obtaining of samples	Subject to judicial control	274
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## C. EVALUATION OF EVIDENCE

The CPC envisages a system of free evidence evaluation, this means no evidence has a predetermined probative value. Thus, the relevant evaluator's subjective assessment is the reference point for the evaluation process.<sup>81</sup> Each piece of possible evidence is analyzed through the prism of *adequacy*, *admissibility*, and *veracity* before appearing in a notice of suspicion, indictment, or a judicial decision. Additionally, the evidence as a whole is analyzed for *sufficiency* and *correlation*.

### 1. Adequacy

*Adequacy* is the first step in assessing possible evidence. The finder-of-fact determines whether the factual data can prove or disprove circumstances relevant to criminal proceedings or confirm the veracity of other evidence.<sup>82</sup> *Adequacy* involves a preliminary evaluation of whether a certain piece of data qualifies as evidence for the case.

### 2. Admissibility

Evidence is *admissible* in criminal proceedings when it is obtained in accordance with the law, including the CPC.<sup>83</sup> The general conditions for admissibility are:<sup>84</sup>

- The factual data was obtained from one of the sources set forth in the CPC ;<sup>85</sup>
- The factual data was obtained by the appropriate subject;<sup>86</sup>
- The factual data was obtained through established procedures;<sup>87</sup>
- The factual data collection procedure was completed completing the appropriate documentation or documenting the process (i.e., taking pictures) as required by the CPC .<sup>88</sup>

Ukrainian law sets *general* rules governing the admissibility of all evidence and *specific* rules for evidence obtained from certain sources.

#### a. General admissibility rules<sup>89</sup>

According to the CPC, the following types of evidence are inadmissible:

- Evidence obtained through violations of human rights and freedoms, as reflected in international human rights law binding on Ukraine, including:<sup>90</sup>
- Evidence directly obtained through significant violation of human rights and freedoms, such as those included in the Constitution of Ukraine, Laws of Ukraine (LoUs), and treaties.
- Evidence derived from information obtained through a significant violation of human rights and freedoms (poisonous tree doctrine).

*Significant violation of human rights* is a category that the finder-of-fact should evaluate case-by-case to determine the admissibility of evidence; however, certain acts are expressly defined by law as such, in particular:

- Procedural actions conducted without required judicial authorization or in violation

- of its terms;<sup>91</sup>
- Use or threat of torture, inhumane, or degrading treatment;<sup>92</sup>
- Violation of the right of a person to defense;<sup>93</sup>
- Absence of “Miranda Rights” warning;<sup>94</sup>
- Violation of the right for cross-examination of witnesses.<sup>95</sup>

Whether a violation of other human rights (e.g., right to privacy) is sufficiently significant to render a piece of evidence inadmissible is defined on a case-by-case basis. To this extent, if an international or domestic tribunal has previously considered the matter a violation of the Constitution or international treaties, it will have prejudicial significance and the evidence could be deemed inadmissible.<sup>96</sup>

Evidence regarding previous criminal record and character of the accused is inadmissible, unless:<sup>97</sup>

- The parties agree on its admissibility;
- It is used to prove a certain intent and motive or the fact that the accused had the possibility, training, and knowledge necessary for committing a crime;
- It is submitted by the accused;
- An accused used the same kind of evidence to compromise a witness.

Evidence obtained outside the temporal scope of the pre-trial investigation, including situations where data is collected:<sup>98</sup>

- Before a pre-trial investigation was opened;<sup>99</sup>
- After the statute of limitations expired.

## **b. Specific admissibility rules**

Specific admissibility rules apply to the following sources of evidence.

Testimonies are obtained during pre-trial investigation or trial. However, judicial decisions can only be based on testimonies directly obtained by a judge during judicial hearings.<sup>100</sup> Under martial law, however, courts may also rely on testimony given to an investigator or a prosecutor, but only if the *process and result* of the interrogation were recorded using all available technical means.<sup>101</sup>

Hearsay<sup>102</sup> is admissible only under exceptional circumstances, mainly when: (1) the court finds the examination of the concerned witness impossible, (2) the parties agree upon it, or (3) the suspect has created or facilitated circumstances under which the concerned person may not be examined.<sup>103</sup> Hearsay shall always be corroborated by other admissible evidence. Courts evaluate the admissibility of hearsay by considering:<sup>104</sup>

- Potential usefulness and importance of initial explanations;
- Availability of supporting evidence;
- Circumstances in which the initial explanations were given, which inspires confidence in its veracity;
- Persuasiveness and logical consistency of the fact that initial explanations were provided
- Difficulties in refuting hearsay for the opposing party;
- Relationship between hearsay testimonies and the interests of the person who provided them;
- Possibility of examining the person who provided the initial explanations, or the reasons why such examination is not possible.

In any event, hearsay is inadmissible if it refers to the explanations given by a prosecutor, investigator, or operational officer while conducting criminal proceedings .

### **3. Additional principles of evidence evaluation**

When assessing evidence, the evaluator must consider the following.

#### **a. Veracity of evidence**

It provides that the factual data in question must reflect reality, enabling an accurate identification of the case's circumstances. This is particularly important with digital sources of data as they can be tampered, edited, modified, or falsified more easily than other sources.

The CPC offers special guidance on establishing the veracity of testimony.<sup>105</sup> It requires evaluating witnesses' ability to perceive the facts they testify about, checking consistency with previous testimonies, and considering other circumstances that could influence the testimony's veracity. The witness' reputation also plays an important role in assessing the veracity of their statements, including previous accusations of false testimonies or fraud.

#### **b. Sufficiency of evidence**

It requires that the established evidence supports the facts needed to make a certain procedural decision. This criterion significantly depends on the circumstances of the case and the subjective evaluation of the finder-of-fact.<sup>106</sup>

#### **c. Correlation of evidence**

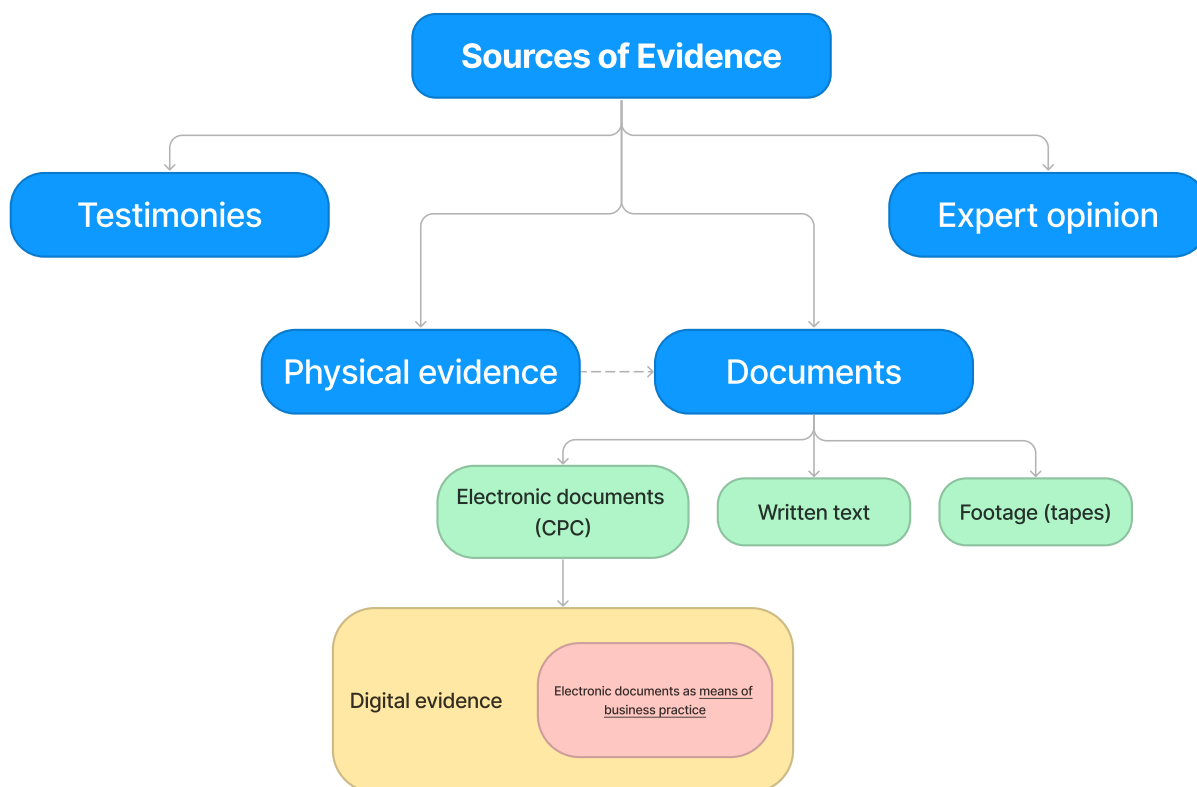
Information that is derived from different sources must be consistent with each other. This requires assessing evidence in its entirety, with specific attention to possible inconsistencies.

### **D. DIGITAL DATA AND OSINT ANALYSIS**

As mentioned above, the term "document" is not limited to texts written on paper; it also includes photos, audio and video footage (tapes), and computer data.<sup>107</sup> Documents in the latter form are referred to as *electronic documents*, which are equivalent to digital evidence in its ordinary meaning.<sup>108</sup> This includes everything that can be stored in digital form, including visuals, text, and audio.

Included in this wider category of *electronic documents as sources of evidence*, there are *electronic documents as means of business practice*, such as contracts, internal documents, or decrees issued by legal entities. These documents may establish legal rights and obligations and are characterized by specific features (e.g., electronic signature). Their circulation is regulated by a special LoU.<sup>109</sup>

Identical to ordinary documents, the physical containers of electronic documents can be recognized as physical evidence if their external features contain data relevant to the criminal proceedings (e.g., fingerprints on a flash drive).



Regulation of digital evidence under the CPC is limited. First, the Code provides that the original version of an electronic document is its representation.<sup>110</sup> Second, the CPC recognizes copies of computer data (e.g., messenger chats, digital photos, and videos) made by a prosecutor or investigator as authentic, with the same probative value as the original.<sup>111</sup>

Criminal courts have addressed digital data issues through case law covering only specific topics; however, a comprehensive legal framework is absent. Relevant evidentiary standards come from general rules for evidence evaluation and are assessed on a case-by-case basis. Thus, the admissibility of evidence significantly depends on the source of digital evidence, context, proper documentation, arguments of the parties, and discretion of the fact-finder (judge, prosecutor, investigator). The decision-maker should consider the general admissibility rules described in the previous Section and the principles enshrined in the Council of Europe [Electronic Evidence Guide](#).<sup>112</sup>

The same considerations apply to data gathered through OSINT analysis. Given the lack of specific CPC provisions on open source-gathered evidence, it is advisable to follow general admissibility rules and the [Berkeley Protocol](#).

## E. DATA RECEIVED FROM NGOS AND OTHER STAKEHOLDERS

The CPC contains no specific rules for the admissibility of data received from NGOs or international organizations. As mentioned above, all parties to the proceedings can gather evidence by obtaining documents from individuals and legal entities.<sup>113</sup> To this extent, an NGO report constitutes documentary evidence that the parties can introduce and evaluate alongside other evidence and corroborate by further investigative activities. The data provided by an NGO can also be used as informal information to identify investigation avenues allowing evidence to be obtained from other sources for submission in court. How information obtained by NGOs would be used would depend on the nature of the information (e.g., a report, analysis, etc.), and the purpose for which

it would be submitted to the court (e.g., as background information, as an illustrative aid, etc.). For example if it is a report, it can be introduced as documentary information, but if it is a witness statement, the authorities need to interview the person themselves instead.

Previously, the CPC allowed any individual or legal entity to submit evidence directly to courts. In 2011, the Constitutional Court examined the constitutionality of this process in light of Article 62 of the Ukrainian Constitution, which prohibits prosecution based on illegally obtained evidence.<sup>114</sup> The Court found that evidence used in prosecution must not result from operational search activities conducted by unauthorized individuals, and non-compliance with constitutional provisions, including human rights and other applicable Ukrainian laws. In its deliberations, the Court reviewed the LoU “On Operational and Investigative Activities” which states the law enforcement entities authorized to carry out *operational and investigative activities*.<sup>115</sup> These activities are defined as “a system of overt and covert search and counter-intelligence activities carried out using operational and operational-technical means.”<sup>116</sup>

In its *obiter dictum*, the Court states that information gathered through operational and investigative activities by an entity not expressly authorized under the LoU “On operational and investigative activities” would be inadmissible because it violates the LoU. However, the Court allowed exceptions for privately obtained information such as accidental videos, audio recordings, or photos for example, closed-circuit television footage. These materials’ admissibility depends on whether they were collected incidentally or deliberately and the intent behind the specific data recording.

Strictly following the Court’s *obiter dictum* set forth above could lead to deem all NGO documentation work inadmissible, as NGOs are not expressly authorized under the LoU to carry out operational and investigative activities. However, the 2011 decision is unlikely to impact on the admissibility of information gathered by NGOs after the CPC provision in question was amended. Before the amendment, a now-repealed CPC provision allowed entities not directly involved in legal proceedings to submit information directly to the courts. The Constitutional Court’s 2011 decision aimed to limit this process, restricting evidence submission to authorized entities.

Since the repeal of this provision, evidence can no longer be submitted directly by unauthorized entities. Instead, parties involved in the proceedings are authorized to collect evidence from individuals or private entities, including NGOs. This change means that NGO documentation can now be introduced as evidence, provided it is collected and submitted by any of the parties to the proceedings in accordance with the revised procedural rules. Additionally, NGO documentation work is unlikely to fall within the definition of *operational and investigative activities*. While the term is somewhat vague, it appears to refer to overt or covert searches or intelligence activities that can only be done using powers that are restricted to law enforcement, such as executing a search warrant. Applying this logic, NGO documentation typically falls outside this scope.



## SECTION III:

### CONFIDENTIALITY AND WITNESS PROTECTION

Ukraine lacks a comprehensive witness protection system, as its current legal framework relies on security measures prescribed by outdated legislation. The current regulation is deemed insufficient to meet European standards<sup>117</sup> and is generally considered flawed.<sup>118</sup> On top of that, the existing witness protection techniques are frequently ineffective due to improper implementation, financing, and other shortcomings.<sup>119</sup> This section outlines confidentiality in criminal proceedings ([III.A](#)), the protection of participants in criminal proceedings ([III.B](#)), and the expected mechanism for the protection of war crimes' victims and witnesses ([III.C](#)).

#### A. CONFIDENTIALITY

Only prosecutors or investigators can approve the disclosure and dissemination of information concerning pre-trial investigations. During the pre-trial stage, only the defense and victims can access the case materials.<sup>120</sup> Exceptions to their access apply when the information pertains to (a) individual security measures in place and (b) materials that, if discovered at this stage, could hinder the objectives of an investigation.<sup>121</sup> Unauthorized disclosure of investigation materials is a criminal offense.

Before submitting an indictment for trial, the prosecution must provide the defendant with copies of all materials and evidence intended to be used in court (discovery). In principle, judicial hearings are public and open to any interested person. However, a trial may occur in closed sessions under specific circumstances, including the security of the persons involved in criminal proceedings.<sup>122</sup>

#### B. PROTECTION OF INDIVIDUALS PARTICIPATING IN CRIMINAL PROCEEDINGS

The LoU “On Ensuring Security of the Persons who Participate in Criminal Legal Proceedings” is the main regulation for the protection of persons involved in criminal proceedings. Persons involved in criminal proceedings includes witnesses, victims, their representatives, and family members.<sup>123</sup> Recent amendments provide that security measures may also be applied to *individuals specified in a request by the ICC*.<sup>124</sup>

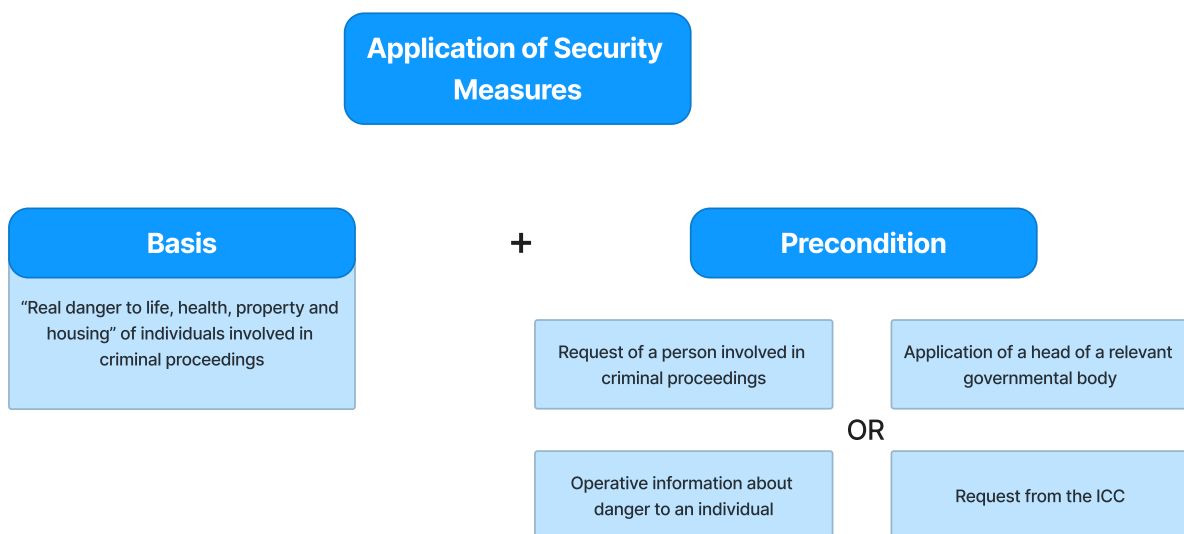
Security Measures in Ukraine <sup>125</sup>
Bodyguards and guards watching over home and property
Issuance of special individual protection means and warning devices
Surveillance over the telephone and other communications, visual surveillance
Replacement of identification documents and change of appearance
Transfer to a different place of work or study
Change of residence
Enrollment in a children's preschool educational institution or social welfare institution
Securing confidentiality of personal data
Closed court hearings (including anonymized remote testimony)



*Securing confidentiality of personal data* includes redacting information about the individual in the case file and using edited materials during investigative activities or judicial proceedings.<sup>126</sup> It may also include measures such as allowing a protected person to remotely participate in identification line-ups or beyond the audiovisual reach of the identified person,<sup>127</sup> issuing subpoenas only through the agency responsible for protecting a participant in criminal proceedings, and other similar safeguards.

Only parties and participants to the proceedings may attend *closed court hearings*.<sup>128</sup> The court will publicly announce the decision resulting from a closed hearing with the sensitive information redacted. Under exceptional circumstances, courts may remotely interrogate a witness in a way that would preserve their anonymity, provided that it still allows the parties to the proceedings to examine the witness.<sup>129</sup>

Security measures can be imposed only if there is a *basis* and at least one of the 4 required *preconditions*:



A wide array of officials can legally issue security measures: investigators, prosecutors, judges, operative agencies, and subdivisions. The implementation of these measures is not centralized. Instead, several special units within relevant governmental bodies, such as the prosecution, pre-trial investigation agencies, and the judiciary, implement such measures.

### C. THE MECHANISM FOR SUPPORT OF VICTIMS AND WITNESSES OF WAR CRIMES AND OTHER INTERNATIONAL CRIMES

On April 11, 2023, Ukraine's PG adopted the "Concept for implementing the *Mechanism for Support of Victims and Witnesses of War Crimes and Other International Crimes* (Mechanism)."<sup>130</sup> Even though the Mechanism has not yet been implemented, it is a promising step towards a victim-oriented approach in Ukrainian criminal justice. The Mechanism aims to enable victims and witnesses of international crimes to participate fully in criminal proceedings. This would prevent revictimization, threats, and vengeance, as well as supporting and facilitating victims' and witnesses' recovery.

The Mechanism's main component is the [Witnesses and Victims Coordination Centre](#) embedded within the PGO structure.<sup>131</sup> The Coordination Centre will be composed of coordinators<sup>132</sup> who provide services for victims and witnesses, including information,

consultation, referral to relevant assistance institutions, and accompanying them in court.<sup>133</sup> The Mechanism's mission centers on close cooperation of domestic and international organizations, including NGOs, to provide services and their development. The Coordinators will also notify victims and witnesses about advances in relevant investigations and trials.

The Mechanism contemplates an *interagency working group for the enhancement of coordination between governmental bodies and NGOs* (IWG),<sup>134</sup> which will coordinate activities of various law-enforcement, judicial, and executive bodies, with the involvement of NGOs and interested international parties. The IWG will be working with [EUROPOL AP CIC](#), [EUROJUST Genocide Network](#), and the ICC's Victims and Witnesses Section. As of July 2024, the implementation of the Conception is in the personnel selection and activity setup stage.

## ACKNOWLEDGMENTS

Project Expedite Justice (PEJ) is a US-based non-profit organization with active programs in four countries. Its core mission is to deliver solutions that ensure accountability for interconnected criminalities, support conflict-affected communities, and address atrocity crimes such as genocide, war crimes, and crimes against humanity.

PEJ has been supporting Ukraine's accountability efforts for communities affected by the Russian invasion and for the crimes suffered since the early days of the full-scale invasion on February 24, 2022. We document international crimes and harms throughout Ukraine. Our efforts include providing customized expert and technical-based support, directing investigative activities, collecting information, and preparing legal briefs and analysis packages for judicial stakeholders.

PEJ wishes to acknowledge the generous support of the Howard G. Buffett Foundation. Its commitment to this work and PEJ's Support for Accountability Avenues Project in Ukraine assures that the world will understand the full scope and scale of Russia's acts and that the Ukrainian people will ultimately achieve justice and compensation. We are grateful for their trust in our work and dedication to the pursuit of justice for Ukraine.

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## ANNEX 1

### SYSTEM OF PROSECUTION BODIES IN UKRAINE<sup>135</sup>

#### Prosecutor General's Office

- Specialized Anti-Corruption Prosecutor's Office  
*(as a structural unit)*
- Specialized Environmental Prosecutor's Office  
*(as a structural unit)*
- Specialized Prosecutor's Office in the Military and Defense Sphere  
*(as a structural unit)*

#### Regional Prosecutor's Offices

#### Prosecutor's Office of the Autonomous Republic of Crimea and the City of Sevastopol

#### Vinnytsia Regional Prosecutor's Office

- Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*
- Vinnytsia District Prosecutor's Office
  - Haysin District Prosecutor's Office
  - Zhmerynka District Prosecutor's Office
  - Mohyliv-Podilsky District Prosecutor's Office
  - Nemyriv District Prosecutor's Office
  - Tulchyn District Prosecutor's Office
  - Khmilnyk District Prosecutor's Office

#### Volyn Regional Prosecutor's Office

- Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*
- Volodymyr District Prosecutor's Office
  - Kamin-Kashyr District Prosecutor's Office
  - Kovel District Prosecutor's Office
  - Lutsk District Prosecutor's Office

#### Dnipropetrovsk Regional Prosecutor's Office

- Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*
- Zhovti Vody District Prosecutor's Office
  - Western District Prosecutor's Office of the City of Dnipro
  - Kamianka District Prosecutor's Office
  - Kryvyi Rih Southern District Prosecutor's Office
  - Kryvyi Rih Northern District Prosecutor's Office
  - Kryvyi Rih Eastern District Prosecutor's Office
  - Kryvyi Rih Central District Prosecutor's Office
  - Left Bank District Prosecutor's Office of the City of Dnipro
  - Nikopol District Prosecutor's Office
  - Novomoskovsk District Prosecutor's Office
  - Pavlograd District Prosecutor's Office
  - Pershotravneve District Prosecutor's Office
  - Right Bank District Prosecutor's Office of the City of Dnipro

- Synelnykove District Prosecutor's Office
- Slobozhanske District Prosecutor's Office
- Central District Prosecutor's Office of the City of Dnipro

### **Donetsk Regional Prosecutor's Office<sup>136</sup>**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Bakhmut District Prosecutor's Office
- Volnovakha District Prosecutor's Office
- Kostyantynivka District Prosecutor's Office
- Kramatorsk District Prosecutor's Office
- Left Bank District Prosecutor's Office
- Mariupol District Prosecutor's Office
- Pokrovsk District Prosecutor's Office
- Slaviansk District Prosecutor's Office

### **Zhytomyr Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Berdychiv District Prosecutor's Office
- Zhytomyr District Prosecutor's Office
- Korosten District Prosecutor's Office
- Korostyshchiv District Prosecutor's Office
- Zviahel District Attorney's Office
- Chudniv District Prosecutor's Office

### **Zakarpattia Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Berehove District Prosecutor's Office
- Mukachevo District Prosecutor's Office
- Tyachiv District Prosecutor's Office
- Uzhhorod District Prosecutor's Office
- Khust District Prosecutor's Office

### **Zaporizhzhia Regional Prosecutor's Office**

Specialized environmental prosecutor's office  
(as a unit of the regional prosecutor's office)

- Berdyansk District Prosecutor's Office
- Vasylivka District Prosecutor's Office
- Voznesenivskyi District Prosecutor's Office of the City of Zaporizhzhia
- Dniprovsky District Prosecutor's Office of the City of Zaporizhzhia
- Zaporizhzhia District Prosecutor's Office
- Melitopol District Prosecutor's Office
- Polohy District Prosecutor's Office
- Shevchenkivsky District Prosecutor's Office of the City of Zaporizhzhia

### **Ivano-Frankivsk Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)



- Ivano-Frankivsk District Prosecutor's Office
- Kalush District Prosecutor's Office
- Kolomyia District Prosecutor's Office
- Kosiv District Prosecutor's Office
- Nadvirna District Prosecutor's Office
- Ivano-Frankivsk District Prosecutor's Office

### **Kyiv Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Bila Tserkva District Prosecutor's Office
- Boryspil District Prosecutor's Office
- Brovary District Prosecutor's Office
- Bucha District Prosecutor's Office
- Vyshhorod District Prosecutor's Office
- Kyiv-Svyatoshyn District Prosecutor's Office
- Obukhiv District Prosecutor's Office
- Fastiv District Prosecutor's Office

### **Kirovohrad Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Holovanivsk District Prosecutor's Office
- Znamyanske District Prosecutor's Office
- Kropyvnytskyi District Prosecutor's Office
- Novoukrainka District Prosecutor's Office
- Olexandria District Prosecutor's Office

### **Luhansk Regional Prosecutor's Office<sup>137</sup>**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Alchevsk District Prosecutor's Office
- Dovzhansk District Prosecutor's Office
- Lysychansk District Prosecutor's Office
- Luhansk District Prosecutor's Office
- Rovenky District Prosecutor's Office
- Svatove District Prosecutor's Office
- Siverodonetsk District Prosecutor's Office
- Starobilsk District Prosecutor's Office
- Shchastia District Prosecutor's Office

### **Lviv Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Halytskyi District Prosecutor's Office of the City of Lviv
- Drohobych District Prosecutor's Office
- Zhovkva District Prosecutor's Office
- Zolochiv District Prosecutor's Office
- Pustomytiv District Prosecutor's Office
- Sambir District Prosecutor's Office
- Stryi District Prosecutor's Office



- Frankivskyi District Prosecutor's Office of the City of Lviv
- Chervonohrad District Prosecutor's Office
- Yavoriv District Prosecutor's Office

### **Mykolaiv Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Bashtanka District Prosecutor's Office
- Voznesensk District Prosecutor's Office
- Mykolaiv District Prosecutor's Office
- The City of Mykolayiv District Prosecutor's Office
- Pervomaysk District Prosecutor's Office

### **Odesa Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Berezivka District Prosecutor's Office
- Bilhorod-Dnistrovskyi District Prosecutor's Office
- Biliaivka District Prosecutor's Office
- Bolhrad District Prosecutor's Office
- Dobroslav District Prosecutor's Office
- Izmail District Prosecutor's Office
- Kyivskyi District Prosecutor's Office of the City of Odesa
- Lyubashiv District Prosecutor's Office
- Malinovskyi District Prosecutor's Office of the City of Odesa
- Podilsk District Prosecutor's Office
- Primorskyi District Prosecutor's Office of the City of Odesa
- Rozdilna District Prosecutor's Office
- Suvorovskyi District Prosecutor's Office of the City of Odesa
- Chornomorsk District Prosecutor's Office

### **Poltava Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Hlobyne District Prosecutor's Office
- Dykanka District Prosecutor's Office
- Kremenchuk District Prosecutor's Office
- Lubny District Prosecutor's Office
- Myrhorod District Prosecutor's Office
- Poltava District Prosecutor's Office
- Reshetylivka District Prosecutor's Office

### **Rivne Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Varash District Prosecutor's Office
- Dubno District Prosecutor's Office
- Zdolbuniv District Prosecutor's Office
- Rivne District Prosecutor's Office
- Sarny District Prosecutor's Office

## **Sumy Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*

- Konotop District Prosecutor's Office
- Sumy District Prosecutor's Office
- Okhtyrka District Prosecutor's Office
- Romny District Prosecutor's Office
- Sumy District Prosecutor's Office
- Shostka District Prosecutor's Office

## **Ternopil Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*

- Berezany District Prosecutor's Office
- Buchach District Prosecutor's Office
- Kremenets District Prosecutor's Office
- Terebovlya District Prosecutor's Office
- Ternopil District Prosecutor's Office
- Chortkiv District Prosecutor's Office

## **Kharkiv Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*

- Bohoduhiv District Prosecutor's Office
- Derhachi District Prosecutor's Office
- Izyum District Prosecutor's Office
- Kyivskyi District Prosecutor's Office of the City of Kharkiv
- Krasnohrad District Prosecutor's Office
- Kup'iansk District Prosecutor's Office
- Lozova District Prosecutor's Office
- Nemyshlyanskyi District Prosecutor's Office of the City of Kharkiv
- Novo-Bavarskyi District Prosecutor's Office of the City of Kharkiv
- Saltivskyi District Prosecutor's Office of the City of Kharkiv
- Slobidskyi District Prosecutor's Office of the City of Kharkiv
- Kharkiv District Prosecutor's Office
- Chuhuyiv District Prosecutor's Office
- Shevchenkivskyi District Prosecutor's Office of the City of Kharkiv

## **Kherson Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
*(as a unit of the regional prosecutor's office)*

- Beryslav District Prosecutor's Office
- Henichesk District Prosecutor's Office
- Kakhovka District Prosecutor's Office
- Oleshkiv District Prosecutor's Office
- Skadovsk District Prosecutor's Office
- Kherson District Prosecutor's Office

## **Khmelnyskyi Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Volochysk District Prosecutor's Office
- Kamianets-Podilskyi District Prosecutor's Office
- Letychiv District Prosecutor's Office
- District Prosecutor's Office of the City of Khmelnytskyi
- Khmelnytskyi District Prosecutor's Office
- Shepetivka District Prosecutor's Office

## **Cherkasy Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Zvenyhorod District Prosecutor's Office
- Zolotonosha District Prosecutor's Office
- Smila District Prosecutor's Office
- Uman District Prosecutor's Office
- Cherkasy District Prosecutor's Office

## **Chernivtsi Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Vyshnytsia District Prosecutor's Office
- Dnistrovska District Prosecutor's Office
- Chernivtsi District Prosecutor's Office

## **Chernihiv Regional Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Kozeletska District Prosecutor's Office
- Koryukivka District Prosecutor's Office
- Nizhyn District Prosecutor's Office
- Novhorod-Siverskyi District Prosecutor's Office
- Pryluky District Prosecutor's Office
- Chernihiv District Prosecutor's Office

## **Kyiv City Prosecutor's Office**

Specialized Environmental Prosecutor's Office  
(as a unit of the regional prosecutor's office)

- Holosiivska District Prosecutor's Office of the City of Kyiv
- Darnytska District Prosecutor's Office of the City of Kyiv
- Desnyanska District Prosecutor's Office of the City of Kyiv
- Dniprovska District Prosecutor's Office of the City of Kyiv
- Obolonska District Prosecutor's Office of the City of Kyiv
- Pecherska District Prosecutor's Office of the City of Kyiv
- Podilska District Prosecutor's Office of the City of Kyiv
- Sviatoshynska District Prosecutor's Office of the City of Kyiv
- Solomianska District Prosecutor's Office of the City of Kyiv
- Shevchenkivska District Prosecutor's Office of the City of Kyiv

**Central Region Specialized Prosecutor's Office in the Military and Defense Sphere**  
(as the regional prosecutor's office)

- Bila Tserkva specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Vynnytsia specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Darnytska specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Desnyanska specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Zhytomyr specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Kyiv specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Poltava specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Sumy specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Cherkasy specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Chernihiv specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)

**Southern Region Specialized Prosecutor's Office in the Military and Defense Sphere**  
(as the regional prosecutor's office)

- Bilhorod-Dnistrovskyi specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Dnipro specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Zaporizhzhia specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Kryvyi Rih specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Kropyvnytskyi specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Mykolaiv specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Odesa specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Kherson specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)

**Western Region Specialized Prosecutor's Office in the Military and Defense Sphere**  
(on the authority of the regional prosecutor's office)

- Volyn specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Transcarpathian specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Ivano-Frankivsk specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Lviv specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)

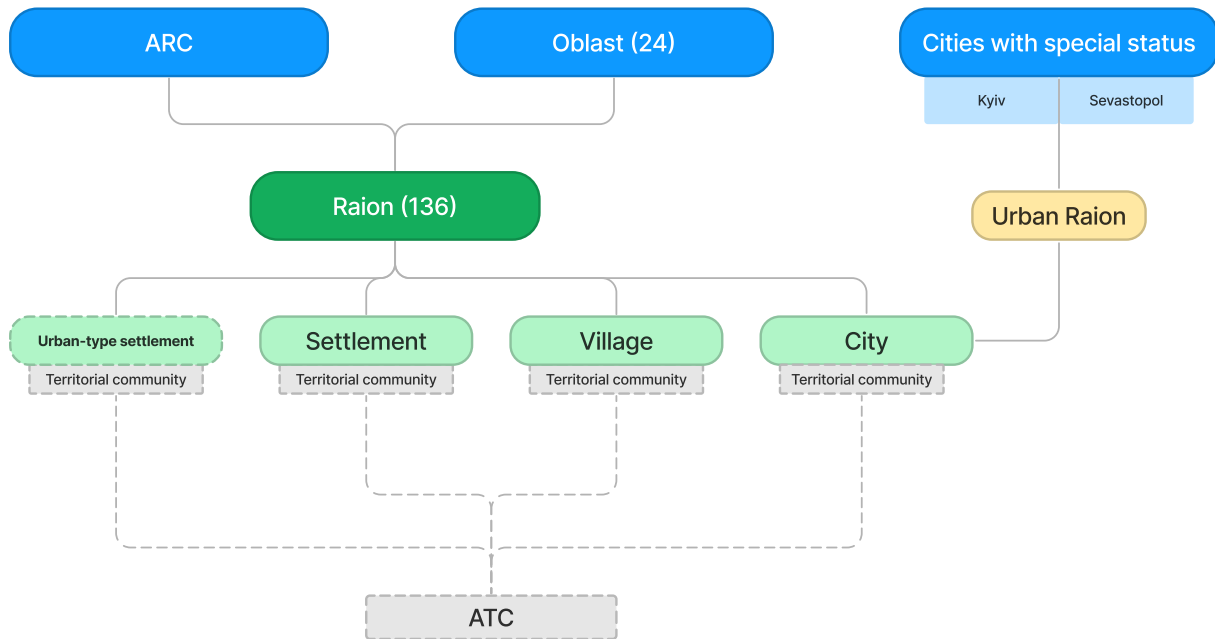
- Rivne specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Ternopil specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Khmelnytskyi specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Chernivtsi specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)

**Joint Forces Specialized Prosecutor's Office in the Military and Defense Sphere**  
(as the regional prosecutor's office)

- Donetsk specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Luhansk specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Mariupol specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)
- Kharkiv specialized prosecutor's office in the military and defense sphere  
(as the district prosecutor's office)

## ANNEX 2

### TERRITORIAL STRUCTURE OF UKRAINE



### TERRITORIAL REFORM

Territorial and administrative structure of Ukraine is currently undergoing decentralization reform.<sup>138</sup> This annex captures amendments that took effect in 2020. Notably, the decentralization strategy includes further changes; however, their implementation is unlikely during the current martial law regime.

The reform encompasses the creation of amalgamated territorial communities (ATCs), which are consolidated self-governments of several populated areas. Although territorial communities and ATCs are not units of territorial structure, they are closely associated with it and, therefore, considered in this Annex.

## ENDNOTES

1. “Pre-trial investigation agencies” is the official English translation for “органи досудового розслідування”, which refers to any authority, body, or department vested with investigative powers under the [Criminal Procedure Code](#) (CPC) of Ukraine.
2. This is implemented through the mechanism of coordination meetings with heads of relevant law-enforcement agencies. LoU “[On Prosecution](#),” Article 25(2).
3. [Constitution of Ukraine](#), Article 131-1; LoU “[On Prosecution](#),” Article 2.
4. Also referred to as “procedural guidance.”
5. A prosecutor or a group of prosecutors is appointed by the head of the relevant PO. CPC, Article 37(1).
6. A non-exhaustive list of a prosecutor’s competences in this capacity can be found in the CPC, Article 36(2). Other competences are scattered across the CPC and other relevant laws.
7. Internal independence of the prosecution has been a challenge in the Ukrainian criminal justice system. Abuse of administrative competences by prosecutors to impose certain agenda in cases under the jurisdiction of subordinate prosecutors was previously reported as an issue. The situation may vary and have different dynamics across the different branches of the prosecutor’s offices. For a description of this problem, see Yurii Bielousov, and Andrii Orlean. “What is Wrong with the Work of Prosecutors in Ukraine and How to Change It.” Expert Centre on Human Rights, 2017. <https://ecpl.com.ua/news/scho-ne-tak-z-robotoyu-prokuroriv-v-ukrajini-ta-yak-tse-zminyty-eksperty-etspl/>.
8. E.g., an investigator may issue a suspicion only with a prosecutor’s approval. CPC, Article 40(2)(6).
9. LoU “[On Prosecution](#),” Article 7(1). This provision also mentions the Specialized Anti-Corruption Prosecutor’s Office, which acts as PGO’s department with enhanced autonomy. There are also other specialized POs not mentioned in this law: Specialized Environmental PO and Specialized PO in the Military and Defense Sphere. They also act as PGO’s departments.
10. LoU “[On Prosecution](#),” Article 7(4).
11. See the detailed structure in [Annex 1](#).
12. In Ukraine, central headquarters of governmental authorities, which supervise local branches and manage the most important issues, are called *центральный аппарат*, literally translating as “central apparatus.”
13. This is due to the separate status of the ARC, Sevastopol, and Kyiv in the territorial structure of Ukraine. Those POs are special only in terms of territorial jurisdiction; functionally, they are equal to POs in oblasts. For a detailed territorial structure of Ukraine, see [Annex 2](#).
14. War crimes units were primarily introduced in regions where intensive hostilities take place resulting in a need to investigate such crimes.
15. For details on territorial communities within the territorial structure of Ukraine, see [Annex 2](#).
16. As opposed to the general role and structure of prosecution in Ukraine, which is defined by legislation, the structure of war crime bodies is defined by internal decrees of the PG (heads of regional POs). Therefore, the reader shall be cautious to check the information presented in this section against new developments.
17. The complete structure of the PGO and Regional POs is wider and more complicated than described below. This section is only focused on various bodies engaged in prosecution of war crimes. Blue officials; light green subdivisions; dark green specialized war crimes subdivisions; yellow specialized POs; grey non-staff; dashed line subdivision is being developed.
18. Judge Howard Morrison, from the United Kingdom and a former ICC judge, was appointed to this position as early as March 28, 2022. See Attorney General’s Office. “Attorney General Appoints Leading War Crimes Lawyer to Support Ukraine’s Journey to Justice,” March 28, 2022. UK Government. <https://www.gov.uk/government/news/attorney-general-appoints-leading-war-crimes-lawyer-to-support-ukraines-journey-to-justice>.
19. Literally translated as “patronage service.” It encompasses staff advisors and a press secretary, who support analysis, expertise, information, and other activities of the PG (their patron).
20. Subordination of PGO’s subdivisions to PG or his/her deputies is defined by PG’s Decree No 22 dated January 26, 2023 “[On the Allocation of Responsibilities between the Leadership of the PGO](#).” The allocation is usually changed when a new PG assumes the office. Previously, the War Crimes Department reported to a Deputy PG; however, the current PG Andrii Kostin subordinated this department to himself.
21. The War Crimes Department is in charge of war crimes by default, unless other structural units have special competence or were granted jurisdiction over a certain case. The general allocation of competences in criminal proceedings between the prosecution’s various bodies is defined by the PG’s Decree No 309 dated September 30, 2021 “[On the Organization of Activities](#)



[of Prosecutors in Criminal Proceedings.”](#)

However, in specific cases it could be changed by *ad hoc* decisions of the PG.

22. Created only in 9 Regional POs so far: Crimea and Sevastopol, Kyiv Oblast, Kharkiv, Luhansk, Donetsk, Zaporizhzhia, Kherson, Sumy, and Chernihiv.
23. CRSV Conflict-related sexual violence.
24. Acts as the PGO's department.
25. Acts as the PGO's department.
26. Allocation of competences between the War Crimes Department and Military and Defense PO is not clearly articulated in PGO [Decree No 309](#). Ideally, all war crimes shall be prosecuted by the War Crimes Department (Units). In practice, war crimes committed by Ukrainian Armed Forces are managed by the Military and Defense PO.
27. PGO Decree No 103, dated April 11, 2023 [“On the Organisation of the Work of the Prosecutors’ Offices in Supporting Victims and Witnesses of War Crimes and Other International Crimes.”](#)
28. CPC, Article 38(1)-(3). Pre-trial investigation is a general term that includes the investigation of crimes and inquiry (simplified investigation) into criminal misdemeanors. Similarly, pre-trial investigation agencies are divided into investigative subdivisions and inquiry subdivisions. Since war crimes are crimes and not criminal misdemeanors under the CC of Ukraine, all references to pre-trial investigations in this memo mean investigations of crimes.
29. A non-exhaustive list of investigators’ competences is provided in the CPC of Ukraine, Article 40(2).
30. Under martial law, such change can be justified by “the presence of objective circumstances that make it impossible for the pre-trial investigation agency to function or conduct a pre-trial investigation.” See CPC, Article 36(5).
31. CPC, Article 216(2). The exception is the war crime of unlawful use of Red Cross insignia, which remains under default jurisdiction of the NP.
32. See Burdyha, Ihor. “War Crimes of the Russian Federation in Ukraine: About the Intricacies of the Investigation.” DW, March 9, 2023. <https://www.dw.com/uk/ofis-genprokurora-pro-tonkosi-rozsliduvanna-voennih-zlociniv-rf-v-ukraini/a-64919471>.
33. CPC, Article 39(3).
34. Statements about specialized war crimes units in the [SSU and the NP](#) and [the SBI](#).
35. The table below shows a general tendency of the allocation of investigative competences, which cannot be predicted with a 100% accuracy. Sometimes an investigation will be started by the NP and transferred to the SSU or an inter-agency investigative group on the later stages.
36. Regional Offices include subdivisions, which may not correspond to the territorial structure of Ukraine. SSU subdivisions could be created at certain strategic objects and territories or in military formations.
37. Based on talks with former PGO employee and also observed during PEJ’s OSINT and field activities.
38. There is no information on what this category of cases could be. Probably, it is engaged in high-profile cases to support the SSU efforts.
39. Such investigative actions and precautionary measures include search, surveillance, audio control, detention, and house arrest. Investigative judges also approve potential extensions of investigation terms. For the detailed list of investigative (search) actions subject to judicial control, see [Section II.B. Principles and procedures of proof and evidence collection](#).
40. CPC, Article 615.
41. See Office of Global Criminal Justice. “The European Union, the United States, and the United Kingdom Establish the Atrocity Crimes Advisory Group (ACA) for Ukraine,” May 25, 2022. <https://www.state.gov/creation-of-atrocity-crimes-advisory-group-for-ukraine/>.
42. See more details on the [ACA website](#).
43. Myroslava Gongadze, “Atrocity Crimes Advisory Group Discusses Steps to Pursue War Crimes.” Voice of America, May 12, 2023. <https://www.voanews.com/a/atrocity-crimes-advisory-group-discusses-steps-to-pursue-war-crimes/7091282.html>.
44. Government of the Netherlands. “Minister Hoekstra Launches ‘Dialogue Group on Accountability for Ukraine’ in Ukraine,” March 3, 2023. <https://www.government.nl/latest/news/2023/03/03/minister-hoekstra-launches-dialogue-group-on-accountability-for-ukraine>.
45. “Kostin: Dialogue Group to Provide International Support for Investigation into Russia’s Crimes against Ukraine,” March 4, 2023. Ukrinform. <https://www.ukrinform.net/rubric-ato/3678246-kostin-dialogue-group-to-provide-international-support-for-investigation-into-russias-crimes-against-ukraine.html>; Council of Europe. “‘No Peace without Justice and Accountability’ Council of Europe Participated in the High-Level International Lviv Conference ‘United for Justice,’” March 3–5, 2023. <https://www.coe.int/en/web/human-rights-rule-of-law/-/no-peace-without-justice-and-accountability-council-of-europe-participated-in-the-high-level-international->



- [lviv-conference-united-for-justice-](#)
46. See “Joint Investigation Teams.” European Union Agency for Criminal Justice Cooperation, accessed July 30, 2024. <https://www.eurojust.europa.eu/judicial-cooperation/instruments/joint-investigation-teams>.
  47. “National Authorities of Ukraine Joint Investigation Team Sign Memorandum of Understanding with the United States Department of Justice,” March 4, 2023. European Union Agency for Criminal Justice Cooperation. <https://www.eurojust.europa.eu/news/national-authorities-ukraine-joint-investigation-team-sign-memorandum-understanding-usa>.
  48. “Eurojust Supports Joint Investigation Team into Alleged Core International Crimes in Ukraine,” March 28, 2023. European Union Agency for Criminal Justice Cooperation. <https://www.eurojust.europa.eu/news/eurojust-supports-joint-investigation-team-alleged-core-international-crimes-ukraine>.
  49. Ryabchiy, Kate. “Joint Investigation Team on International Crimes in Ukraine to Also Investigate Genocide Prosecutor General’s Office.” Euromaidan Press, April 14, 2023. <https://euromaidanpress.com/2023/04/14/joint-investigation-team-on-international-crimes-in-ukraine-to-also-investigate-genocide-prosecutor-generals-office/>.
  50. “Start of Operations of Core International Crimes Evidence Database and New International Centre for Prosecution of the Crime of Aggression to be Based at Agency,” February 23, 2023. European Union Agency for Criminal Justice Cooperation. <https://www.eurojust.europa.eu/news/start-operations-core-international-crimes-evidence-database-and-new-international-centre>.
  51. Office of Public Affairs. “Attorney General Merrick B. Garland Visits Ukraine, Reaffirms U.S. Commitment to Help Identify, Apprehend, and Prosecute Individuals Involved in War Crimes and Atrocities,” June 21, 2022. US Department of Justice. <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-visits-ukraine-reaffirms-us-commitment-help-identify>.
  52. Office of Public Affairs. “Justice Department Announces WarCAT Leadership Transition,” December 19, 2023. US Department of Justice. <https://www.justice.gov/opa/pr/justice-department-announces-warcat-leadership-transition>.
  53. PGO [Decree No 28](#) dated February 8, 2021.
  54. CPC, Article 95.
  55. On the admissibility of hearsay, see [Section II.C.2. Evaluation of evidence](#).
  56. Such “clarifying testimony” is equated to an expert opinion.
  57. CPC, Article 98. Physical evidence could be a means of committing a crime, retain traces of criminal offense, etc.
  58. CPC, Article 99.
  59. In the meaning of data storage devices.
  60. CPC, Article 99(3) mentions electronic documents by defining the “original of an electronic document.” To this extent, the CPC is lagging behind Ukrainian civil law and, in particular, special LoU “On electronic documents and electronic document circulation,” which defines the legal status of e-documents. For more on e-documents and digital evidence, see [Section II.D. Digital data and OSINT analysis](#). Note: Analog documents, in opposition to electronic or digital documents, means any record that is not stored digitally, which could include records on paper, or microfilm, as well as a record stored on nondigital electronic tape, disc, or wire (Society of American Archivists).
  61. The qualification of a document as physical evidence will change the rules of its preservation and storage.
  62. CPC, Article 101.
  63. LoU “[On Forensic Examination](#),” Article 7. Forensic examination (translated literally as judicial expertise) is an examination of certain objects, processes, and phenomena based on special knowledge. Criminalistic, medical, and psychiatric examinations can be done only by state institutions.
  64. CPC, Article 91(1).
  65. However, the victim has the burden of proof in proceedings of private prosecution, e.g., light bodily injuries.
  66. CPC, Article 92(1).
  67. CPC, Article 214(1). This applies only when an investigator/prosecutor opens a case on his own motion. If there is an offense report, the case shall be opened in any event.
  68. CPC, Article 276. In some situations, notice of suspicion shall be issued without evaluation of evidence, if any of the circumstances described in this article applies like when a person was caught red-handed or a measure of restraint is issued against the person. This triggers the term to indict the person under suspicion.
  69. CPC, Article 17(2).
  70. CPC, Article 93(1).
  71. CPC, Article 93(3).
  72. CPC, Chapter 20.
  73. CISA are special investigative measures which are not subject to disclosure (including methods used) unless otherwise provided in the CC.
  74. CPC, Chapter 19.
  75. CPC, Articles 234-236.
  76. CPC, Chapter 20.
  77. While in Ukrainian this measure is titled “arrest of correspondence,” it involves interception of correspondence.

78. A location is “publicly inaccessible” if cannot be entered or stayed in on legal grounds without the consent of the owner, user or persons authorized by them. An investigator can access such locations by secretly entering them only for specific purposes listed in the CPC.
79. The formats for this CISA are controlled delivery or procurement, special investigative experiment, simulation of crime circumstances.
80. This refers to obtaining of materials by a person who, in accordance with the law, performs a special task by participating in an organized group or criminal organization, or is a member of the specified group or organization, who cooperates with pretrial investigation authorities on a confidential basis.
81. CPC, Article 94.
82. CPC, Article 85.
83. Constitution of Ukraine, Article 62(3); CPC, Article 86(1).
84. [Judgment](#) of the Supreme Court in case No. 607/14707/17 dated by August 7, 2019.
85. This means that evidence could be obtained only from procedural sources mentioned in [Section II.A. Evidence and its sources under the CPC of Ukraine](#). Moreover, data from unknown sources is also inadmissible (rumors and conjectures).
86. See [Section II.B.4. Subjects of evidence collection](#).
87. See [Section II.B.5. Procedures for evidence collection](#).
88. Documentation means drafting required protocols, lists, capturing investigative activities with photo, video and audio recording, preserving physical evidence and documents appropriately, etc.
89. Basic means explicitly mentioned in the CPC.
90. CPC, Article 87.
91. CPC, Article 87(2)(1). This includes the situation when the consequent judicial authorization is required after an emergent violation of premises. See CPC, Article 233(3).
92. CPC, Article 87(2)(2).
93. CPC, Article 87(2)(3).
94. The precise formulation is “obtaining testimony or explanations from a person who has not been warned of his/her right to refuse to give testimony or answer questions, or where these were obtained in violation of this right.” See CPC, Article 87(2)(4).
95. CPC, Article 87(2)(5).
96. CPC, Article 90.
97. CPC, Article 88.
98. CPC, Articles 214(3) and 223(8).
99. However, in urgent cases, it is allowed to examine a crime scene, question people, conduct medical clearance, etc. See CPC, Article 214(3).
100. This includes judicial hearings during the trial phase as well as pre-trial investigation when testimonies are given to an investigative judge. The second option is justified only by certain risks, for example, when a witness is seriously ill.
101. CPC, Article 615(11).
102. Ukrainian language does not contain a direct translation of “hearsay” and describes this idea with a phrase: “testimony from other people’s words.” This includes oral, written and other forms of statements based on explanations provided by people other than the statement’s author. See CPC, Article 97.
103. CPC, Article 97(3).
104. CPC, Article 97(2).
105. CPC, Article 96.
106. Generally, the more unusual a fact to be proven is, the more evidence of more quality will be needed. For instance, not much evidence is needed to prove that it was dark at night; however, you will need ironclad proof for the arrival of aliens.
107. See [Section II.A.3 Documents](#).
108. Any information generated, stored, or transmitted in digital form that may later be needed to prove or disprove a fact disputed in legal proceedings.
109. See LoU “[On Electronic Documents and Electronic Document Circulation](#).”
110. CPC, Article 99(3). This provision is itself subject to different interpretations.
111. CPC, Article 99(4).
112. This document was [mentioned](#) by judges of the Supreme Court as an authoritative source.
113. See [Section II.B.5. Procedures for evidence collection](#).
114. Judgment of the Constitutional Court of Ukraine in case No. 1-31/2011, dated October 20, 2011. Summary available at: <https://ccu.gov.ua/en/docs/284?order=created&sort=desc>.
115. LoU “[On operational and investigative activities](#),” Article 5.
116. LoU “[On Operational and Investigative Activities](#),” Article 2.
117. Council of Europe, Committee of Minister Recommendation No. R (97) 13, September 10, 1997. <https://rm.coe.int/12-rec-97-13e/1680a6dafc>; Council of Europe, Committee of Minister Recommendation No. Rec (2005) 9, April 20, 2005. [https://www.coe.int/t/dgl/legalcooperation/economiccrime/organisedcrime/Rec%202005\\_9.pdf](https://www.coe.int/t/dgl/legalcooperation/economiccrime/organisedcrime/Rec%202005_9.pdf).
118. For instance, see “‘Secret’ Witnesses of the Public Process: How to Guarantee Their Protection?” Ukrainian Helsinki Human Rights Union, May 12, 2023.

<https://www.helsinki.org.ua/articles/taiemni-svidky-hlasnoho-protsesu-iaak-harantuvaty-im-zakhyst/>.

119. Vitalii Kasko, Andrii Orlean, "Ensuring the safety of participants in criminal of criminal proceedings on human trafficking," Kyiv: Vaite, 2012.  
[https://ukraine.iom.int/sites/g/files/tmzbd11861/files/documents/121017\\_mom\\_ensuring\\_safety\\_brochure\\_a5.pdf](https://ukraine.iom.int/sites/g/files/tmzbd11861/files/documents/121017_mom_ensuring_safety_brochure_a5.pdf).
120. CPC, Article 221.
121. A prosecutor or investigator may decline access to materials if this may hinder the objectives of an investigation.
122. CPC, Article 27(2). Full list of reasons: the accused is a minor; a case concerns sexual violence; the need to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of a person; preservation of restricted information; and security of persons involved in criminal proceedings.
123. The protection may also apply to individuals reporting about crimes, the accused, representatives of legal entities, probation agency personnel, whistleblowers, experts, specialists, interpreters, and attesting witnesses.
124. LoU "[On Ensuring Security of the Persons who Participate in Criminal Legal Proceedings](#)," Article 2(2). The LoU does not provide a detailed regulation of the ICC requests, but merely mentions this instrument as a basis for witness protection.
125. LoU "[On Ensuring Security of the Persons who Participate in Criminal Legal Proceedings](#)," Article 7(1).
126. If this measure is applied, the parties will have access only to edited documents.
127. The CPC also refers to line-ups as parades.
128. CPC, Article 27(4).
129. CPC, Article 352 (9); LoU "[On Ensuring Security of the Persons who Participate in Criminal Legal Proceedings](#)," Article 16(2).
130. The PGO [Decree N 103](#) dated by April 11, 2023.
131. See structure of the PGO in [Section I.A.3. General structure](#).
132. Some coordinators will be assigned to regional and district POs.
133. Full list of services: informing about services provided by Coordinators; explanation of rights in criminal proceedings; support in obtaining legal consultation and representation; informing about relevant pretrial investigations and trials; informing about any relevant judicial hearing; informing about what to expect from the criminal justice system; consultations on the risk of secondary and repeated victimization and threats; referral to psychological, medical and social assistance services; accompanying in court; special services for injured children, the elderly, and persons with disabilities; support with transfer and housing of victims from other populated areas; enhanced services for victims of particularly serious crimes; targeted and integrated support for conflict-related sexual violence, gender-based violence, and domestic violence; and assistance in filing applications for receiving payments, if governmental compensation mechanisms will be established.
134. Not the same as inter-agency working groups referred in [Section I.D.2. Inter-agency working groups](#).
135. "System of Prosecution Bodies in Ukraine", Office of the Prosecutor General, Ukraine. <https://www.gp.gov.ua/ua/posts/sistema-organiv-prokuraturi-2>, last accessed on 30 July 2024. Some of the POs can be relocated due to occupation of their base-town. If the location of a certain PO is needed, it shall be further clarified.
136. According to the [website](#) of Donetsk Regional PO, the office was relocated to Dnipro. Contact, Donetsk Regional PO. <https://don.gp.gov.ua/ua/contact.html>, last accessed on 30 January 2025.
137. Before the full-scale invasion Luhansk regional PO was located in Severodonetsk, which is currently under occupation. The place of relocation shall be further clarified.
138. <https://www.kmu.gov.ua/en/reformi/efektivne-vryaduvannya/reforma-decentralizaciyi>



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