May 2026

REPORT

ON THE RESULTS OF THE IMPLEMENTATION OF PHASE IV OF THE PROJECT

MONITORING OF COURT PROCEEDINGS AND ANALYSIS OF COURT DECISIONS IN CASES INVOLVING WAR CRIMES

(UNDER ARTICLE 438 OF THE CRIMINAL CODE OF UKRAINE)

This report was prepared by the All-Ukrainian Public Organization "Ukrainian Bar Association" as part of Phase IV of the project "Monitoring of Court Hearings under Article 438 of the Criminal Code of Ukraine and Analysis of Decisions on War Crimes", with the support of the International Bar Association and the EU-funded Pravo-Justice project, implemented by Expertise France.

Since the first phase of the project, it has been implemented with the support of the Supreme Court, the Office of the Prosecutor General, and the Coordination Center for Legal Aid.

The report was prepared by:

Olha Salenko, Candidate of Legal Sciences, Associate Professor at Taras Shevchenko National University of Kyiv, Project Expert.

Zoia Zahynei-Zabolotenko, Doctor of Law, Head of the Department of Criminal Law, Criminology, and Judicial System at V.M. Koretskyi Institute of State and Law of the National Academy of Sciences of Ukraine, Project expert.

Inna Linyova, Director of the Human Rights Institute of the Ukrainian Bar Association, Advisor on International Affairs.

Kateryna Pyshchyk, Project Manager at the Ukrainian Bar Association – Project Coordinator.

Anna Stakhanova, Key Expert on Accountability for International Crimes for the EU Project Pravo-Justice.

The report was translated into English by:

Simona Tevolde, translator for the EU Pravo-Justice Project,

Nataliia Fokina, translator for the EU Pravo-Justice Project.

TABLE OF CONTENTS

GLOSSARY, LIST OF ABBREVIATIONS, AND FOREIGN TERMS 5

FOREWORD 7

INTRODUCTION 10

TRENDS: COMPARATIVE ANALYSIS OF PROJECT PHASES 12

А. Trends in the monitoring of court hearings 12
Б. Trends in the analysis of court decisions 14

METHODOLOGY 17

CHAPTER 1. ANALYSIS OF COURT HEARING MONITORING RESULTS 19

1.1. Accessibility and Publicity of Justice 19
1.2. Independence and Impartiality of the Court 27
1.3. Right to Participate in the Proceedings and Guarantee of Defense: Presence of the Parties, Trial in Absentia, Right to Defense, Participation of Victims and Witnesses 29
1.3.1. Presence of the Parties 29
1.3.2. Trial in Absentia 32
1.3.3. Right to Defense 34
1.3.4. Participation of Victims and Witnesses 37
1.4. Equality of the Parties 40
1.5. Presumption of Innocence and Burden of Proof 41
1.6. Right to Remain Silent and Not to Testify Against Oneself 42
1.7. Reasonable Time Frames and Efficiency 43
1.8. Right to Interpretation 46
1.9. Liberty and Security of the Person 47
1.10. Application of International Humanitarian Law 49

CHAPTER 2. ANALYSIS OF COURT DECISIONS 52

2.1. General Analysis of Court Decisions 52
2.1.1. General Characteristics (regions, courts, number of cases, trends in case numbers) 52
2.1.2. Profiles of Convicted Persons 53
2.1.3. Procedural Status of Prisoners of War in Criminal Proceedings Under Article 438 of the Criminal Code 57
Crediting the time spent in camps for prisoners of war or in detention facilities for prisoners of war on the territory of Ukraine toward the term of imprisonment for prisoners of war 58

Participation of a defense attorney in criminal proceedings under Article 438 of the Criminal Code regarding a prisoner of war, a servicemember of the Armed Forces of the Russian Federation, or other military formations of the aggressor state. 59
2.2. Classification under Article 438 of the Criminal Code 60
2.2.1. Classification under Parts 1 or 2 of Article 438 of the Criminal Code 61
2.2.2. Classification of war crimes in conjunction with other criminal offenses 61
2.2.3. Classification taking into account the form and type of complicity 62
2.2.4. Classification of war crimes committed in a single region 64
2.2.6. Analysis of a verdict that acquits the defendant regarding the commission of a war crime 65
2.3. Forms of war crimes 66
2.4. Establishing contextual circumstances 77
2.5. References to IHL provisions when formulating charges 77
2.6. Establishing the elements of the subjective aspect of war crimes 79
2.7. Imposing a sentence under Article 438 of the Criminal Code 80
2.8. Consideration of Mitigating and Aggravating Circumstances 81
2.9. Special criminal proceedings (special pre-trial investigation and special trial (in absentia)) 82
2.10. Examination and evaluation by the court of evidence of war crimes 82
2.11. Evidence directly examined by the court confirming a person's guilt in committing a war crime 83
2.12. Resolution of civil claims 87
2.13. Disposition of physical evidence 89
2.14. Provision of a Russian-language translation of the judgment 89
2.15. Appeals of first-instance court judgments 90
2.16. Cassation appeals of first-instance court judgments 93

APPENDIX I. MONITOR QUESTIONNAIRE 96

APPENDIX II. CATALOG OF CASES UNDER ART. 438 OF THE CRIMINAL CODE OF UKRAINE 105

2022 105
2023 106
2024 110
2025 113
2026 119

GLOSSARY, LIST OF ABBREVIATIONS, AND FOREIGN TERMS

UBA – All-Ukrainian Public Organization "Ukrainian Bar Association"

FLA – Free Legal Aid

VC – Video Conferencing

HQCJ – High Qualification Commission of Judges of Ukraine

HJC – High Council of Justice

SC – Supreme Court

Prisoner-of-war detention facility - a separate, isolated unit within a minimum-security correctional colony with general conditions of detention, as well as within medium- and maximum-security facilities, and within a pretrial detention center of the State Penitentiary Service, designated for the temporary detention of prisoners of war (Section 1, Paragraph 2 of the Procedure for the Detention of Prisoners of War)

SJAU – State Judicial Administration of Ukraine

Additional Protocol I to the Geneva Conventions – Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the protection of victims of international armed conflicts (Protocol I)

USR – Unified State Register of Court Decisions

ECHR – European Court of Human Rights

Geneva Convention – Geneva Convention relative to the Treatment of Prisoners of War

Universal Declaration – Universal Declaration of Human Rights

AF RF – Armed Forces of the Russian Federation

CC of Ukraine – Criminal Code of Ukraine

CCC SC – Criminal Cassation Chamber of the Supreme Court

CPC of Ukraine – Criminal Procedure Code of Ukraine

Convention – Convention for the Protection of Human Rights and Fundamental Freedoms

IHL – International Humanitarian Law

International Covenant – International Covenant on Civil and Political Rights

OGP – Office of the Prosecutor General

Rome Statute – the Rome Statute of the International Criminal Court

CSV – conflict-related sexual violence

Prisoner-of-war camp (hereinafter – camp) – a facility established by the Ministry of Justice for the accommodation and detention of prisoners of war during the period of martial law in Ukraine, which covers wartime and part of the post-conflict reconstruction period (Section 1, Paragraph 2 of the Procedure for the Detention of Prisoners of War)

Areas for improvement – fields for improvement

Good practices – best examples

FPV drone – ("First Person View"; drones equipped with a first-person view camera, often used for reconnaissance or as strike drones).

IBA – International Bar Association

IBAHRI – International Bar Association's Human Rights Institute

CoE CM – Committee of Ministers of the Council of Europe

FOREWORD

The full-scale armed aggression by the Russian Federation against Ukraine, initiated on February 24, 2022, has posed unprecedented challenges to the Ukrainian legal system. In the context of active hostilities, mass forced displacement of people, civilian casualties, and the destruction of infrastructure, Ukraine's judicial system remains operational and continues to fulfill its constitutional mission – the administration of justice, particularly regarding the most serious crimes: war crimes under Article 438 of the Criminal Code of Ukraine.

For the fourth consecutive year, the Ukrainian Bar Association has been coordinating a project to monitor court hearings and analyze court decisions in cases involving war crimes. This study is unique not only for Ukraine but also in a broader international context – with no other country in a state of active armed conflict conducting such systematic and methodologically rigorous real-time monitoring of the administration of justice.

This report captures both the progress made by Ukrainian courts towards ensuring fair trial standards and the systemic challenges that require further attention from the state, international partners, and civil society.

One of the key trends persisting throughout all phases of the project is that the vast majority of proceedings are conducted in the absence of the accused – in absentia. This is a natural consequence of the ongoing armed conflict. Nevertheless, such proceedings entail a special responsibility for the courts – to ensure that the right to a fair trial remains upheld even in the absence of a suspect or defendant, and that evidence is examined with due diligence. Improving the quality of such proceedings is one of the priorities highlighted by the Project's experts.

The increase in the number of registered war crimes is particularly noteworthy. This trend reflects both the scale of the crimes and the ongoing expansion of documentation efforts. Given these circumstances, the justice system's task is not only to ensure effective prosecution but also to guarantee that every proceeding meets standards that will affirm the legitimacy of the verdicts in the eyes of the international community.

The Human Rights Institute of the Ukrainian Bar Association expresses its sincere gratitude to the Supreme Court of Ukraine, the Office of the Prosecutor General, and the Coordination Center for Legal Aid for their openness to dialogue and support of the monitoring initiative from its very inception. Such cooperation exemplifies constructive interaction between civil society institutions and state bodies in pursuit of a common goal – ensuring justice and accountability.

We are also grateful to our partners – the International Bar Association (IBA) and the EU Pravo-Justice Project, implemented by Expertise France – for their unwavering support and trust in this work. Our joint efforts are building an evidence base that will serve not only to improve the administration of justice in Ukraine but also to advance international standards of accountability for war crimes.

This report is addressed to legislators, judges, prosecutors, lawyers, civil society, and international observers, as well as everyone who seeks justice for Ukraine – not only victory on the battlefield, but also in the courtrooms. We are convinced that documentation, analysis, and open discussion are essential for real progress.

The UBA Human Rights Institute remains committed to its mission of promoting the rule of law, protecting human rights, and supporting accountability – today and in the future.

Inna Linyova, Director of the UBA Human Rights Institute;

Kateryna Pyshchyk, Project Manager at the Ukrainian Bar Association – Project Coordinator

The fourth phase of the project to monitor court proceedings in war crimes cases does not simply represent a continuation of the work already begun. Instead, it demonstrates that the Ukrainian justice system is capable not only of functioning in wartime but also of consistently improving, responding to challenges, and remaining committed to the principles of the rule of law even in the most difficult times.

The EU Pravo-Justice project has consistently supported this process. Phase by phase, we have seen the methodological maturity of the monitoring grow, the analysis deepen, and the recommendations become more concrete and actionable. Rather than repeating the previous one, each new report represents a step forward – new observations, new conclusions, and new starting points for reforms.

The fourth phase took place under conditions that had become even more challenging – the armed conflict is ongoing, the workload on the courts is increasing, and the number of cases is rising. Even so, the courts are functioning. Judges, prosecutors, lawyers, and observers are performing their duties, often amid the sounds of sirens and explosions. This is not merely professional resilience – it is a moral stance that forms the foundation for future accountability and justice.

The results of the monitoring of this phase confirm that progress has been made, and it is tangible. However, systemic challenges remain that require attention from both state institutions and international partners. Issues such as the quality of in absentia trials, ensuring the meaningful participation of the defense, and sensitive treatment of victims and witnesses are all addressed in the report and require concrete solutions.

The EU Pravo-Justice project is convinced that monitoring court proceedings is not only a tool for oversight but also a mechanism for institutional development. The courts' openness to observation, their willingness to engage in dialogue, and their receptiveness to recommendations are signs of a mature democratic system that chooses transparency.

We sincerely appreciate the Ukrainian Bar Association and the UBA Human Rights Institute for their tireless work, the monitors and experts for their diligence and professionalism, and our partners for their support and trust. We hope this report will serve as a practical guide for everyone working to build justice in Ukraine ¬– today and for years to come.

Oksana Tsymbrivska, Team Lead of the EU Project Pravo-Justice;

Anna Stakhanova, Key Expert on Accountability for International Crimes for the EU Project Pravo-Justice

Over the past few years, we have been supporting the Ukrainian Bar Association in this important initiative to monitor trials involving war crimes. Within the framework of this work, we also note the consistent support from Ukrainian courts – their willingness to allow monitoring of court hearings, engage in open dialogue, accept its results, and take reasonable criticism into account. This is particularly significant in the context of the ongoing armed conflict, which poses numerous challenges to the functioning of the justice system. At the same time, it is precisely this openness and cooperation that demonstrate Ukraine's unwavering commitment to ensuring justice and holding Russia accountable for its crimes – from the very first days of the full-scale aggression.

As the report indicates, there are certain persistent challenges that Ukraine strives to address on a daily basis. In particular, the vast majority of proceedings continue to be conducted in the absence of the accused. Still, the significance of in absentia proceedings should not be underestimated. The experiences of victims and witnesses across the globe demonstrate that proceedings in absentia,

when conducted properly, are a vital element in establishing the truth regarding gross human rights violations, ensuring accountability, giving victims the opportunity to be heard in court, and protecting their right to timely justice. Although victims cannot confront their abusers face-to-face during such proceedings, they still gain access to justice and accountability – something many victims around the world are denied entirely or access only so late that justice becomes unattainable in their lifetime.

As we have observed developments in Ukraine over the past few years, we have noted significant steps taken to ensure that efforts to deliver justice and hold perpetrators accountable are shaped with the needs of victims in mind. The adoption of new laws and the development of supporting policies are designed to ensure that victims can effectively participate in the administration of justice. This is a significant step, the likes of which we have not observed in any other conflict or post-conflict situation. At the same time, much more needs to be done to protect the rights of victims and to improve the administration of justice as a whole – and this must be done in cooperation with international partners, guided by the priorities and needs defined by Ukraine itself.

Dr. Mark Ellis, Executive Director of the International Bar Association (IBA)

Dr. Evelina Ochab, Senior Program Lawyer
at the International Bar Association's Human Rights Institute (IBAHRI)

INTRODUCTION

Since the onset of the Russian Federation's full-scale armed aggression against Ukraine, bringing perpetrators to justice for war crimes has taken on particular significance both for the victims themselves and for the state, which is obligated to ensure justice and protect human rights in times of war. Given these circumstances, Ukraine's judicial system not only fulfills its constitutional function but also lays the groundwork for ending impunity, restoring trust in institutions, and strengthening Ukraine's international reputation as a state governed by the rule of law. The perception of the state's ability to protect human rights, as well as trust in its international obligations, depends to a large extent on the quality and transparency of justice in cases involving war crimes.

According to data from the Office of the Prosecutor General, as of April 16, 2026, there were 221,929 offenses registered in Ukraine classified under Article 438 of the Criminal Code of Ukraine (war crimes). For comparison – at the time of preparing the Phase III report, there were 179,803 such offenses (September 2025), and at the end of May 2024 – 129,065. Thus, in the time between Phases III and IV alone, the number of registered incidents increased by 23.5%, and compared to 2024 – by nearly 72%. This trend reflects both the scale of the crimes and the relentless expansion of law enforcement efforts to document and investigate them.

Since July 2023, the All-Ukrainian Public Organization "Ukrainian Bar Association" has been carrying out an initiative to monitor court hearings and analyze court decisions in cases involving war crimes, focusing on proceedings under Article 438 of the Criminal Code of Ukraine. The project consists of four consecutive phases:

- **Phase I (July–October 2023):** 237 court hearings in 114 cases were monitored; 44 verdicts were analyzed.
- **Phase II (December 2023–May 2024):** 605 hearings in 172 proceedings were monitored; 35 first-instance verdicts, 10 appellate court rulings, and 2 cassation court decisions were analyzed.
- **Phase III (November 2024 – June 2025):** Over 1,100 hearings in 292 proceedings were covered, with 644 attended in person; 55 first-instance judgments and 9 appellate court rulings were analyzed.
- **Phase IV (November 2025 – March 2026):** the analytical component covers the period from late May 2025 to late March 2026; the Project's scope includes over 1,000 hearings in 327 cases, with over 480 attended in person. Sixty-three first-instance court judgments, five appellate court rulings, and one cassation court decision were analyzed.

Full reports on the previous phases are available on the UBA website.

Phase IV covered nine regions – Dnipro and Dnipropetrovsk Region, Zaporizhzhia and Zaporizhzhia Region, Kyiv and Kyiv Region, Mykolaiv and Mykolaiv Region, Odesa and Odesa Region, Sumy and Sumy Region, Kharkiv and Kharkiv Region, Kherson and Kherson Region, Chernihiv and Chernihiv Region. Monitoring was not conducted in Donetsk and Cherkasy regions – due to the security situation and the lack of monitors in the region, respectively.

The coordination of monitoring and the preparation of the analytical report were ensured by a team from the Human Rights Institute of the Ukrainian Bar Association and experts

from the Project. The process involved professional monitors – attorneys and lawyers who underwent appropriate training and operated based on a unified methodology.

Phase IV is being implemented with the support of the International Bar Association and the EU "Pravo-Justice" Project, implemented by Expertise France.

From the very beginning, the initiative has been carried out with the support of the Supreme Court, the Office of the Prosecutor General, and the Coordination Center for Legal Aid. We are grateful to our partners for their transparency and constructive dialogue.

TRENDS: COMPARATIVE ANALYSIS OF PROJECT PHASES

The key trends revealed by the results of Phase IV compared to previous phases are summarized below. They are organized into two sections – monitoring of court hearings and analysis of court decisions. The report concludes with overarching findings – what is improving, what remains unresolved, and what is fundamentally new.

A. Trends in the monitoring of court hearings

Postponement of hearings – a systemic problem is worsening

Phase IV documents a significant exacerbation of the problem of postponements – approximately 70% of the monitored hearings did not take place or were rescheduled. For comparison, in Phase III this problem was also identified as significant, although it was not measured as a percentage, which makes it impossible to make a direct quantitative comparison but indicates that the negative trend persists and is intensifying.

Postponements are overwhelmingly caused by the following systemic reasons – failure of participants in the proceedings to appear (victims, witnesses, including due to mobilization and forced displacement), technical issues, problems with notifying defendants, motions by the parties (defense or prosecution), judges' heavy caseloads, as well as the absence of judges due to sick leave, business trips, or personnel changes.

Such a high level of postponements is an indicator not of isolated procedural glitches, but of deep structural challenges facing the judicial system amid a protracted war.

Accessibility and transparency: the continuity of positive practices, new challenges

The positive trends identified in Phase III persisted and strengthened in Phase IV – the public availability of information on official resources, the openness of hearings to the public and the media, and the presence of international observers.

At the same time, new challenges emerged – isolated cases of de facto restrictions on public access were recorded ("open hearing behind closed doors" – Case No. 367/299/26, Irpin City Court of Kyiv Region), along with risks of violating the privacy of victims in sexual violence cases (publication of the victim's full name in open access – Case No. 367/10949/24, Irpin City Court of Kyiv Region).

A persistent unresolved issue across all four phases – the lack of a centralized public database of war crimes proceedings.

Technical infrastructure: a new systemic factor

Phase IV marks the first time that technical failures caused by shelling of critical infrastructure are

recorded as a distinct systemic factor that directly and structurally impacts the administration of justice. While technical difficulties were recorded as isolated incidents in Phase III, they have now become a chronic threat to the administration of justice.

Power outages, unstable internet connections, and video conferencing system malfunctions led not only to postponements but also to situations where hearings were held in name only, with the parties' actual participation reduced to a minimum. As an example, in Case No. 753/20268/24 (Darnytskyi District Court of Kyiv), due to the defense counsel's participation in the court hearing via video conferencing and an unstable connection, the examination of evidence actually lasted only about 10 minutes. Most of these cases were recorded in January 2026, which coincides with the heaviest shelling of energy infrastructure.

Proceedings in absentia: chronic problems, new complications

The proportion of in absentia proceedings remains extremely high. In Phase IV, only 4 cases were heard with the defendant physically present (in Phase III—7). Most defendants are located in temporarily occupied territories or on the territory of the aggressor state; their whereabouts are unknown, or ensuring their appearance is practically impossible.

New complications in Phase IV:

- Summonses in criminal proceedings, particularly regarding war crimes, mostly take the form of notices published in official sources (print media and on the websites of courts and the Office of the Prosecutor General). At the same time, such a method of notification remains limited in effectiveness, as defendants located in temporarily occupied territories or on the territory of the Russian Federation likely do not have access to these resources. Additionally, the problem is further complicated by the lack of a unified approach to determining the print publication for publishing summonses following the expiration of Resolution No. 52 of the Cabinet of Ministers of Ukraine (November 2022). This leads to situations where different regional offices of the State Judicial Administration enter into agreements with different publications, about which the courts are not always informed in a timely manner. In particular, in case No. 367/11492/24 (Irpin City Court of Kyiv Region) the court hearing was postponed because the summons was not published due to a change in the designated publication.

- Difficulties in obtaining responses from government agencies regarding the status of the accused (death, captivity, disappearance) — State Border Guard Service, Coordination Headquarters for the Treatment of Prisoners of War (cases No. 363/4781/24 (Vyshhorod District Court of Kyiv Region), No. 638/12460/25 (Shevchenkivskyi District Court of Kharkiv)).

However, some courts demonstrate a more active stance in determining the defendant's status – sending requests, instructing the prosecution to provide additional evidence, and using alternative communication channels (email, messaging apps, social media).

Right to defense – uneven improvements

Compared to Phase III, where there were clear manifestations of a formal defense (a lawyer merely present but not actively involved, lack of a legal strategy, failure to review case materials), Phase IV reveals an improvement in the average quality of defense – active participation in determining the order of evidence examination, effective cross-examination, and the initiation of additional investigative actions.

At the same time, systemic problems persist:

- Lack of communication with defendants, especially in proceedings in absentia.

- Organizational challenges in complex, multi-episode cases (Case No. 361/3366/23 (Brovary City and District Court of Kyiv Region) – six defense attorneys without coordinated participation).

- Public pressure and negative perceptions of defense attorneys involved in war crimes cases – a problem identified as early as Phase III and still unresolved.

Participation of victims and witnesses – increasing passivity, lack of awareness

In both phases, positive practices of psychological support and sensitive treatment of vulnerable victims are noted. However, in Phase IV, there is a more pronounced tendency toward increasing passivity among victims – an increasing number of them are filing requests for their cases to be heard without their participation. Part of the reason for this, among other things, is the ongoing war, mobilization, forced displacement, and psychological exhaustion from prolonged proceedings.

A new problem in Phase IV – victims are not informed of their procedural rights – specifically, the right to file a civil claim, the right to free legal aid, and who exactly is their representative. In Case No. 363/2821/25 (Vyshhorod District Court of Kyiv Region), the victims were unaware that they had the right to file a civil claim and believed that someone was already representing their interests. This problem is more systemic than what was observed in Phase III.

Б. Trends in the analysis of court decisions

A partial shift in the focus of the analysis

During Phase IV of the monitoring, there was a partial shift in focus, with an analysis of official statistical data from the State Judicial Administration for 2022–2025 regarding criminal prosecution under Article 438 of the Criminal Code of Ukraine.

Additionally, for the first time, the procedural status of prisoners of war in criminal proceedings is examined as a separate analytical aspect.

The issue of applying the provisions of international humanitarian law when classifying committed war crimes receives greater attention.

Classification under Article 438 of the Criminal Code: Progress in Detail, Persistent Problems

Both phases highlight the inconsistency in the classification of similar crimes committed in the same region. Phase IV confirms that previous recommendations remain unimplemented.

Phase IV delves deeper into the analysis of the problem with the new wording of Part 2 of Article 438 of the Criminal Code (Law No. 4012-IX of October 2024) – although Phase III had already identified a legal conflict between the new wording and the IHL norms regarding intentional homicide as an independent form of war crime, the practice of applying the new version requires separate consideration.

Establishment of contextual circumstances – steady improvement

A clear positive trend is evident between the phases. Phase III observed that, compared to Phases I and II, "the establishment of contextual circumstances is carried out more clearly and concisely" . Phase IV reinforces this trend – some judgments include references to ICC decisions, UN General Assembly resolutions, and ECHR rulings as grounds for establishing the existence of an armed conflict.

At the same time, isolated instances of failure to establish contextual circumstances persist in certain judgments – this is not a systemic issue, but it requires ongoing attention.

Application of IHL norms – from identification to quality assessment

Phase III – most judgments include references to IHL norms. A separate Section 2.5 "References to IHL Norms in the Formulation of Charges" is introduced in Phase IV, as well as a new section in the Monitor's Questionnaire regarding compliance with IHL directly during court proceedings. This

represents a conceptual deepening of the analysis: from merely noting the presence of references to assessing their consistency and quality.

The difficulty of locating judgments rendered under Article 438 of the Criminal Code in certain cases

It is worth noting the problem of the difficulty, in certain cases, of locating judgments rendered under Article 438 of the Criminal Code in instances where the courts classified the offenses in conjunction with other criminal offenses (in particular, criminal offenses against the foundations of Ukraine's national security and offenses against public safety).

In such cases, courts devote minimal attention to examining evidence confirming that the defendant committed war crimes specifically.

Subjective element and evidence – systematization of positive practice

General trend across both phases is that courts are increasingly rigorously assessing the admissibility of evidence; Phase IV documents instances of evidence obtained in violation of the Code of Criminal Procedure being excluded.

B. Cross-cutting trends: from Phase III to Phase IV

Stable positive trends

- The judicial system continues to function amid active hostilities, upholding the fundamental guarantees of due process.
- The quality of judgments is steadily improving – contextual circumstances that do not require proof, elements of the subjective aspect, and references to international human rights law are described more clearly.
- The openness of the judicial process to civil society and international observers is maintained.
- Courts sometimes continue to take an active stance in determining the status of the accused in proceedings in absentia: they send requests to state agencies, instruct the prosecution to provide additional evidence regarding the accused's whereabouts, and use alternative communication channels (email, messaging apps, social media).
- The principles of equality of the parties and the presumption of innocence are generally observed – based on the results of four monitoring phases, no systemic violations of these principles were recorded.

Unresolved issues

- The lack of a centralized public database of criminal proceedings involving war crimes.
- The predominance of proceedings in absentia (~98%) with limited effectiveness in notifying the accused. Summonses in criminal proceedings, particularly regarding war crimes, are served by publishing notices in official sources (print publications and on the websites of courts and the General Prosecutor's Office). At the same time, the effectiveness of this method of notification remains limited, as defendants located in the temporarily occupied territories or on the territory of the Russian Federation likely do not have access to these resources. Phase IV additionally identified an organizational issue – the lack of a unified approach to determining the print publication following the expiration of CMU Resolution No. 52 (November 2022), which leads to inconsistencies and technical delays in the publication of summonses. In particular, in Case No. 367/11492/24, the hearing was postponed due to the failure to publish the summons following a change in the designated publication.

- Lack of uniform approaches to the classification of similar acts across different regions, and failure to account for the form of complicity during classification.

- Uneven consideration of certain aggravating circumstances when imposing a sentence (for example, committing acts under martial law) and failure to take into account the defendant's prior commission of a war crime when imposing a sentence.

- Uncertainty in judicial practice regarding the legal distinction between war crimes and criminal offenses against the foundations of Ukraine's national security (for example, treason (Art. 111 of the Criminal Code), collaboration (Art. 111-1 of the Criminal Code), aiding an aggressor state (Art. 111-2 of the Criminal Code), and sabotage (Art. 113 of the Criminal Code).

- Uneven quality of defense.

- Public pressure on defense attorneys in war crimes cases.

New challenges specific to Phase IV

- Armed aggression as a systemic factor in the administration of justice – shelling of critical infrastructure has, for the first time, begun to structurally impact the continuity of the judicial process.

- Increasing passivity among victims: an increasing number of victims either consciously refuse to participate in person or are effectively deprived of the opportunity to participate due to forced displacement, psychological trauma, or lack of legal assistance – the problem requires a systemic solution.

METHODOLOGY

The monitoring and analysis of court proceedings during Phase IV of the Project were carried out using a comprehensive approach that combines direct observation of court hearings with an analysis of published court decisions. Its main objective was to ensure an objective, impartial, and representative study of the practice of adjudicating cases involving war crimes under Article 438 of the Criminal Code of Ukraine.

Monitoring Principles

Monitoring was carried out in accordance with the following principles:

- **independence** — monitors did not represent any of the parties to the proceedings;
- **objectivity and impartiality** — conclusions were based exclusively on documented facts;
- **non-interference** — monitors did not influence the course of the court proceedings;
- **confidentiality and integrity** — monitors maintained the confidentiality of personal data and other sensitive information and adhered to high ethical standards.

A sample of criminal proceedings under Article 438 of the Criminal Code was compiled for monitoring purposes based on open sources, followed by visits to court hearings in selected regions. Observations were recorded using a standardized **Monitor Questionnaire** (see Appendix I), which covers the following thematic areas:

- openness and accessibility of the judicial process;
- independence and impartiality of the court;
- the right to participate in court proceedings and the right to defense;
- equality of the parties;
- presumption of innocence and burden of proof;
- the right not to testify against oneself and the right to remain silent;
- reasonable duration of proceedings and efficiency of adjudication;
- the right to interpretation;
- liberty and personal integrity;
- the right to a public and reasoned court decision;
- compliance with international humanitarian law.

In Phase IV, the Questionnaire was supplemented with a new thematic section dedicated to issues of compliance with IHL during trial proceedings – specification of IHL provisions in the indictment, application of the concepts of command responsibility and following orders, establishment of protected status for victims, use of evidence of IHL violations, and application of international judicial practice.

Analysis of Court Decisions

The analysis of court decisions was carried out based on predefined criteria.

The following were assessed:

- the completeness and soundness of the factual circumstances presented, in particular the establishment of the contextual circumstances of the war crime;
- the correctness of the legal classification of the actions in accordance with Article 438 of the Criminal Code of Ukraine, including in cases of multiple offenses and taking into account the form and type of complicity;
- the depth of analysis of the forms of war crimes and their compliance with the norms of international humanitarian law;
- the completeness of references to the norms of international humanitarian law when formulating the charges;
- the establishment of the elements of the subjective aspect of the offense;
- the reasonableness of the imposed sentence and the consideration of mitigating or aggravating circumstances;
- compliance with procedural guarantees, particularly in in absentia proceedings;
- the quality of the examination and evaluation of evidence;
- the resolution of civil claims and the disposition of physical evidence;
- the provision of a translation of the judgment;
- the quality and clarity of the reasoning section of the judgment.

Court decisions were classified to identify common practices, deviations, and trends, which allowed for a comparative analysis and the formulation of recommendations.

Limitations and Challenges

During the implementation of Phase IV, the Project team encountered the following limitations:

- limited access to information — the lack of a centralized database of cases required manual data collection from open sources; in a number of cases, procedural documents were missing or had been published incompletely in the Unified State Register of Court Decisions;
- increasing caseload and budget constraints — a significant increase in the number of court hearings in war crimes cases made it impossible to attend all proceedings; however, the resulting sample is representative and reflects key trends in judicial practice;
- security factors — some court hearings took place in regions close to combat zones, which made it difficult or impossible for monitors to be physically present; technical malfunctions and power outages caused by shelling of critical infrastructure systematically disrupted the proceedings;
- institutional barriers — in isolated cases, limited access to court hearings or information about them was observed.

CHAPTER 1. ANALYSIS OF COURT HEARING MONITORING RESULTS

1.1. Accessibility and Publicity of Justice

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice concerning the relevant element of the right to a fair trial is provided in previous reports[1].

OBSERVATIONS [2]

Accessibility of information – good practices

- **Public accessibility of information.**

Current monitoring results support the positive practices noted in previous reports. In most cases, for example, information on criminal proceedings for war crimes is publicly available and published on official judicial websites.

Information accessibility – areas for improvement

- **Lack of a centralized database.**

As in previous monitoring phases, information regarding criminal proceedings related to war crimes is not compiled in a single public system. It is necessary to gather such information from various sources (the "Judiciary of Ukraine" website, the official websites of individual courts, the Unified State Register of Court Decisions, announcements in court buildings, as well as with the assistance of courts and prosecution authorities, etc.). The fragmented and non-standardized nature of the data makes it difficult to fully track court hearings.

- **The absence of a court schedule at court facilities.**

In some courts, specifically Kherson City Court in Kherson Region, Novovorontsov and Velyka Oleksandrivka District Courts in Kherson Region, as well as Snihurivka District Court in Mykolaiv Region, court schedules were not posted either on bulletin boards or near judges' chambers. At the

1 Report on the Results of Phase III Implementation, September 2025, pp. 21–22. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf

2 Note: The examples provided are for illustrative purposes only and are not exhaustive, unless otherwise specified. This approach is applied in this section and throughout the rest of the report.

same time, the “Judiciary of Ukraine” website in most cases displayed only the date of the current hearing.

- **Limited availability of procedural documents in the Unified State Register of Court Decisions.**

During the monitoring, instances were recorded of procedural documents being absent or incompletely published in the Unified State Register of Court Decisions.

In particular, in cases No. 752/28858/21 (Holosiivskyi District Court of Kyiv, ongoing since 2021), No. 367/5761/23, and No. 367/6457/24 (Irpin City Court of Kyiv Region, ongoing since 2023–2024), the registry contains a limited number of rulings or none at all, preventing the monitoring of the progress of case proceedings, particularly the preparatory proceedings stage or the commencement of special court proceedings. In proceedings No. 761/33573/25 and No. 761/37938/24 (Shevchenkivskyi District Court of Kyiv), no procedural documents have been uploaded to the Unified State Register of Court Decisions, making it impossible to determine the basic parameters of the proceedings.

Physical accessibility: good practices

- **General accessibility and cooperation.**

Monitoring results indicate that previously observed positive practices have been maintained. Monitors had free access to court hearings in the vast majority of cases, while national judicial and law enforcement authorities generally facilitated the monitoring process. The Project team continues to engage effectively with the Supreme Court, the Office of the Prosecutor General, as well as regional courts and prosecutor’s offices.

- **Presence of external observers.**

Monitors recorded the participation of representatives of civil society organizations (in particular, the Media Initiative for Human Rights) and media representatives (for example, cases No. 748/4001/25, No. 748/1511/25, No. 750/16350/25 (courts of Chernihiv Region); No. 638/24182/24, No. 638/87/24 (Shevchenkivskyi District Court of Kharkiv); No. 588/1239/25 (Trostyanets District Court of Sumy Region) and No. 588/800/24 (Sumy Court of Appeal)). The participation of foreign media representatives was also noted: in case No. 367/11492/24, representatives of the Japanese news agency Kyodo arrived at the court hearing, and the court permitted them to use audio recording devices and take photographs in the absence of objections from the parties to the proceedings (Irpin City Court of Kyiv Region).

In some cases, public interest in the proceedings was significant: for example, in Case No. 761/26136/25 (Shevchenkivskyi District Court of Kyiv), which was heard in the presence of the defendant, there were almost no empty seats in the courtroom due to the large number of attendees, including journalists and other observers.

At the same time, some cases were recorded where courts partially allowed media access even in proceedings held in closed session. Specifically, in Case No. 636/6739/25 (Kholodnohirskyi District Court of Kharkiv), the court admitted members of the public and journalists to the initial part of the hearing. According to the monitor, a representative of the foreign media, accompanied by an interpreter, was present in the courtroom and was permitted to record the defendant on video. After the composition of the parties and the nature of the case were announced, all those present were asked to leave the courtroom, and the proceedings continued in closed session.

- **Proper organization of courtrooms.**

The proper organization of courtrooms is also maintained. In most cases, hearings were held in well-equipped courtrooms with sufficient space and technical facilities.

A positive example is Case No. 588/1239/25 (Trostyanets District Court of Sumy Region), where the

trial took place in the courtroom, while the prosecutor and witnesses participated via videoconference from a room at the Sumy Court of Appeals, which was sufficiently spacious and properly equipped. In addition, the defendant's defense counsel also participated via videoconference and had a real opportunity to cross-examine prosecution witnesses and present arguments on behalf of the defendant. This demonstrates the proper organization of the space and technical conditions, which ensured the effective exercise of the parties' procedural rights even with remote participation.

Physical accessibility: areas for improvement

- **Isolated cases of restricted access to open court hearings.**

Notwithstanding the general accessibility and openness of court proceedings, monitors documented isolated cases of restricted access to court hearings.

Specifically, in Case No. 367/299/26 (Irpin City Court of Kyiv Region) access to the courtroom was prevented – the courtroom doors remained closed throughout the hearing, the parties and members of the public were not invited to attend, and there was no information regarding the start of the proceedings; no one answered when the door was knocked on, but it was audible that someone was inside the courtroom. Despite repeated requests, the court clerk did not respond to the messages, including those relayed through the judge's assistant and the court administration. As a result, the monitor was unable to determine whether the court hearing had taken place and was also denied the opportunity to attend as a member of the public. Similarly, access was not granted to other individuals who attempted to enter the courtroom.

Certain access restrictions were also observed at the court entrance. For example, in Case No. 485/1015/23 (Mykolaiv Court of Appeal), a summons to a specific hearing or an attorney's license was required to enter the court building. At the same time, the possibility of access for outsiders as members of the public remained unclear.

- **Delays in the start of court hearings**.

During the monitoring, instances were recorded of delays in the start of court hearings, where the actual start time differed significantly from the scheduled time.

The main reasons for the delays were: i) judges' involvement in other court hearings or a heavy caseload (Shevchenkivskyi District Court of Kharkiv, Pecherskyi District Court of Kyiv, Irpin City Court of Kyiv Region, Zaporizhzhia Court of Appeal, Dnipro Court of Appeal); ii) lack of available courtrooms or scheduling conflicts (Podilskyi District Court of Kyiv, Shevchenkivskyi District Court of Kharkiv); iii) technical difficulties, particularly during video conferencing (Makariv District Court of Kyiv Region, Trostyanets District Court of Sumy Region, Zavodskyi District Court of Zaporizhzhia, Industrial District Court of Kharkiv); iv) delays in transporting defendants (Shevchenkivskyi District Court of Kyiv); v) failure to appear or unavailability of participants in the proceedings (Pavlohrad City and District Court of Dnipropetrovsk Region, Irpin City Court of Kyiv Region, Trostyanets District Court of Sumy Region, etc.).

The duration of the delays varied from 20-30 minutes to 2-2.5 hours. In particular, delays were recorded in case No. 332/5022/25 (Zavodskyi District Court of Zaporizhzhia) – 20 min., No. 758/9655/25 (Podilskyi District Court of Kyiv) – 40 min., No. 638/5357/25 (Shevchenkivskyi District Court of Kharkiv) – up to 1 hour, No. 337/2029/24 (Zaporizhzhia Court of Appeal) – about 1.5 hours, No. 185/3990/23 (Dnipro Court of Appeal) – about 1.5 hours, No. 367/2115/23 (Irpin City Court of Kyiv Region) – 1.5 hours, No. 757/58283/24) (Pecherskyi District Court of Kyiv) – up to 2 hours, as well as No. 761/26136/25 (Shevchenkivskyi District Court of Kyiv) – up to 2.5 hours.

On some occasions, delays were caused by organizational reasons. For example, in case No. 367/2115/23 (Irpin City Court of Kyiv Region), the defendant was promptly brought to court, and all participants in the proceedings (the prosecutor and interpreter in the courtroom, and the defense attorney via video conference) were also ready for the hearing to begin. At the same time, the start of the court session was postponed by approximately 1.5 hours while waiting for the panel of judges to

convene. As a result, the actual duration of the session was about 20 minutes instead of the planned 2 hours for reviewing video evidence, even though this proceeding has been ongoing for nearly three years with the defendant's participation.

- **Technical and infrastructural constraints on the conduct of court hearings, particularly those caused by the Russian Federation's armed aggression against Ukraine.**

Monitors consistently recorded instances where court proceedings were hindered or impossible due to technical issues, primarily related to power outages, unstable internet connections, and malfunctions of the video conferencing system. A significant portion of these disruptions is a direct consequence of the Russian Federation's armed aggression against Ukraine, particularly targeted shelling of critical infrastructure, which leads to emergency and scheduled power outages and significantly hinders the continuous functioning of the judicial system.

In a number of proceedings, court hearings were postponed or effectively did not take place due to the parties' inability to participate via video conferencing. Detailed information regarding instances of postponement and the reasons for them is provided in the relevant section below. At the same time, there were instances where court hearings were formally held, but their effectiveness was significantly reduced due to technical difficulties.

Specifically, in Case No. 753/20268/24 (Darnytskyi District Court of Kyiv), due to an unstable internet connection caused by infrastructure disruptions, communication with the defense attorney, who was participating via video conference, was constantly interrupted, as a result of which the examination of evidence was time-limited and lasted only a few minutes.

Similar difficulties occurred in Case No. 370/272/25 (Makariv District Court of Kyiv Region), where the videoconference was accompanied by constant technical interruptions, and some of the video evidence could not be played due to system malfunctions. During the same proceedings, one of the monitors in the courtroom, intended for broadcasting the video conference and examining evidence, was not functioning due to damage caused by power surges resulting from an unstable power supply – which, in turn, is a consequence of the Russian Federation's attacks on energy infrastructure – and limited the ability of the participants in the proceedings to fully comprehend the information.

Specific cases demonstrate the complex nature of the technical problems. For example, in cases No. 363/2821/25 and No. 363/581/24 (Vyshhorod District Court of Kyiv Region), power outages, lack of access to the "Electronic Court" system, and the inability to use the video conferencing system were simultaneously recorded, which was caused by the effects of shelling.

- **Systematic postponements of court proceedings.**

Monitoring revealed a significant number of cases where court hearings were postponed or rescheduled. Approximately 70% of all monitored proceedings saw hearings either canceled or postponed. Moreover, in a significant number of cases, such postponements occurred repeatedly. Main reasons:

i. **Failure of participants in the proceedings to appear** (defendants, defense attorneys, victims, witnesses) – **the most common category (approximately 30–35%)** [3]: No. 242/930/24 (Central District Court of Dnipro); No. 638/10729/25 (Shevchenkivskyi District Court of Kharkiv); No. 588/1239/25 (Trostyanets District Court, Sumy Region) No. 750/16350/25 (Desnyansky District Court, Chernihiv) No. 766/764/23 (Kherson City Court).

ii. **Technical reasons** (power outages, problems with the video conferencing system, etc.) – **approximately 20–25%**, largely due to the security situation and the consequences of shelling: No. 636/2365/24 (Chuhuiv City Court); No. 638/10729/25, No. 638/87/24, No. 638/18370/25 (Shevchenkivskyi District Court of Kharkiv); No. 650/2921/25 (Velykooleksandrivskyi District

3 Note: The percentages are calculated based on the total number of postponed court hearings recorded during this monitoring phase.

Court of Kherson Region) No. 650/1147/24 (Kherson City Court); No. 185/11252/24 (Pavlohrad City and District Court of Dnipropetrovsk Region) No. 206/4277/25 (Samara District Court of Dnipro); No. 758/9655/25 (Podil District Court of Kyiv), etc.

In this regard, a distinction should be made between two types of technical malfunctions – those caused by power outages and shelling of critical infrastructure, and those affecting the court's video conferencing system and other technical systems that are not directly related to the security situation. The highest number of such cases was recorded in January 2026, which correlates with periods of intense shelling and power outages. The lack of electricity made it impossible to hold hearings or operate video conferencing and technical recording systems for court proceedings. This demonstrates the direct dependence of the stability of court proceedings on the security situation and the condition of critical infrastructure.

iii. Problems with notifying defendants (publications in "Uryadovy Courier" and "Holos Ukrainy") – **approximately 15–20%**; a systemic issue, particularly for proceedings in absentia: Case No. 203/7699/24 (Central District Court of Dnipro); No. 754/9472/24 (Desnianskyi District Court of Kyiv); No. 522/21406/25 (Primorskyi District Court of Odesa); No. 186/812/24 (Pavlohrad City and District Court); No. 337/6022/24 (Khortytskyi District Court of Zaporizhzhia).

Summonses in criminal proceedings, particularly regarding war crimes, are issued by publishing notices in official sources (print publications and on the websites of the courts and the Office of the Prosecutor General). At the same time, the effectiveness of this method of notification remains limited, as defendants located in temporarily occupied territories or on the territory of the Russian Federation likely do not have access to these resources.

At this stage of the Project's implementation, an additional organizational issue has been identified related to the lack of a single centralized regulation regarding the selection of an official print publication for the publication of summonses. Following the expiration of Cabinet of Ministers of Ukraine Resolution No. 52 of January 25, 2006, the relevant authorities are effectively exercised by the territorial offices of the State Judicial Administration, which enter into agreements with various official print publications; however, courts are not always informed of such changes in a timely manner.

Specifically, in Case No. 367/11492/24 (Irpin City Court of Kyiv Region), the preliminary hearing was postponed because the newspaper "Uryadovy Courier" failed to publish the summons for the defendant, as the relevant territorial office had designated a different publication – "Holos Ukrainy" – for 2026. At the same time, the notice had been sent by the court as early as 2025, resulting in its cancellation without proper notification to the court.

Such practice creates additional inconsistencies in the work of the parties to the proceedings and exacerbates the main problem – the limited effectiveness of service, since defendants, particularly Russian military personnel, do not actually use Ukrainian official sources of information.

iv. Motions by the parties (defense or prosecution) – **approximately 10–15%**: No. 361/3366/23 (Brovary City and District Court of Kyiv Region) – motion by the defense attorney; No. 760/25462/25 (Solomyanskyi District Court of Kyiv) – motion by the prosecutor; No. 754/994/25 (Desnianskyi District Court of Kyiv); No. 761/33573/25 (Shevchenkivskyi District Court of Kyiv); No. 334/2065/25 (Dniprovskyi District Court of Zaporizhzhia).

v. Judges' caseload / time spent in the deliberation room / participation in other proceedings – over 10%: No. 761/2773/25 (Pecherskyi District Court of Kyiv); No. 760/8511/24 (Solomianskyi District Court of Kyiv); No. 314/3294/2**5** (Vilnianskyi District Court of Zaporizhzhia Region) No. 367/6700/24 (Irpin City Court of Kyiv Region) No. 760/9698/22 (Solomyanskyi District Court of Kyiv).

vi. **Absence of judges** (sick leave, business trips, vacation, personnel changes) – less than 10%: No. 369/2004/25 (Kyiv-Sviatoshyn District Court of Kyiv Region) – sick leave; No. 367/11332/24 (Irpin City Court of Kyiv Region) – business trip; No. 635/2700/23 (Kharkiv District Court) – vacation; No. 331/5231/25 (Zhovtnevyi District Court of Zaporizhzhia) – retired judge; No. 367/4005/24 (Irpin City Court of Kyiv Region) – dismissal of a judge.

At the same time, such circumstances are of a predictable nature (in particular, business trips, vacations, personnel changes, etc.), which potentially allows for their consideration when scheduling court hearings.

vii. **Other reasons**: the need to replace the defense counsel (Case No. 367/1893/24, Irpin City Court of Kyiv Region) ; determining the legal successors of the victim (Case No. 522/21406/25, Primorsky District Court of Odesa); mobilization of victims or witnesses (No. 761/9766/22, Holosiivskyi District Court of Kyiv).

An analysis of the reasons for postponing court hearings indicates that the vast majority of such cases are systemic in nature. In particular, approximately 75–80% of all postponements are caused by four key groups of reasons – failure of participants to appear, technical issues, improper notification of defendants, and the organizational workload of courts and judges. Such a structure of causes points not to isolated procedural shortcomings, but to the existence of complex challenges – both organizational and security-related.

Publicity: good practices

- **Openness of court proceedings.**

As in previous phases of the Project, most of the court hearings observed were open to the public. The courts generally encouraged the participation of the public (monitors, representatives of civil society organizations) and the media in the proceedings of criminal cases involving war crimes.

- **Balance between the publicity of court proceedings, the safety of participants, and the protection of privacy.**

In most cases, the courts ensured the openness of the proceedings and did not restrict access for members of the public and the media. There were instances where photo and video recording was permitted without significant restrictions (e.g., No. 748/4001/25, No. 748/1511/25, No. 750/16350/25 – courts of Chernihiv Region; No. 638/87/24 – Shevchenkivskyi District Court of Kharkiv; No. 588/800/24 – Sumy Court of Appeal).

At the same time, in certain proceedings, courts applied reasonable restrictions aimed at ensuring the safety of participants in the proceedings or protecting their privacy. For example, in case No. 588/1239/25 (Trostyanets District Court of Sumy Region) media representatives were permitted to be present in the courtroom and take photographs, but with clear restrictions – a ban on photographing the faces of participants without identifying them by name, as well as a ban on video broadcasting without separate court permission. Before the questioning of witnesses, they were additionally warned about these restrictions, which demonstrates the court's deliberate approach to balancing public access with security. A similar approach was applied in Case No. 638/24182/24 (Shevchenkivskyi District Court of Kharkiv), where the court prohibited video recording, specifically to protect witnesses.

Certain cases demonstrate a combination of closed proceedings with elements of openness. For example, in Case No. 636/6739/25 (Kholodnohirskyi District Court of Kharkiv), proceedings were held in closed session; however, given the significant public interest, representatives of the public and the media were admitted at the beginning of the hearing – until the composition of the parties and the subject matter of the case were announced – after which the proceedings continued without their presence.

- **Lawful restrictions on the publicity of cases involving vulnerable groups.**

Closed court hearings were mostly recorded in proceedings related to sexual violence, the private lives of victims, or security risks to those involved in the proceedings. In most cases, such restrictions were justified and commensurate with the nature of the case.

Particularly, in Case No. 334/2065/25 (Dniprovskyi District Court of Zaporizhzhia), a closed hearing was ordered during the examination of a witness whose relatives were in the temporarily occupied territory, as his testimony could pose a risk to their safety. The prosecutor's motion was supported by all participants in the proceedings.

In cases involving sexual violence, closed proceedings were applied systematically. For example, in Case No. 638/5357/25 (Shevchenkivskyi District Court of Kharkiv), the case involved the abduction and prolonged detention of the victim in conditions of de facto slavery, which led to her severe psychological distress and necessitated a fully closed hearing. Similarly, in Case No. 335/3484/24 (Zaporizhzhia Court of Appeal), the parties and the court immediately objected to an open hearing given the nature of the offense.

There were also instances of partial restrictions on public access. In Case No. 333/5650/25 (Komunarskyi District Court of Zaporizhzhia), proceedings were open to the public; however, during the victim's testimony, with her consent, the court switched to closed proceedings, requiring those present to leave the courtroom.

It is worth noting separately certain proceedings where the closed session was based on the need to protect information that is protected by law or may pose a risk to national security. For example, in Case No. 636/6739/25 (Kholodnohirskyi District Court of Kharkiv), the court allowed the public to attend only at the initial stage of the hearing, after which the proceedings continued in closed session.

Furthermore, in a number of cases, courts ruled to conduct proceedings in closed session throughout the entire judicial process (for example, Case No. 367/7326/23 (Irpin City Court of Kyiv Region) No. 317/2944/24 (Zaporizhzhia District Court of Zaporizhzhia Region), No. 644/5405/24 (Ordzhonikidze District Court of Kharkiv)).

Publicity: areas for improvement

- **Risks to victims' privacy in open sources.**

Monitoring detected isolated instances of sensitive information being disclosed in cases involving sexual violence. In particular, in Case No. 367/10949/24 (Irpin City Court of Kyiv Region), the victim's full name was published in the public domain on the "Judiciary of Ukraine" website, and there is no ruling on closed proceedings. This indicates the risk of violating the right to privacy of victims in sensitive categories of cases.

- **"Open hearing behind closed doors" (de facto restriction of public access).**

Monitoring identified a single instance where a court hearing was formally open, although access to it was effectively impossible. This situation was already noted in the section "Physical accessibility: areas for improvement", but it also has a direct impact on the implementation of the principle of publicity.

Specifically, in Case No. 367/299/26 (Irpin City Court of Kyiv Region) the courtroom doors remained closed throughout the proceedings; the parties and members of the public were not invited inside, and there was no announcement regarding the start of the hearing. Conversations could be heard through the closed doors, but their nature did not allow for a definitive determination of what exactly was happening in the courtroom or whether a hearing was taking place. No one responded to knocking; the court clerk did not call the participants to the stand and did not respond to messages. The monitor also noted that other individuals attempted to enter the courtroom but were unsuccessful.

RECOMMENDATIONS

For courts and judges

- **Physical and informational accessibility of justice.**

Avoid unjustified restrictions on access to court hearings. In cases where a hearing is closed to the public or a broadcast is denied, issue reasoned decisions citing specific security or procedural risks. Ensure public access to the current schedule of court hearings.

- **Optimization of court proceedings and procedural communication.**

Measures should be taken to improve the scheduling of court hearings and workload management, including by preventing scheduling conflicts and ensuring more efficient organization of hearings. Importantly, procedural communication with participants in the proceedings (defense counsel, prosecutors, witnesses, victims) should be strengthened by ensuring timely notification regarding participation in hearings or the filing of relevant motions, as well as proper monitoring of notifications to participants and verification of such notifications prior to the start of proceedings to minimize delays.

At the same time, some postponements could be prevented, given that certain circumstances (such as business trips, vacations, personnel changes, etc.) are predictable and can be taken into account when scheduling court hearings, subject to existing organizational constraints.

For judicial governance, self-governance, and administrative bodies

- **Improving the procedure for notifying participants in criminal proceedings.**

Monitoring results have shown that the current model for notifying defendants in criminal proceedings, particularly regarding war crimes, is largely formal in nature and does not ensure that individuals located in temporarily occupied territories or on the territory of the Russian Federation are actually informed. The use of official sources (print publications and web resources of courts and the General Prosecutor's Office) does not guarantee that the purpose of notification is achieved. In this context, it is advisable to improve the mechanisms for notifying defendants with a focus on ensuring they are actually informed, in particular by developing and establishing alternative and more effective communication channels.

At the same time, an organizational aspect of the problem has been additionally identified at this stage – the lack of a unified, centralized approach to determining the print publication for publishing summonses, which can lead to procedural delays (in particular, in Case No. 367/11492/24, Irpin City Court of Kyiv Region) In this regard, attention must be paid to ensuring proper coordination and timely notification of courts regarding the designated methods of publication.

- **Modernization and operational support for the judicial system.**

Updating the material and technical infrastructure of courts, ensuring stable funding for their operations, and implementing backup technical solutions (power supply, communications, video conferencing systems) are advisable. Particular attention should be paid to properly equipping courtrooms to enable full participation of the parties via video conferencing and the examination of evidence. It is important to systematically account for risks associated with shelling and damage to critical infrastructure as a factor affecting the accessibility and continuity of the administration of justice, as well as adherence to the principles of adversarial proceedings and equality of the parties.

1.2. Independence and Impartiality of the Court

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports[4].

OBSERVATIONS

Independence and Impartiality of the Court: good practices

- **Ensuring the impartiality of the court.**

As in previous stages of the Project, during the observation, no signs of bias or biased conduct by the court were noted. The judges acted within the scope of their authority, ensured equal treatment of the parties, and did not demonstrate favoritism or exert pressure.

- **Recusal as a guarantee of impartiality.**

Positive examples of the application of the recusal mechanism to ensure judicial impartiality were observed. In particular, in Case No. 332/931/26 (Zavodskyi District Court of Zaporizhzhia), the presiding judge recused herself due to a potential conflict of interest related to the location of the crime, which was near the residence of her relatives.

At the same time, the team learned of Case No. 367/8696/23 (Irpin City Court of Kyiv Region) in which a lawyer filed a motion for the judge's recusal; the motion was denied. As the hearing was not monitored, the team refrains from assessing the validity of this decision; however, it considers it appropriate to note this case as one requiring attention in the context of ensuring judicial impartiality.

- **The court's proactive role in establishing the circumstances regarding the defendant.**

Positive examples have been documented of the court taking an active procedural stance aimed at determining the defendant's whereabouts and ensuring their procedural rights. In particular, in Case No. 638/12460/25 (Shevchenkivskyi District Court of Kharkiv), upon consideration of a motion for a special judicial proceeding, the court demanded that the prosecution provide additional evidence regarding the absence of information about the defendant's death or imprisonment. Since some of the relevant requests were not granted (in particular, due to the confidentiality of the information or the lack of a response), the court upheld the prosecutor's motion to send a corresponding request to the Coordination Headquarters for the Treatment of Prisoners of War and issued a corresponding ruling. This demonstrates an appropriate level of judicial oversight and a commitment to ensuring compliance with procedural safeguards.

Judicial Independence and Impartiality: areas for improvement

- **De facto restrictions on access to the courts as a risk to impartiality.**

A single instance was documented in which the organization of court proceedings posed risks to compliance with the principles of openness and impartiality. In particular, in Case No. 367/299/26 (Irpin City Court of Kyiv Region), there remain grounds to believe that the court hearing may have been

---

4 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 28–29. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

conducted without the proper involvement of the parties – they waited for the hearing to begin in the hallway, their presence was not verified, they were not invited into the courtroom, and there was no communication between them and the court. Given these circumstances, it is impossible to determine with certainty whether the court hearing took place in a procedurally proper manner, which, in turn, complicates ensuring the public nature of the trial and proper oversight of its proceedings. A relevant example has already been noted in the sections "Physical Accessibility: Areas for Improvement" and "Publicity: Areas for Improvement", but it may also have a direct impact on ensuring the independence and impartiality of the court and the effectiveness of the trial.

- **Insufficient assurance of a comprehensive examination of the evidence.**

Some observations indicate instances where, during the examination of evidence, a comprehensive review is not always ensured – specifically, on the part of both the defense and the court – due to the parties' passive procedural stance and limited procedural oversight. For example, in Case No. 752/11014/22 (Dniprovskyi District Court of Kyiv), the prosecutor submitted a list of written evidence and related materials; however, the defense counsel declined to review them, stating there was no need to do so, after which the court proceeded to examine them. At the same time, the examination of the evidence took place without a clear sequence or proper procedural guidance: the court selectively focused on individual documents (for example, the inspection report of the military ID card) without explaining the criteria for such an approach. At the same time, the military ID itself was not actually examined during the court hearing, as neither party initiated its examination, which complicates the assessment of its evidentiary value. Furthermore, some of the documents were examined in their original language (Russian), without the court emphasizing the availability of a translation or the need to provide one. Taken together, these circumstances indicate that the completeness of the examination of evidence was not adequately ensured, which may affect the quality of the judicial proceedings.

- **Technical limitations as a factor affecting the efficiency of court proceedings.**

In some cases, the technical equipment in courtrooms affected the parties' full participation in the proceedings. For example, in Case No. 370/512/26 (Makariv District Court of Kyiv Region), the lack of monitors to display video conference participants limited the ability to properly follow the court proceedings.

Similar difficulties were also noted in Case No. 370/272/25 (Makariv District Court of Kyiv Region), where only one of the two monitors intended for broadcasting the videoconference and reviewing video evidence was functioning in the courtroom. The court hearing took place with the parties participating via videoconference (defense counsel and prosecutor); however, due to technical malfunctions and power fluctuations, the videoconference was plagued by constant interruptions. The video recording of the victim's questioning could only be played 15–20 minutes after the hearing began, and the system operated erratically (in particular, malfunctions were observed in the "Electronic Court" system). Due to technical errors that were not resolved during the recess, some of the video evidence (specifically, the video recording of the reenactment of events) could not be shown to the parties at all; consequently, the court postponed its examination to a later date and announced its intention to contact the technical support team to determine the causes of the malfunctions.

- **Communication risks to public trust in the court.**

There have been isolated instances of critical remarks directed at the court by persons present (media) outside the courtroom (for example, in Case No. 588/800/24, Sumy Court of Appeal), which may indicate certain challenges in the perception of the independence and authority of the judiciary.

RECOMMENDATIONS

For courts and judges

- **Ensuring openness as a guarantee of impartiality.**

Avoiding practices that effectively restrict access to court hearings. Ensuring proper notification and summons of parties to the proceedings, as well as the openness of court proceedings as a key guarantee of the court's independence and impartiality.

- **High-quality and comprehensive evaluation of evidence.**

Consistent, comprehensive, and transparent examination of evidence with proper documentation of procedural actions. Attention should be paid to examining all relevant evidence regardless of the parties' activity. Adhere to clear procedural logic during the examination of evidence, avoid a selective approach, and ensure the process is understandable to all participants.

1.3. Right to Participate in the Proceedings and Guarantee of Defense: Presence of the Parties, Trial in Absentia, Right to Defense, Participation of Victims and Witnesses

1.3.1. Presence of the Parties

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this element of the right to a fair trial is provided in previous reports[5].

OBSERVATIONS

Presence of the parties in the proceedings: good practices

- **Participation of the parties in court hearings.**

As in previous phases of the Project, for the most part, participants in criminal proceedings, with the exception of defendants, were present during court hearings, including via video conferencing. The use of video conferencing is standard practice given the security situation, the increased workload on lawyers in the free legal aid system, and the specific operating conditions of courts in frontline regions, which helps ensure the continuity of court proceedings.

- **Instances of proper organization of remote participation by the parties.**

There have been positive examples of the use of video conferencing to ensure the parties' participation in court proceedings. In particular, in Case No. 588/1239/25 (Trostyanets District Court of Sumy Region), the court hearing took place in the courtroom, while the prosecutor and witnesses participated via video conferencing from a room at the Sumy Court of Appeals, which was sufficiently spacious and properly equipped. At the same time, the defendant's defense counsel also participated remotely and had a real opportunity to cross-examine the prosecution's witnesses and present arguments on behalf of the defendant, which demonstrates that the principles of adversarial proceedings and equality of the parties were upheld.

Presence of the parties in the proceedings: areas for improvement

5 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, p. 32. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

- **Absence of parties as a cause for postponing court hearings.**

A significant number of cases have been recorded in which court hearings were postponed or rescheduled due to the absence of participants in the proceedings (defendants, defense attorneys, victims, and witnesses). For example, in cases No. 242/930/24 (Central District Court of Dnipro), No. 638/10729/25 (Shevchenkivskyi District Court of Kharkiv), No. 588/1239/25 (Trostyanets District Court of Sumy Region) No. 750/16350/25 (Desnyanskyi District Court of Chernihiv), and No. 766/764/23 (Kherson City Court of Kherson Region).

A separate category consists of cases postponed due to the absence of defendants and problems with properly notifying them. In criminal proceedings, particularly those involving war crimes, summonses are issued by publishing notices in official sources (print media and on the websites of courts and the General Prosecutor's Office). However, the effectiveness of this method of notification remains limited, as defendants located in temporarily occupied territories or on the territory of the Russian Federation likely do not have access to these resources. These difficulties are systemic in nature and have been documented, in particular, in proceedings No. 203/7699/24 (Central District Court of Dnipro), No. 754/9472/24 (Desnianskyi District Court of Kyiv), No. 522/21406/25 (Prymorskyi District Court of Odesa), No. 186/812/24 (Pavlohrad City and District Court), No. 337/6022/24 (Khortytskyi District Court of Zaporizhzhia), and others. At this stage of the Project's implementation, an additional organizational aspect of the problem is being identified, related to the absence of a single centralized regulation regarding the selection of a print publication for the publication of summonses following the expiration of Cabinet of Ministers of Ukraine Resolution No. 52 (November 2022). This leads to the use of different publications in different regions and does not always ensure timely notification of the courts.

Some court hearings are being postponed due to the absence of the parties at their own request. The proportion of such postponements is approximately linked to the filing of motions stating that the parties are unable to attend the hearing. In particular, such situations occurred in cases No. 361/3366/23 (Brovary City District Court of Kyiv Region) – a motion by the defense counsel; No. 760/25462/25 (Solomyanskyi District Court of Kyiv) – a motion by the prosecutor; No. 754/994/25 (Desnianskyi District Court of Kyiv); No. 761/33573/25 (Shevchenkivskyi District Court of Kyiv); No. 334/2065/25 (Dniprovskyi District Court of Zaporizhzhia)

- **Problems with exercising the right to participate in court proceedings via video conference.**

Significant discrepancies have been observed in the exercise of the right to participate in court proceedings via videoconference. Although there are isolated examples of effective participation by the parties, a significant number of proceedings reveal systemic technical and organizational problems.

In particular, in Case No. 644/685/24 (Industrial District Court of Kharkiv), there was a 40-minute delay in the start of the court hearing due to difficulties connecting the victim to the video conferencing system. A similar situation occurred in Case No. 332/5022/25 (Zavodskyi District Court of Zaporizhzhia), where the delay was also caused by technical difficulties in setting up the video conference connection.

In a number of cases, court hearings never took place at all due to malfunctions in the video conferencing system. For example, in Case No. 646/1866/26 (Osnovianskyi District Court of Kharkiv), the video conferencing system failed, resulting in the hearing being postponed without the parties entering the courtroom. Similar circumstances were recorded in cases No. 206/5551/25 (Samara District Court of Dnipro), No. 638/10729/25, and No. 638/18370/25 (Shevchenkivskyi District Court of Kharkiv), No. 185/11252/24 (Pavlohrad City and District Court of Dnipropetrovsk Region) and No. 650/2921/25 (Velykooleksandrivskyi District Court of Kherson Region), No. 367/10949/24 (Irpin City Court of Kyiv Region) where court hearings were postponed due to the inability to ensure the parties' participation via video conferencing.

A separate category consists of cases related to power outages and the consequences of shelling. For example, in Case No. 954/72/24 (Novovorontsovskyi District Court of Kherson Region) the court proceedings did not take place due to a power outage and the inability to conduct a video conference. In Case No. 766/1133/24 (Kherson City Court), neither the defense nor the prosecution could appear in

court or join remotely due to a power outage. In Case No. 363/2821/25 (Vyshhorod District Court of Kyiv Region) the defense counsel's inability to participate in the video conference hearing was directly linked to the consequences of rocket shelling, which led to power and internet outages.

At the same time, even in cases where hearings were formally held, the parties' effective participation was sometimes limited. For example, in Case No. 753/20268/24 (Darnytskyi District Court of Kyiv), after prolonged attempts to configure the video conference due to unstable internet connectivity, the examination of evidence lasted only about 10 minutes. In Case No. 650/1147/24 (Kherson City Court, Kherson Region), the hearing began, but the proceedings were suspended because the defense attorney could not join the video conference due to a power outage.

Issues with the technical equipment in courtrooms were also noted. Specifically, in Case No. 370/512/26 (Makariv District Court of Kyiv Region), the courtroom lacked monitors to display the participants in the video conference, which made it impossible to properly follow the proceedings. In Case No. 370/272/25 (Makariv District Court of Kyiv Region), the video conference was plagued by constant technical interruptions due to equipment malfunctions and power surges – only one of the two monitors was working, the video of the victim's questioning could only be played after 15–20 minutes, and some of the video evidence could not be shown to the parties at all, prompting the court to postpone its review to a later date.

Additionally, in Case No. 363/581/24 (Vyshhorod District Court of Kyiv Region), simultaneous malfunctions of the "Electronic Court" system and the video conferencing system prevented the defense attorney from joining the court hearing.

RECOMMENDATIONS

For courts and judges

- **Ensuring the real participation of the parties in the judicial process.**

Measures should be taken to minimize postponements of court hearings due to the failure of parties to appear, in particular through proper case scheduling, improving the parties' procedural discipline, and so on.

For the State Judicial Administration, courts, and judges

- **Improving the quality of video conferencing use and the stability of the judicial process.**

The participation of parties via video conferencing must be not only technically feasible but also substantively and procedurally meaningful. It is necessary to avoid mere formal participation, ensure proper preparation of participants and stable, high-quality connectivity, and pay special attention to the participation of defense attorneys and prosecutors in key procedural actions. In the event of technical or organizational obstacles, it is advisable to give preference to in-person attendance. Ensure the stable and uninterrupted operation of videoconferencing systems, adequate technical equipment in courtrooms, and implement backup technical solutions (alternative power sources, stable internet connection), taking into account the impact of the Russian Federation's armed aggression on the functioning of the judicial system.

1.3.2. Trial in Absentia

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and the practice of the ECHR regarding this aspect of the right to a fair trial is provided in previous reports[6].

OBSERVATIONS

As in previous monitoring phases, the vast majority of criminal proceedings concerning war crimes are conducted under special court proceedings (in absentia). According to the monitoring results, the defendants were physically present at court hearings in only 4 cases, specifically:

- **No. 367/2115/23 – Irpin City Court of Kyiv Region;**
- **No. 761/26136/25 – Shevchenkivskyi District Court of Kyiv;**
- **No. 636/6739/25 – Kholodnohirskyi District Court of Kharkiv (sentence handed down on January 13, 2026);**
- **No. 761/2773/25 – Pecherskyi District Court of Kyiv.**

In the remaining cases, the proceedings were conducted in the absence of the defendant. This is due to the following factors: i) most of the defendants are located in temporarily occupied territories or on the territory of the Russian Federation; ii) the whereabouts of the defendants are unknown; iii) in many cases, there is no realistic possibility of ensuring their appearance in court.

Trials in the absence of the defendant (in absentia): good practices

- **The court shall take all possible measures to determine the defendant's whereabouts.**

As in previous phases of the Project, in most proceedings, courts take all possible and reasonable measures aimed at determining the defendant's whereabouts and ensuring their participation in the proceedings. In particular, courts instruct pre-trial investigation authorities to determine the defendant's current personal information, place of residence/stay, and possible means of communication (for example, Case No. 369/2003/25, Kyiv-Sviatoshyn District Court of Kyiv Region; No. 939/1024/23, Boryspil City and District Court of Kyiv Region).

Courts submit requests to various agencies to determine the defendant's whereabouts, verify information regarding captivity, in lists of missing persons, as well as regarding the availability of information on the defendant's death and possible means of communication (e.g., Case No. 363/4781/24, No. 363/2821/25, Vyshhorod District Court of Kyiv Region). On a number of occasions, courts have ordered the prosecution to provide additional evidence regarding the absence of information about the defendant's death or captivity (Case No. 638/12460/25, Shevchenkivskyi District Court of Kharkiv). In Case No. 367/1734/23 (Irpin City Court of Kyiv Region) the defense provided information regarding the probable death of the defendant in the combat zone, in connection with which the court instructed the prosecution to organize investigative (search) activities involving relevant units of the Security Service of Ukraine and the National Police of Ukraine to verify this information and establish the defendant's whereabouts.

6 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 34–35. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

The use of various channels to notify defendants is being recorded, including the sending of summonses to email addresses, messaging apps, and social media, as well as publications on official resources. For example, in Case No. 753/20268/24 (Darnitskyi District Court of Kyiv), summonses were sent to personal and work email addresses and via messaging apps; the messages were received and read, after which the sender was blocked.

- **Justified decisions on the conduct of special judicial proceedings.**

Courts reach the conclusion that a trial may proceed in the absence of the defendant in cases where it has been established that he is in a temporarily occupied territory, on the territory of the Russian Federation, or is in hiding from investigative and judicial authorities (for example, Case No. 337/2348/25, No. 337/6022/24, Khortytskyi District Court of Zaporizhzhia; No. 332/5022/25, Zavodskyi District Court of Zaporizhzhia).

Trials in the absence of the defendant (in absentia): areas for improvement

- **The nature of notifications to defendants.**

Summonses in criminal proceedings concerning war crimes are issued by publishing notices on official resources (the websites of the Office of the Prosecutor General, courts, and official print publications). At the same time, the effectiveness of this method is limited, as defendants located in temporarily occupied territories or within the Russian Federation likely do not have access to these resources.

An additional complication arises from the lack of a single, centralized regulation regarding the selection of a print publication for publishing summonses following the expiration of Cabinet of Ministers of Ukraine Resolution No. 52 (November 2022), which results in the use of different publications across regions and does not always ensure that courts are informed of relevant changes in a timely manner. There have been cases where summonses for the defendant were not published due to organizational changes, leading to the postponement of court hearings (for example, Case No. 367/11492/24, Irpin City Court of Kyiv Region).

- **Problems obtaining information from government agencies.**

There have been instances where obtaining information regarding the defendant has been complicated or delayed due to refusals or a lack of responses from government agencies. For example, in Case No. 363/4781/24 (Vyshhorod District Court of Kyiv Region) the State Border Guard Service refused to provide information due to the absence of the defendant's full name in Latin script, and in case No. 638/12460/25 (Shevchenkivskyi District Court of Kharkiv), responses from the Coordination Headquarters for Prisoners of War were not received for a long time.

- **Uncertainty regarding the defendant's status.**

The lack of reliable information regarding the defendant's whereabouts (in particular, regarding his death or captivity) complicates the progress of the case in some proceedings. For example, in Case No. 206/4277/25 (Samara District Court of Dnipro), there is information from open sources regarding the defendant's death, but there is no proper confirmation of this information.

RECOMMENDATIONS

For judicial authorities and the legislature

- **Ensuring effective notification of defendants.**

Approaches to notifying defendants should be improved by combining existing procedural mechanisms with broader use of alternative communication channels (particularly electronic ones), while also taking into account the actual accessibility of information for individuals located in temporarily occupied

territories or within the territory of the aggressor state. Attention should also be given to eliminating inconsistencies in the selection of print publications for the publication of summonses and improving the effectiveness of notification methods.

For state agencies (State Border Guard Service, Security Service of Ukraine, Coordination Headquarters), as well as prosecutors and courts

- **Proper coordination between state agencies and courts and verification of the defendant's status.**

The timely and comprehensive response of state bodies (in particular the State Border Guard Service of Ukraine, the Security Service of Ukraine, and the Coordination Headquarters for Prisoners of War) to requests from courts and prosecutors regarding the location of defendants, their status, and possible channels of communication should be ensured. Proper preparation of requests to state agencies should be ensured (including compliance with requirements regarding transliteration and the completeness of personal data) to avoid formal refusals to provide information.

Systematize approaches to verifying the status of the accused (death, captivity, missing in action), in particular by identifying priority sources of information and agreed-upon standards for its assessment.

1.3.3. Right to Defense

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports [7].

OBSERVATIONS

Right to defense: good practices

- **Mandatory participation of a defense attorney.**

Monitoring results revealed no violations regarding the participation of defense counsel in criminal proceedings. All cases involve the participation of attorneys, including those appointed through the free legal aid system, which ensures compliance with procedural guarantees regardless of the defendant's procedural conduct or actual presence (including in proceedings in absentia).

- **Exercise of the right to defense and procedural activity of defense attorneys.**

In most cases, there are no signs that a defense attorney is openly indifferent or incompetent. Defense attorneys participate in court hearings, provide professional legal assistance, and take an active legal stance (for example, Case No. 748/1384/25, Chernihiv District Court of Chernihiv Region; No. 638/12460/25, Shevchenkivskyi District Court of Kharkiv; No. 367/206/23, No. 367/1734/23, Irpin City Court of Kyiv Region; No. 761/2773/25, Pecherskyi District Court of Kyiv, etc.).

In proceedings where the defendants attend the court hearing in person, the right to a defense is generally ensured. In particular, there have been instances of active objections to the imposition or

7 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, p. 38. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

extension of a pretrial detention measure. For example, in Case No. 761/2773/25, the defense attorney objected to pretrial detention and requested house arrest, but the court denied the request, citing the risk of the defendant absconding and the potential influence on witnesses (Pecherskyi District Court of Kyiv). A similar active stance by the defense attorney was recorded in Case No. 367/2115/23, where he opposed the extension of pretrial detention (Irpin City Court of Kyiv Region).

Apart from that, it was noted that the defendants had the opportunity to communicate confidentially with their defense attorneys and were given sufficient time to do so (in particular, Case No. 367/2115/23, Irpin City Court of Kyiv Region; No. 761/26136/25, Shevchenkivskyi District Court of Kyiv). At the same time, there is no evidence in the proceedings that the defense attorneys were incompetent or indifferent. Thus, in Case No. 761/26136/25, despite the prosecutor's position seeking life imprisonment, the defense attorney, taking into account the defendant's admission of guilt, remorse, and acknowledgment of the civil claim, requested a sentence of 10–15 years' imprisonment (Shevchenkivskyi District Court of Kyiv).

In a number of cases, defense attorneys have been actively involved in examining the evidence and formulating their procedural position. For example, in Case No. 367/206/23, one of the defense attorneys pointed out the lack of evidence supporting the defendant's involvement in the actions of the General Staff of the Russian Federation and the creation of the so-called "DPR" and "LPR", expressing the expectation that the prosecution would provide relevant evidence; otherwise the mention of such circumstances in the indictment is unfounded. In the same proceedings, another defense attorney proposed changing the order of evidence examination, specifically to conduct the examination of witnesses and victims before examining written evidence, arguing that the events took place in 2022 and it is important to record their testimony before they may lose their memory. The court agreed with this approach and established the corresponding order of evidence examination. The defense attorneys also took steps to establish contact with their clients. The court inquired whether the defense attorneys had attempted to contact the defendants – one attorney reported that they had searched social media but to no avail, while another noted that they had no contact with their client (Irpin City Court, Kyiv Region).

Examples of effective participation by defense attorneys in procedural actions were also recorded, including the conduct of cross-examination (Case No. 337/6022/24, Khortytskyi District Court of Zaporizhzhia).

Certain actions taken by the defense contributed to establishing facts relevant to the proceedings. For example, in Case No. 367/1734/23, the defense reported the probable death of the defendant in a combat zone, which served as the basis for instructing the prosecution to conduct additional investigative (search) activities to verify this information.

Along with this, certain organizational aspects related to the replacement of defense attorneys were noted. For example, in Case No. 636/7477/25, there was a change of attorneys, after which the newly appointed defense counsel moved to postpone the hearing in order to review the case materials, which demonstrates compliance with the guarantees of proper preparation for the defense (Chuhuiv City Court of Kharkiv Region).

Right to Defense: areas for improvement

- **Specific aspects of defense attorneys' participation that require improvement.**

Specific cases of formal or insufficiently active participation by defense attorneys were noted. For example, in Case No. 752/11014/22 (Dniprovskyi District Court of Kyiv), the defense attorney made no comments on the written evidence examined by the court, did not review the list of materials provided by the prosecutor, and stated that he did not require additional review, whereupon the court immediately proceeded to examine them. At the same time, certain pieces of evidence (in particular, a military ID) were not examined during the court hearing, as neither party insisted on this, which complicates the determination of their relevance and evidentiary value.

In Case No. 588/800/24 (Sumy Court of Appeal), only one of the five defense attorneys filed an appeal, although the grounds for appeal were common to all defendants, which may indicate uneven procedural activity on the part of the defense.

Certain observations indicate that defense attorneys participated in court hearings under conditions that did not always ensure adequate communication quality (Case No. 369/2003/25, Kyiv-Sviatoshyn District Court of Kyiv Region; Case No. 753/20268/24, Darnytskyi District Court of Kyiv).

- **Failure of defense attorneys to appear and related procedural difficulties, particularly due to the increased workload on the FLA.**

Among the reasons for postponing court hearings are the failure of defense attorneys to appear or the filing of motions for postponement. Specifically, in Case No. 185/13879/25 (Pavlohrad City and District Court of Dnipropetrovsk Region) the hearing was postponed due to the absence of the defense attorney, who had been notified of the date and time of the hearing via SMS, but did not appear, did not file any motions, and the reasons for his absence remained unknown.

In Case No. 361/3366/23 (Brovary City and District Court of Kyiv Region) hearings were not held for a long time due to the systematic failure of defense attorneys to appear; six defense attorneys are involved in the case, who cannot coordinate their participation, while the proceedings are conducted by a panel of judges, which further complicates the organization of hearings.

At the same time, some of the postponements are due to objective reasons, in particular the security situation or technical difficulties (for example, Case No. 363/2821/25, Vyshhorod District Court of Kyiv Region), as well as the defense attorneys' busy schedules or illness (Case No. 748/1511/25, Chernihiv Court of Appeal).

- **Issues regarding the continuity of legal representation (replacement of defense attorneys).**

Cases of changes in defense attorneys have been documented, which affects the effectiveness of the defense. For example, in Case No. 367/2497/23 (Irpin City Court of Kyiv Region), multiple defense attorneys were replaced during the proceedings: the previous attorney ceased participation due to the expiration of their contract with the FLA system, after which a new defense attorney was appointed. At the same time, at the time of the court hearing, the newly appointed attorney was not familiar with the case materials and reported being on sick leave, which served as grounds for postponing the preliminary hearing. Similarly, in the same case, the defense attorney moved to postpone the hearing due to illness, and the court clerk reported that the attorney had not familiarized himself with the case. The date of the next hearing was set without consulting the defense attorney.

Similar situations occurred in other proceedings where newly appointed defense attorneys requested time to review the case materials (Case No. 636/7477/25, Chuhuiv City Court of Kharkiv Region).

- **Technical and organizational challenges to the exercise of the right to defense.**

The exercise of the right to defense is also complicated by technical and organizational circumstances. In particular, in Case No. 370/272/25 (Makariv District Court of Kyiv Region), technical malfunctions made it impossible to fully assess the defense counsel's participation in the court hearing.

In Case No. 363/581/24 (Vyshhorod District Court of Kyiv Region), the prosecutor insisted on the defense counsel's in-person presence in court, as it is technically difficult to ensure a thorough examination of video evidence (particularly OSINT materials) via video conference, which limits the effectiveness of the parties' participation in a remote hearing format.

- **Challenges to the exercise of the right to defense – public pressure and the undermining of the defense attorney's professional role.**

The issue of public pressure and critical perceptions of defense attorneys' activities in this category of cases remains relevant. As in previous phases of the Project, these challenges persist in the current

monitoring phase, which may affect the perception of the defense attorney's professional role and the conditions for providing defense.

RECOMMENDATIONS

For courts, judges, and the free legal aid system

- **Ensuring effective participation by the defense counsel and procedural balance.**

Ensure that defense counsel's participation in court proceedings is substantive rather than merely formal, particularly during the examination of evidence and the filing of motions. In cases where defense counsel is replaced, sufficient time should be provided to review the case materials and avoid situations where counsel is unprepared to participate in the hearing. Take measures to properly organize the participation of defense counsel in court hearings, in particular through advance planning and addressing systematic no-shows or repeated motions for postponement. Promote equality of the parties in the proceedings, a thorough examination of evidence, and a proper understanding of the role of defense counsel as a key element of the right to a fair trial.

For the State Judicial Administration, courts, and judges

- **Ensuring appropriate conditions for participation (including via video conference).**

Ensure the technical and organizational conditions that allow defense counsel to fully exercise the right to defense, including when participating via video conference.

For the free legal aid system and bar associations

- **Develop institutional support for defense attorneys and their specialization in war crimes cases (particularly in absentia).**

Strengthen institutional support for defense attorneys, particularly through educational initiatives, access to psychological support, and the provision of adequate security guarantees. Ensure specialized training for defense attorneys in war crimes cases, consider the feasibility of introducing specialization in this area, develop methodological guidelines for conducting defense in such proceedings, and facilitate the exchange of best practices.

1.3.4. Participation of Victims and Witnesses

INTERNATIONAL STANDARD AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports [8].

OBSERVATIONS

Participation of Victims and Witnesses: good practices

8 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 41–42. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf

- **Informing witnesses/victims about the questioning procedure, their rights, and obligations.**

In certain cases, witnesses and victims receive advance information about the procedure for giving testimony, their rights and obligations, and are provided with the necessary practical support during their testimony. In Case No. 588/1239/25 (Trostyanets District Court of Sumy Region), before the interrogation, witnesses were given a memo on their rights and obligations, and information regarding witness conduct, reimbursement of expenses, and liability for failure to appear without valid reasons was posted on the court's website. Similarly, in cases No. 766/7468/23 and No. 766/9640/23 (Kherson City Court, Kherson Region) witnesses were notified in advance of the time and place of the hearing and were properly informed about the procedure for giving testimony.

At the same time, the results of the monitoring are limited to direct observations during court hearings. Consequently, the issue of broader victim involvement, their information, and support outside of court proceedings was not the subject of in-depth research within the scope of this monitoring.

- **Ensuring the safety of witnesses and victims.**

Monitoring revealed that in a number of proceedings, courts sought to strike a balance between the principle of public access and the need to protect victims and witnesses. In particular, in Case No. 638/24182/24 (Shevchenkivskyi District Court of Kharkiv), the court prohibited filming for the sake of witness safety. In Case No. 588/1239/25 (Trostyanets District Court of Sumy Region) prior to questioning witnesses, they were warned about restrictions on photographing their faces and a ban on video broadcasting without a separate court order. In Case No. 334/2065/25 (Dniprovskyi District Court of Zaporizhzhia), the court proceeded to closed proceedings during the examination of a witness whose relatives are in the temporarily occupied territory, as the testimony could pose a threat to them. In Case No. 333/5650/25 (Komunarskyi District Court of Zaporizhzhia), a closed hearing was held during the questioning of the victim with her consent. In Case No. 638/5357/25 (Shevchenkivskyi District Court of Kharkiv), concerning sexual violence and forced displacement, the hearing took place in a closed session due to the victim's severe psychological condition. At the same time, individual cases also point to risks of insufficient protection of victims' privacy in sensitive categories of cases, particularly when information that allows for their identification is published in open sources.

- **Ensuring the participation of victims and their representatives.**

The participation of victims' representatives is a notable feature of court proceedings in cases involving war crimes. Monitors noted the presence of victims' attorneys in court hearings, their filing of motions, their support for specific procedural positions, as well as their participation in formulating or clarifying civil claims.

Specifically, in Case No. 766/10362/24 (Kherson City Court, Kherson Region), although the victims failed to appear, a representative of the victim, a lawyer, was present in the courtroom. In Case No. 367/11492/24 (Irpin City Court of Kyiv Region) the victim's representative filed a motion to postpone the hearing due to lack of familiarity with the case materials and the inability to formulate claims within the criminal proceedings. In proceeding No. 761/26136/25 (Shevchenkivskyi District Court of Kyiv), the victims' representative clarified the civil claim prior to the closing arguments, adding the Russian Federation government as a co-defendant. In the same proceedings, two witnesses – prisoners of war – were questioned via video conference, and a Ukrainian serviceman was questioned in person in the courtroom. In Case No. 367/2115/23 (Irpin City Court of Kyiv Region), the victim's representative supported the prosecutor's position regarding the need to consider the motion to extend the detention period, despite objections from the defendant and the defense attorney. In proceeding No. 636/6739/25 (Kholodnohirskyi District Court of Kharkiv), the victims participated via video conference from the Zhytomyr District Court, while their representative was present in the courtroom. In Case No. 485/2029/24 (Snihurivka District Court of Mykolaiv Region) some victims participated via video conference, while others were present in the courtroom; a representative of the victims was also present.

At the same time, some observations indicate that in not all proceedings did victims have adequate representation or clearly understand who exactly was representing their interests.

- **Taking into account the vulnerability of victims.**

In some cases, courts or prosecutors took measures to avoid re-traumatizing victims. For example, in Case No. 185/7155/25 (Pavlohrad City and District Court of Dnipropetrovsk Region) the Office of the Prosecutor General's motion to transfer the criminal proceedings to a different panel of judges was granted in order to avoid re-traumatizing the victim. In Case No. 638/5357/25 (Shevchenkivskyi District Court of Kharkiv), concerning sexual violence and forced displacement, the hearing was held in a closed session due to the victim's severe psychological condition. In Case No. 333/5650/25 (Kommunarskyi District Court of Zaporizhzhia), the court closed the session during the victim's questioning with her consent.

- **Flexibility in determining the order of evidence examination.**

In Case No. 367/206/23 (Irpin City Court of Kyiv Region) the court, taking into account the defense's position, determined the order of proceedings such that the victims and witnesses were to be examined first, only then would the written evidence be examined, given the risk of losing the completeness of memories regarding the events of 2022. Likewise, in Case No. 939/2033/24 (Borodianka District Court of Kyiv Region), the court postponed the hearing to ensure that the victims could testify via video conference from a court located closer to their place of residence and work.

Participation of Victims and Witnesses: areas for improvement

- **Failure of victims and witnesses to appear and the hearing of cases in their absence.**

The participation of victims and witnesses cannot always be ensured. There have been instances where victims failed to appear in court when summoned, which affected the course of the proceedings. In particular, in Case No. 748/1384/25 (Chernihiv District Court of Chernihiv Region) the victim was unable to appear due to military service. In Case No. 760/7344/22 (Solomyanskyi District Court of Kyiv), the questioning of the victims did not take place, and there was no confirmation that they had been properly summoned. In Case No. 638/24182/24 (Shevchenkivskyi District Court of Kharkiv), the hearing was postponed due to the inability to bring the witness to court. In Case No. 370/272/25 (Makariv District Court of Kyiv Region) the victim did not appear because he is serving in the Armed Forces of Ukraine.

In a number of cases, victims did not participate in the hearings; instead, they filed motions for the case to be heard without their participation. Such cases were recorded, in particular, in proceedings No. 367/5038/25, No. 367/2497/23, No. 367/2115/23 (Irpin City Court of Kyiv Region), No. 754/4075/22 (Desnianskyi District Court of Kyiv), No. 766/7280/25, No. 766/1299/25, No. 766/16568/24 (Kherson City Court of Kherson Region) At the same time, in some of these cases, the victims did not have legal representation, which may have affected the full exercise of their procedural rights.

- **Problems with victims' access to information about their rights and case materials.**

Some observations indicate that victims are not always sufficiently informed about their procedural rights. For example, in Case No. 363/2821/25 (Vyshhorod District Court of Kyiv Region), the victims were unaware of their right to file a civil claim within the criminal proceedings and, prior to arriving at court, believed that their interests were already being represented by a lawyer. In particular, they relied on the advice of a person who conducted interviews and introduced themselves as a "defender", mistakenly perceiving them as a lawyer. According to the victims, this person advised them not to participate in court hearings and to file motions for the case to be heard in their absence, as well as not to consult a lawyer, citing, in particular, information about the alleged death of the defendant. At the same time, during the court proceedings, information was received from the SBU stating that the defendant had not died but was continuing to serve in the Russian Armed Forces and had changed his place of deployment; up-to-date contact information (phone numbers, email addresses, social media accounts) was also provided.

- **Uncertainty regarding the procedural status of victims and issues of legal succession.**

In isolated cases, questions arose regarding the procedural status of victims or the quality of representation of their interests. For example, in Case No. 752/11014/22 (Dniprovskyi District Court of Kyiv), the victim had the status of a witness, and the prosecutor did not explain the reasons for the lack of victim status.

In addition, procedural difficulties were noted related to the death of victims and the need to identify their legal successors. For instance, in Case No. 522/21406/25 (Prymorskyi District Court of Odesa), the victim's death necessitated identifying the group of individuals who could be recognized as victims in the case, which led to the postponement of the trial.

- **Technical obstacles to the presentation of victims' testimony and video evidence.**

In Case No. 370/272/25 (Makariv District Court of Kyiv Region), due to technical malfunctions and power fluctuations, the video evidence and the video of the victim's interrogation could not be properly played – only one of the two monitors was working, parts of the video froze, and a separate recording stopped at the three-minute mark, due to which the court postponed the examination of the evidence to a later date. This hindered the full comprehension of the victim's testimony by all participants in the proceedings.

- **Privacy concerns regarding victims in sensitive cases.**

In Case No. 367/10949/24 (Irpin City Court of Kyiv Region), involving sexual violence, the victim's full name was listed on the "Judiciary" website, while the ruling on closed proceedings is not publicly available. This creates additional risks to the victim's privacy.

RECOMMENDATIONS

For courts, prosecution authorities, and the free legal aid system

- **Ensuring the awareness and effective participation of victims and witnesses.**

Providing victims and witnesses with adequate information about their procedural rights and forms of participation (including the right to file a civil claim, engage a representative, and access case materials) is recommended, including by providing clear guidelines and verifying the accuracy of contact information. Take measures to ensure their meaningful participation in court proceedings, and facilitate the involvement of victims' representatives to fully exercise their procedural rights during court hearings.

- **Psychological support and work with vulnerable individuals**.

Attention should be paid to providing psychological support to victims and witnesses, in particular by informing them about available support services, involving specialists (psychologists), and creating safe and trauma-sensitive conditions for participation in the proceedings.

1.4. Equality of the Parties

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports[9].

9 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 45–46. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

OBSERVATIONS

As in previous monitoring phases, no obvious procedural violations of the principle of equality of arms or significant imbalance between the prosecution and the defense were observed during court hearings.

At the same time, it should be noted that public pressure in war crimes cases – in particular, the expectation of a guilty verdict and negative perceptions of defense attorneys – creates a structural risk to the equality of the parties that is not always visible during an individual hearing. This factor requires constant attention, even in the absence of obvious violations.

RECOMMENDATIONS

For courts and judges

- **Ensuring continued adherence to the principle of equality of the parties.**

The prosecution and the defense must be guaranteed equal procedural opportunities, including access to case materials, the effective presentation of their positions, the ability to comment on evidence, and participation in court proceedings on equal terms. Adherence to this principle is an integral part of the right to a fair trial and must be ensured in both ordinary and sensitive categories of cases, particularly those involving war crimes.

1.5. Presumption of Innocence and Burden of Proof

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports[10].

OBSERVATIONS

As in previous monitoring phases, no obvious procedural violations of the principle of equality of arms or significant imbalance between the prosecution and the defense were observed during court hearings.

At the same time, it should be noted that public pressure in war crimes cases – in particular, the expectation of a guilty verdict and negative perceptions of defense attorneys – creates a structural risk to the equality of the parties that is not always visible during an individual hearing. This factor requires constant attention, even in the absence of obvious violations.

RECOMMENDATIONS

Pre-trial investigation authorities, the prosecution, and the courts

10 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 47–48. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

- **Ensuring continued adherence to the presumption of innocence and the proper allocation of the burden of proof.**

Pre-trial investigation bodies, the prosecution, and the courts should strictly adhere to the principle of the presumption of innocence, both in court proceedings and in public communications. In cases involving war crimes, this is of particular importance given the heightened public pressure and expectations for a guilty verdict. The burden of proof must invariably rest with the prosecution, ensuring an appropriate procedural balance during the trial.

1.6. Right to Remain Silent and Not to Testify Against Oneself

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports[11].

OBSERVATIONS

As in previous monitoring phases, the results of the Project's implementation did not reveal any particular issues regarding the exercise of the right not to testify against oneself and the right to remain silent in the criminal proceedings reviewed. No instances were recorded that would indicate a violation of these guarantees or coercion to testify against oneself.

At the same time, individual observations indicate that defendants exercised their right to determine their own procedural position, particularly regarding the admission of guilt. For example, in Case No. 761/26136/25 (Shevchenkivskyi District Court of Kyiv), the defendant fully admitted his guilt, expressed remorse, and acknowledged the civil claim, which was taken into account by the defense when determining its position during the court proceedings.

The overwhelming majority of criminal proceedings concerning war crimes are heard under special judicial proceedings (in absentia), in the absence of the defendants. Only in isolated cases were the defendants physically present at court hearings. Under such conditions, opportunities to identify potential problems in the exercise of the right to remain silent or to avoid self-incrimination are limited.

RECOMMENDATIONS

Pre-trial investigation authorities, the prosecutor's office, and the courts

- **Ensuring continued respect for the right not to testify against oneself and to remain silent.**

It is necessary to ensure respect for the defendant's right not to be compelled to testify against themselves or to admit guilt. In cases where defendants appear in person at court hearings, it must be guaranteed that the exercise of the right to remain silent is not considered an indication of guilt and does not influence the assessment of evidence when rendering a judicial decision.

11 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 48–49. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

1.7. Reasonable Time Frames and Efficiency

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports[12].

OBSERVATIONS

As in previous monitoring phases, assessing the reasonableness of the time limits for criminal proceedings concerning war crimes is complicated by the lack of comprehensive and systematic statistical data that would allow tracking the duration of each specific case.

In this regard, to assess the duration of proceedings concerning war crimes, the Project determined the average duration of the cases monitored in the third phase and for which decisions were rendered by courts of first and appellate instance during the reporting period.

The time period was defined as the time from the moment a person was served with a notice of suspicion until the date of the relevant court decision.

- **Criminal proceedings concluded with a ruling by the court of first instance:**
  No. 729/169/25 [17.01.2025 - 03.11.2025 (0 years, 9 months, 17 days; 290 days)]
  No. 638/18046/24 [27.10.2022 - 03.11.2025 (3 years, 0 months, 7 days; 1103 days)]
  No. 748/1511/25 [10.07.2024 - 05.11.2025 (1 year, 3 months, 26 days; 483 days)]
  No. 332/3499/24 [16.01.2024 - 06.11.2025 (1 year, 9 months, 21 days; 660 days)]
  No. 370/399/23 [09.11.2022 - 06.11.2025 (2 years, 11 months, 28 days; 1092 days)]
  No. 588/811/25 [08.08.2024 - 10.11.2025 (1 year, 3 months, 2 days; 459 days)]
  No. 333/7817/23 [03.05.2023 - 18.11.2025 (2 years, 6 months, 15 days; 930 days)]
  No. 766/16458/24 [13.08.2022 - 19.11.2025 (3 years, 3 months, 6 days; 1194 days)]
  No. 370/731/24 [19.01.2024 - 24.11.2025 (1 year, 10 months, 5 days; 675 days)]
  No. 748/1732/25 [02.04.2022 - 24.11.2025 (3 years, 7 months, 22 days; 1332 days)]
  No. 619/10509/24 [26.07.2022 - 02.12.2025 (3 years, 4 months, 6 days; 1225 days)]
  No. 185/3990/23 [17.11.2022 - 06.12.2025 (3 years, 0 months, 19 days; 1114 days)]
  No. 485/1155/25 [16.09.2024 - 10.12.2025 (1 year, 2 months, 24 days; 450 days)]
  No. 366/1631/25 [14.02.2023 - 17.12.2025 (2 years, 10 months, 3 days; 1037 days)]
  No. 485/2099/24 [22.08.2022 - 23.12.2025 (3 years, 4 months, 1 day; 1219 days)]
  No. 588/800/24 [11.04.2024 - 23.12.2025 (1 year, 8 months, 12 days; 621 days)]
  No. 334/9583/24 [15.09.2022 - 26.12.2025 (3 years, 3 months, 11 days; 1198 days)]
  No. 521/14869/23 [03.05.2022 - 06.01.2026 (3 years, 8 months, 3 days; 1344 days)]
  No. 748/1384/25 [04.07.2022 - 06.01.2026 (3 years, 6 months, 2 days; 1282 days)]
  No. 636/6739/25 [21.06.2024 - 13.01.2026 (1 year, 6 months, 23 days; 571 days)]
  No. 748/1970/25 [22.08.2023 - 19.01.2026 (2 years, 4 months, 28 days; 881 days)]
  No. 490/2519/24 [28.05.2022 - 26.01.2026 (3 years, 7 months, 29 days; 1339 days)]

12 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 50–51. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

No. 766/10363/24 [24.05.2024 - 19.02.2026 (1 year, 8 months, 26 days; 636 days)]
No. 644/5405/24 [07.07.2023 - 02.03.2026 (2 years, 7 months, 23 days; 969 days)]
No. 337/6022/24 [25.07.2024 - 03.03.2026 (1 year, 7 months, 6 days; 586 days)]
No. 588/1239/25 [26.05.2025 - 05.03.2026 (0 years, 9 months, 7 days; 283 days)]
No. 766/9963/24 [25.07.2023 - 12.03.2026 (2 years, 7 months, 15 days; 961 days)]
No. 766/764/23 [12.04.2022 - 25.03.2026 (3 years, 11 months, 13 days; 1443 days)]

The arithmetic mean of the duration of criminal proceedings, from the moment a person is served with a notice of suspicion until the court of first instance issues a verdict - **907 days**; that is **2 years, 5 months, 27 days**.

For comparison with previous periods:

- Current stage: 2 years, 5 months, and 27 days.
- Previous stage: 1 year, 10 months, and 19 days.
- Earlier: 1 year, 6 months, and 14 days.

A significant increase in the duration of criminal proceedings is observed - approximately 7 months compared to the previous stage and nearly 1 year compared to the earlier period.

- **Criminal proceedings that were reviewed by appellate courts:**
  No. 335/3484/24 [02.02.2024 - 25.11.2025 (1 year, 9 months, 23 days; 662 days)]
  No. 644/9444/24 [02.01.2023 - 03.12.2025 (2 years, 11 months, 1 day; 1066 days)]
  No. 766/6280/24 [25.03.2024 - 17.03.2026 (1 year, 11 months, 20 days; 722 days)]
  No. 748/1511/25 [10.07.2024 - 16.02.2026 (1 year, 7 months, 6 days; 586 days)]
  No. 185/3990/23 [17.11..2022 - 18.02.2026 (3 years, 3 months, 1 day; 1189 days)]

The arithmetic mean of the duration of criminal proceedings from the moment a person is served with a notice of suspicion until the appellate court renders a decision - **845 days**, or approximately **2 years, 3 months, 25 days**.

For comparison with previous periods:

- Current stage: 2 years, 3 months, 25 days.
- Previous stage: 2 years, 4 months, and 18 days.
- Earlier: 1 year, 7 months, and 11 days.

Thus, compared to the previous stage, the figure has not changed significantly, but it is considerably higher than during the earlier stage of monitoring – by nearly 8 months.

The duration of criminal proceedings under the same articles of the Criminal Code of Ukraine is not constant or uniform, given the complexity of the case, the volume of evidence to be examined by the court, the need to question witnesses and ensure their participation to testify in court, and so on.

Reasonable Time Frames and Efficiency: good practices

- **Effective procedural management and ensuring reasonable time frames for proceedings**.

In certain cases, courts promote compliance with reasonable time frames for criminal proceedings and take measures to ensure an efficient judicial process. Some proceedings demonstrate relatively swift and consistent adjudication. In particular, in Case No. 761/26136/25 (Shevchenkivskyi District Court of

Kyiv), the trial actually took place over the course of about six months (with the defendant present).

There are also instances of active procedural management of the proceedings, including the initiation of changes to the order of evidence examination to avoid delays in the proceedings.

Reasonable Time Frames and Efficiency: areas for improvement

- **Postponement of court hearings as a factor affecting reasonable time limits for proceedings.**

Frequent instances of rescheduling and postponing court hearings negatively impact compliance with reasonable time limits for criminal proceedings. The reasons for such postponements vary, but their recurrence indicates the vulnerability of the judicial process to both internal and external factors.

These circumstances are already reflected in the relevant section of observations (see Section 1.2. “Accessibility and Publicity of Justice,” subsection “Physical Accessibility: Areas for Improvement,” particularly regarding systematic postponements of court proceedings), which confirms their systemic nature and impact on the effectiveness of judicial proceedings.

- **Specific cases requiring attention regarding compliance with reasonable time frames.**

1. Cases lasting approximately 3 years or longer

No. 185/3990/23 - over 3 years in the court of first instance

No. 367/2115/23 - nearly 3 years, with the defendant present

No. 754/4075/22, No. 758/9655/25, No. 242/930/24, No. 753/20268/24 - ongoing since 2021

No. 760/7344/22 - ongoing since 2022

2. Cases remaining in the preparatory stage for an extended period

No. 367/3121/24 - nearly 2 years in the preparatory stage

No. 638/21904/25, No. 367/10949/24 - preparatory proceedings have lasted over 2 years

No. 367/206/23 - over 3 years before proceeding to trial

No. 636/2264/24, 646/12371/25 - pretrial proceedings lasting over 3 years

No. 638/12460/25 - the case has been in the pretrial stage since 2022

3. Delays in applying the in absentia procedure

No. 367/5761/23 - over 1.5 years to resolve the issue of special proceedings

No. 363/872/23 - the issue of in absentia proceedings remains unresolved

No. 644/685/24 - the decision on special proceedings was made only after a significant delay.

4. Prolonged delays in the final stages

No. 761/9766/22 - the case has remained unresolved for over a year following the examination of evidence and scheduling of arguments

No. 748/1384/25 - prolonged transition to arguments

5. Short pretrial investigation periods (risk to quality)

No. 766/8087/25 - pretrial investigation lasted less than a month

No. 766/7280/25, No. 766/1539/25 - also very short periods.

RECOMMENDATIONS

For courts and judges

- **Optimize the organization of court hearings and minimize postponements.**

The organization of court proceedings should be improved to reduce the number of postponements and their impact on the overall duration of proceedings. At the same time, it should be noted that a significant portion of postponements is caused by objective factors, including a heavy caseload on the courts, a shortage of judges, and the consequences of Russia's armed aggression, such as shelling of critical infrastructure, which leads to power outages and complicates the conduct of hearings (including via video conferencing).

- **Prioritizing proceedings with prolonged durations.**

Criminal proceedings characterized by a prolonged preparatory stage or an overall excessive duration of proceedings should be identified and prioritized to ensure more expedited procedural progress, a timely transition to trial, and the prevention of further delays. At the same time, the objective limitations on the functioning of the judicial system, related to staffing shortages and the security situation, which affect the ability to meet reasonable deadlines, must be taken into account.

1.8. Right to Interpretation

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECHR practice regarding this aspect of the right to a fair trial is provided in previous reports[13].

OBSERVATIONS

Right to interpretation: good practices

- **Providing an interpreter during court proceedings and translating procedural documents.**

In these proceedings, the participation of an interpreter during court hearings is ensured. In particular, in Case No. 761/26136/25 (Shevchenkivskyi District Court of Kyiv), the defendant was informed of his rights, and an interpreter participated in the court hearing. In this proceeding, the translation of key procedural documents (the indictment and the notice of suspicion) was provided. Similarly, in proceeding No. 367/2115/23 (Irpin City Court of Kyiv Region), an interpreter was present during the hearing.

In Case No. 370/272/25 (Makariv District Court of Kyiv Region), the translation of documents was performed by a court-appointed interpreter who held the appropriate certification, and the court read the documents aloud based on the translation.

- **Taking into account the defendant's language needs.**

In cases where the defendant is fluent in the language of the proceedings, no additional translation measures are required. In particular, in Case No. 761/2773/25 (Pecherskyi District Court of Kyiv), it was

13 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 54–55. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

established that the defendant understood the language of the proceedings.

Cases are also recorded where defense attorneys use the language the defendant speaks, which facilitates proper communication between them and the exercise of the right to defense (Case No. 367/11318/25, Irpin City Court of Kyiv Region; Case No. 939/2033/24, Borodianka District Court of Kyiv Region).

- **Providing translation in in absentia cases.**

In proceedings conducted under the in absentia procedure, courts also take measures to ensure translation. Typically, summonses are published in Ukrainian and Russian, ensuring the information is accessible to the defendant. For example, in Case No. 332/5022/25 (Zavodskyi District Court of Zaporizhzhia), an interpreter was engaged to provide translation of the summonses for the defendants.

Right to interpretation: areas for improvement

- **Delays or failure to provide translations of procedural documents.**

Cases have been recorded where translations of procedural documents are not provided in a timely manner, which affects the course of court proceedings. In particular, in Case No. 332/5022/25 (Zavodskyi District Court of Zaporizhzhia), the court hearing did not take place because the interpreter did not have time to translate the summons for the defendants into the language they speak.

Some observations indicate a lack of translation for documents examined by the court. For example, in Case No. 752/11014/22 (Dniprovskyi District Court of Kyiv), the court did not disclose procedural documents that had been translated, and written evidence was examined in the original language (Russian) without translation into Ukrainian.

RECOMMENDATIONS

For courts and prosecution authorities

- **Ensuring timely and complete translation of procedural documents.**

Timely translation of procedural documents, including summonses, indictments, and other materials, into a language the defendant understands must be ensured to avoid delays in case proceedings and to guarantee the actual exercise of procedural rights.

- **Ensuring the effective participation of an interpreter in court proceedings.**

The interpreter should be properly engaged at all stages of criminal proceedings, and translations should be provided not only for procedural documents but also for evidence examined by the court, to ensure that all participants fully understand the proceedings.

1.9. Liberty and security of the person

INTERNATIONAL STANDARDS AND ECHR PRACTICE

A detailed analysis of international standards and ECtHR practice regarding this aspect of the right to a fair trial is provided in previous reports[14].

14 Report on the Results of the Implementation of Phase 3 of the Project, September 2025, pp. 56–57. URL: https://uba.ua/documents/2025/Report-Monitoring-2025-WEB.pdf.

OBSERVATIONS

Liberty and security of the person: good practices

- **Justification for the use of pretrial detention and consideration of alternative preventive measures.**

In most cases, the decision to impose pretrial detention as a preventive measure is accompanied by a reference to the existence of reasonable suspicion and risks as provided for in Article 177 of the Code of Criminal Procedure of Ukraine. In particular, in Case No. 333/5650/25 (Komunarskyi District Court of Zaporizhzhia), the investigating judge provided a detailed justification for the existence of risks, analyzed the appropriateness of applying less severe measures, but found them insufficient and concluded that it was impossible to apply less severe preventive measures. Similarly, in Case No. 333/116/25 (Komunarskyi District Court of Zaporizhzhia), it was noted that detention is justified given the risks of absconding, influencing witnesses, and the possibility of committing new offenses.

In a number of proceedings, courts apply the provisions of Part 6 of Article 176 of the Code of Criminal Procedure of Ukraine regarding the mandatory nature of pretrial detention for certain categories of crimes under martial law (Case No. 332/5022/25, Zavodskyi District Court of Zaporizhzhia).

- **Existence of procedural oversight and adversarial proceedings.**

Cases have been recorded in which the defense challenges the imposition or extension of pretrial detention (Case No. 367/2115/23, Irpin City Court of Kyiv Region) – a sign that an adversarial approach is being applied in resolving such matters.

Liberty and security of the person: areas for improvement

- **The formal nature of the reasoning behind decisions on pretrial detention**

Some observations indicate the use of generalized or repetitive arguments when selecting and extending pretrial detention as a preventive measure, without a proper individualized assessment of risks at each stage. In particular, in Case No. 369/3671/24 (Kyiv-Sviatoshyn District Court of Kyiv Region), the court, when selecting a preventive measure, primarily relied on previous decisions without a detailed analysis of the current risks. Similarly, in Case No. 367/2115/23 (Irpin City Court of Kyiv Region) there are multiple instances of extending pretrial detention using similar reasoning without substantially updating it.

- **Limited reasoning regarding alternative pretrial measures.**

In some proceedings, clear arguments regarding the impossibility of applying alternative measures are absent. For example, in Case No. 939/2033/24 (Borodianka District Court of Kyiv Region), it was not established whether the possibility of applying less severe measures was considered, even though the defense counsel objected to pretrial detention.

RECOMMENDATIONS

For courts and judges

- **Properly substantiating decisions on pretrial measures.**

Attention should be paid to tailoring the reasoning behind decisions to impose and extend pretrial detention, in particular by reflecting a current assessment of the risks as defined by criminal procedure law, as well as by taking into account the arguments of the defense.

- **Assessment of the possibility of applying alternative preventive measures.**

The possibility of applying less severe preventive measures should be examined, with appropriate reasoning provided as to why they are insufficient in the specific circumstances of the case, taking into account the nature and severity of the alleged offenses.

1.10. Application of International Humanitarian Law

INTERNATIONAL STANDARDS AND ECHR PRACTICE

The application of IHL provisions in criminal proceedings concerning war crimes is an integral part of ensuring a fair trial and the proper legal classification of acts.

In accordance with international standards, in particular **the 1949 Geneva Conventions**[15] [16] [17] [18] and their **Additional Protocols** [19] [20] [21] , **the 1907 Hague Convention (with the annex "Regulations concerning the Laws and Customs of War on Land")** [22] etc., states are obligated to ensure the effective investigation and prosecution of persons suspected of committing serious violations of IHL, while respecting procedural guarantees and properly applying the norms of international law.

ECHR PRACTICE

In its judgments, the ECHR applies the norms of IHL, considering them in conjunction with the Convention. This underscores that human rights remain protected during armed conflicts. Key ECHR judgments: the ECHR judgment in the case of "Ukraine and the Netherlands v. Russia", [23], the ECHR judgment in the case of "Ukraine v. Russia (re Crimea)" [24], the ECHR judgment in the case of "Cyprus v. Turkey", [25] etc.

Attention is also drawn to the overview of ECHR case law titled "Key Topic – Article 7. International Crimes," which systematizes the Court's approaches to international crimes.[26]

OBSERVATIONS

Information regarding the application of international humanitarian law in the monitoring questionnaires

15 The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949. URL: https://zakon.rada.gov.ua/laws/show/995_151#Text.

16 Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of August 12, 1949. URL: https://zakon.rada.gov.ua/laws/show/995_152#Text

17 Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. URL: https://zakon.rada.gov.ua/laws/show/995_153#Text.

18 Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949. URL: https://zakon.rada.gov.ua/laws/show/995_154#Text.

19 Additional Protocol I to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977. URL: https://zakon.rada.gov.ua/laws/show/995_199#Text.

20 Additional Protocol I to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated June 8, 1977. URL: https://zakon.rada.gov.ua/laws/show/995_200#Text

21 Additional Protocol to the Geneva Conventions of August 12, 1949, regarding the adoption of an additional distinctive emblem (Protocol III), dated December 8, 2005. URL: https://zakon.rada.gov.ua/laws/show/995_g74#Text

22 Convention on the Laws and Customs of War on Land (Hague Convention IV) of October 18, 1907. URL: https://zakon.rada.gov.ua/laws/show/995_222#Text.

23 Judgment of the European Court of Human Rights in the case of "Ukraine and the Netherlands v. Russia" dated July 9, 2025, applications No. 8019/16, 43800/14, 28525/20, and 11055/22. URL: https://hudoc.echr.coe.int/eng?i=001-244292.

24 ECHR judgment in the case of "Ukraine v. Russia (re Crimea)" dated June 25, 2024, applications No. 20958/14 and 38334/18. URL: https://hudoc.echr.coe.int/eng?i=001-235139.

25 ECHR judgment in the case of "Cyprus v. Turkey" dated May 10, 2001, application No. 25781/94. URL: https://hudoc.echr.coe.int/eng?i=001-59454.

26 Overview of ECHR case law "Key Topic – Article 7. International Crimes." URL: https://ks.echr.coe.int/documents/d/echr-ks/international-crimes-ukr.

was often limited, as the indictments or relevant legal issues were not addressed on their merits during the court hearings observed. Consequently, based on the data recorded in the questionnaires, it is difficult to form a complete picture of the practice of applying IHL norms.

Application of international humanitarian law: good practices

- **Specification of IHL norms in indictments and procedural documents.**

In a significant number of proceedings, indictments specify the provisions of international humanitarian law that, according to the prosecution, were violated, in particular with reference to the 1949 Geneva Conventions and their Additional Protocols, notably in cases: No. 766/6647/25 (Kherson City Court of Kherson Region) No. 650/5334/25 (Kherson City Court of Kherson Region) No. 490/2519/24 (Snihurivka District Court of Mykolaiv Region) No. 766/10363/23 (Kherson City Court of Kherson Region) and No. 370/272/25 (Makariv District Court of Kyiv Region).

A similar level of specificity is evident in the rulings of investigating judges and notices of suspicion, particularly in cases: No. 367/11492/24 (Irpin City Court of Kyiv Region) and No. 363/6664/23 (Vyshhorod District Court of Kyiv Region).

- **Recognition of victims as persons protected under IHL.**

In a number of cases, the court explicitly states that the victims are civilians or persons protected under international humanitarian law, specifically: No. 638/24182/24 (Shevchenkivskyi District Court of Kharkiv), No. 748/1384/25 (Chernihiv District Court of Chernihiv Region) and No. 521/14869/23 (Khadzhybeiskyi District Court of Odesa).

- **The variety and admissibility of evidence to prove violations of IHL.**

Various types of evidence are used to prove violations of international humanitarian law, including testimony from victims and witnesses, military documents, forensic medical reports, OSINT materials, photo and video evidence, and reports on crime scene investigations and reconstructions of events, particularly in the following cases: No. 370/272/25 (Makariv District Court of Kyiv Region), No. 521/14869/23 (Khadzhybeiskyi District Court of Odesa), No. 939/2033/24 (Borodianka District Court of Kyiv Region).

- **Assessment of the context of the systematic nature and scale of the acts.**

Certain proceedings demonstrate an assessment of evidence indicating the systematic nature or scale of the actions, which is relevant for classification as war crimes or crimes against humanity, in particular: No. 748/1384/25 (Chernihiv District Court of Chernihiv Region) and No. 521/14869/23 (Khadzhybeiskyi District Court of Odesa).

- **Reference to international case law.**

In some cases, courts refer to the practice of the ECHR and international judicial institutions (ICC) when resolving procedural issues, in particular: No. 367/3121/24 (Irpin City Court of Kyiv Region), No. 766/10362/24, No. 650/5334/25 (Kherson City Court of Kherson Region).

- **Consideration of specific institutions of international private law.**

In some cases, the following issues are raised:

joint and several liability – No. 363/2821/25 (Vyshhorod District Court of Kyiv Region);

obeying orders – No. 636/6739/25 (Kholodnyhorka District Court of Kharkiv), No. 367/2115/23 (Irpin City Court of Kyiv Region);

deportation and violence against civilians – No. 761/29659/25 (Shevchenkivskyi District Court of Kyiv), No. 638/5357/25 (Shevchenkivskyi District Court of Kharkiv).

Application of international humanitarian law: areas for improvement

- **Insufficient specification of IHL provisions and limited use of international case law.**

In some cases, indictments lack clear specification of the norms of international humanitarian law, limiting themselves to general formulations, in particular: No. 367/206/23 (Irpin City Court of Kyiv Region), No. 367/2115/23 (Irpin City Court of Kyiv Region).

Some decisions lack references to international judicial precedents when classifying acts, specifically: No. 337/2348/25 (Khortytskyi District Court of Zaporizhzhia).

- **Incomplete elaboration of IHL institutions.**

Issues of command responsibility or the execution of orders do not always receive proper legal assessment even in the presence of relevant circumstances, in particular in cases: No. 367/206/23 (Irpin City Court of Kyiv Region), No. 521/14869/23 (Khadzhybeiskyi District Court of Odesa).

- **Inconsistency in determining the status of victims.**

In some proceedings, the court does not emphasize the status of victims as persons protected by IHL, in particular: No. 367/206/23 (Irpin City Court of Kyiv Region). Cases of insufficient awareness among victims regarding their procedural rights have been recorded, in particular – No. 363/2821/25 (Vyshhorod District Court of Kyiv Region).

RECOMMENDATIONS

For courts, judges, and prosecutorial authorities

- **Ensuring the full and consistent application of international humanitarian law in criminal proceedings.**

The specific provisions of IHL violated must be clearly identified in indictments and court decisions, and key IHL concepts (command responsibility, following orders, status of protected persons) must be properly assessed in light of the circumstances of each case.

- **Strengthening the use of international judicial practice in the classification of war crimes.**

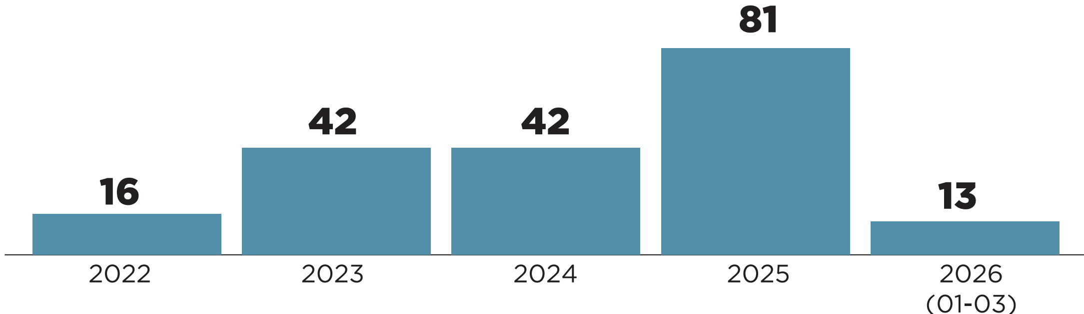
It is advisable to systematically apply the practice of the ECHR and other international judicial institutions as a guide for interpreting IHL norms, particularly regarding the principle of legality, the assessment of evidence, and the determination of the elements of international crimes.

CHAPTER 2. ANALYSIS OF COURT DECISIONS

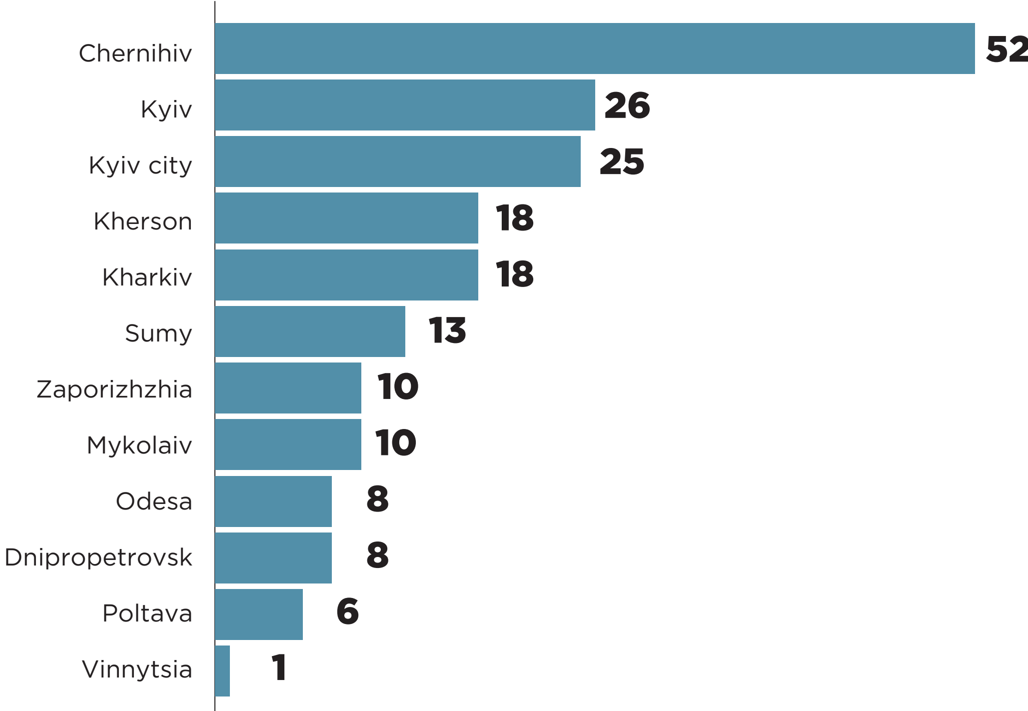
2.1. General Analysis of Court Decisions

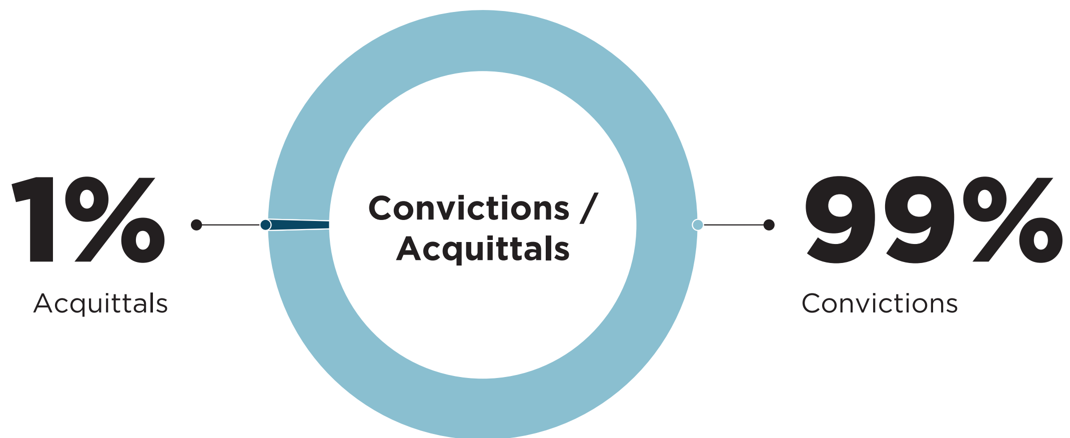
2.1.1. General Characteristics (regions, courts, number of cases, trends in case numbers)

Number of convictions under Article 438 of the Criminal Code of Ukraine (according to monitoring data)



Number of convictions by region (according to monitoring data)

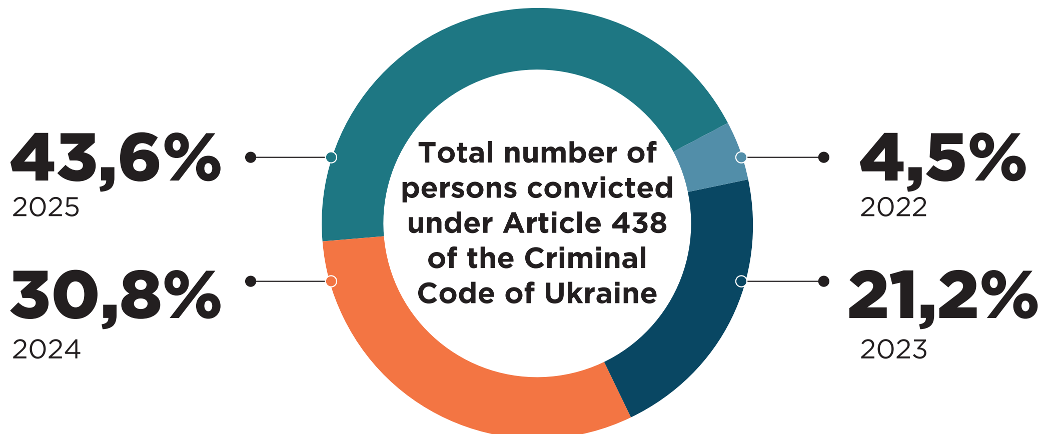




2.1.2. Profiles of Convicted Persons

Total Number of Persons Convicted Under Article 438 of the Criminal Code of Ukraine

According to data from the State Judicial Administration, the number of persons convicted under Article 438 of the Criminal Code of Ukraine was as follows:

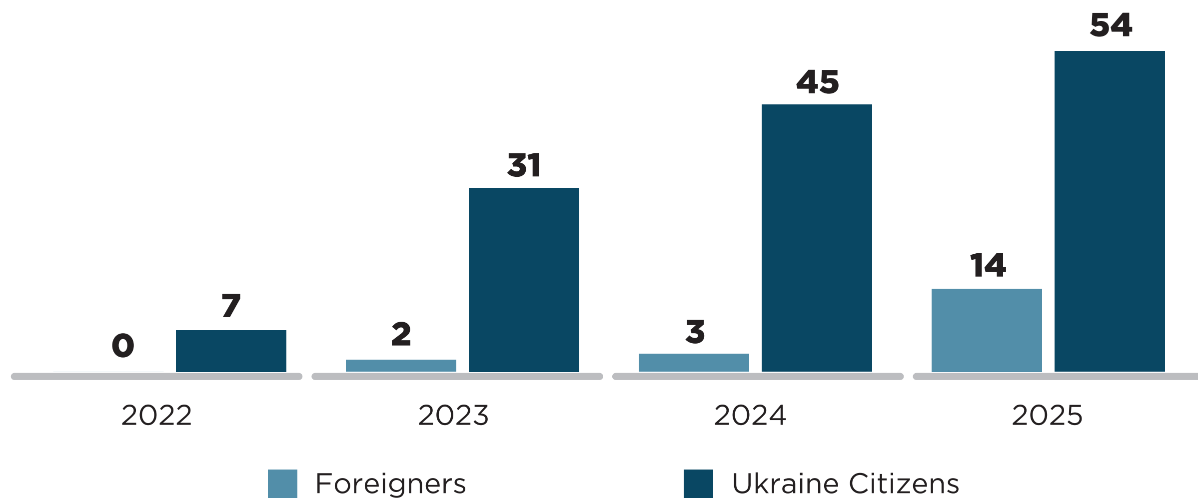


Citizenship of the Convicted

The analyzed judgments involved both foreign nationals (citizens of the Russian Federation) and citizens of Ukraine. During the fourth stage of monitoring, Ukrainian citizens were convicted by the Velyka Oleksandrivka District Court of Kherson Region on 02.05.2025, Case No. 650/1189/24, and by the Desnianskyi District Court of Kyiv on 10.06.2025, Case No. 754/15727/23, the Pavlohrad City and District Court of Dnipropetrovsk Region on 11.08.2025, case No. 185/3969/23, and the Kherson City Court of Kherson Region on 25.03.2026, case No. 766/764/23.

According to data from the State Penitentiary Administration, the number of convicted foreigners (Russian citizens) and Ukrainian citizens by year is as follows:

Number of convicted Russian citizens and Ukrainian citizens



In certain judgments, Ukrainian citizens who were born in other countries have been convicted (for example, in the judgment of the Darnytskyi District Court of Kyiv dated September 19, 2025, Case No. 753/7566/25, a Ukrainian citizen born in the Republic of Kazakhstan was convicted under Part 1 of Article 438 of the Criminal Code).

According to the data provided in individual judgments issued by courts during Phase IV of the monitoring under Article 438 of the Criminal Code of Ukraine regarding Ukrainian citizens, it is possible to trace the **positions they held prior to the occupation**.

- **Former law enforcement officers** (judgments of the Velyka Oleksandrivka District Court of Kherson Region dated 02.05.2025, case No. 650/1189/24; of the Kherson City Court of Kherson Region dated 13.06.2025, case No. 766/10206/23; Shevchenkivskyi District Court of Kyiv dated 08.04.2025, Case No. 761/22218/23, the Peresyp District Court of Odessa dated 23.07.2025, Case No. 522/16342/22, the Central District Court of Mykolaiv dated 26.01.2025, Case No. 490/2519/24)

In particular, among those convicted is a former law enforcement officer with 15 years of service. He was dismissed on 14.06.2010 from the position of assistant to the head of the department—operational duty officer of the duty unit of the Central City District Department of the Makiyivka City Department of the Main Directorate of the Ministry of Internal Affairs of Ukraine in Donetsk Region due to health reasons, holding the special rank of police major (judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 02.05.2025, case No. 650/1189/24).

As evidenced by two court rulings concerning Ukrainian citizens, they committed identical acts classified as war crimes within the same correctional facility. This refers to the "Kherson Region Penitentiary Service Administration", established by the Russian Federation's occupying authorities in the temporarily occupied territories of the Kherson region, which performed functions analogous to those of the State Penitentiary Service of Ukraine but acted in the interests of the Russian Federation's occupying administration.

According to the judgment of the Central District Court of Mykolaiv dated 26.01.2025, Case No. 490/2519/24, the defendant was appointed head of this "Administration", whereas prior to the occupation he held the position of head of the State Institution "Northern Correctional Colony (No. 90)".

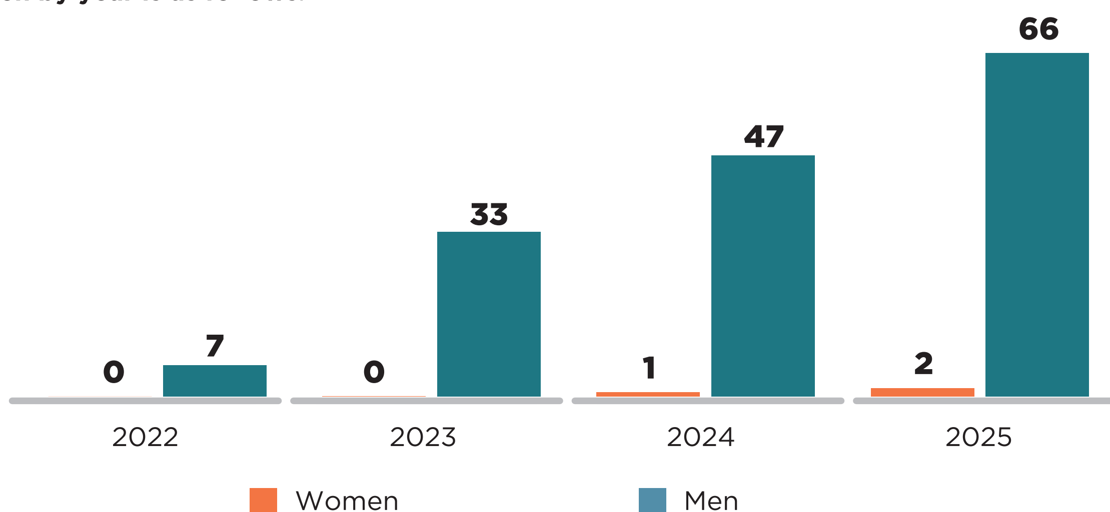
At the same time, by the verdict of the Kherson City Court of Kherson Region dated 13.06.2025, Case No. 766/10206/23, another citizen of Ukraine was convicted; he had been appointed by the occupying authorities as head of the Holoprystan colony No. 7. In carrying out this order, he committed a war

crime—the deportation and forced transfer of over 1,700 individuals, convicted by Ukrainian courts and serving sentences in institutions in the Kherson region, to penal institutions in the Russian Federation and the temporarily occupied territories of Ukraine without their consent. Such actions violate the provisions of Articles 49, 146, and 147 of the Fourth Geneva Convention.

- **Former judge of the Yevpatoria City Court of the Autonomous Republic of Crimea** (judgment of the Desnianskyi District Court of Kyiv dated July 23, 2025, Case No. 754/12142/22)
- **Attorney** (judgment of the Darnytskyi District Court of Kyiv dated September 19, 2025, case No. 753/7566/25)
- **Serviceman of the Armed Forces of Ukraine** (judgment of the Shevchenkivskyi District Court of Kyiv dated February 25, 2025, case No. 761/25450/24)

Gender of Convicted Persons

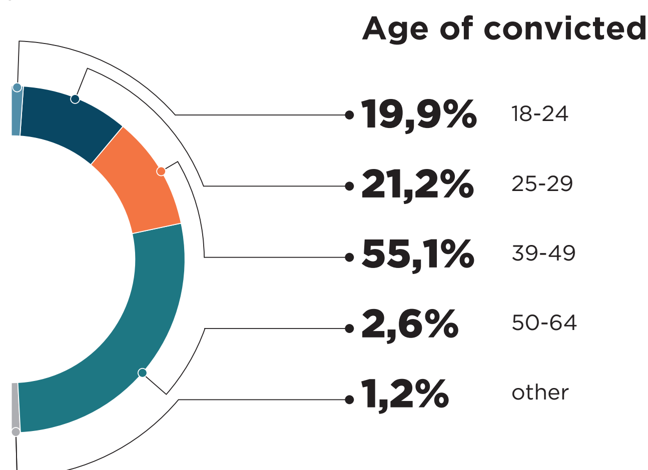
According to judicial statistics from the State Judicial Administration, **the ratio of convicted men to women by year is as follows**:



In the sentences handed down during the fourth monitoring phase, all those convicted were men. The exception is the judgment of the Desnianskyi District Court of Kyiv dated June 10, 2025, Case No. 754/15727/23, in which a woman was convicted of a war crime.

Age of Convicts (2022-2025)

According to data from the State Judicial Administration, the age of convicts (in total) for the years 2022–2025 is as follows:



The "official" status of the convicts

Some of the convicts were **military commanders**.

For example, the chief of staff – deputy commander of a battalion of a separate motorized rifle brigade of the combined-arms army of the Eastern Military District of the Russian Armed Forces, a major (judgment of the Makariv District Court of Kyiv Region dated November 24, 2025, Case No. 370/731/24).

A servicemember of the Russian Armed Forces with the rank of lieutenant colonel served as commander of the 8th Coastal Defense Artillery Regiment, stationed in the temporarily occupied territory of the Autonomous Republic of Crimea. The regiment he commanded is a unit of the Supreme Commander-in-Chief of the Russian Armed Forces and is designated to carry out strategic (operational-strategic) tasks in theaters of military operations (strategic directions). In connection with his position, the lieutenant colonel commanded units of the rocket division and other units directly subordinate to the regiment. He was responsible for carrying out tasks in accordance with the decisions and plans of the higher military command of the Russian Federation, in particular the commander of the army corps (judgment of the Kherson City Court of Kherson Region dated August 1, 2025, No. 766/648/23).

By the judgment of the Balakliya District Court of Kharkiv Region dated August 7, 2025, Case No. 610/2754/24, a mercenary of the "Redut" PMC's "Chibis" battalion was convicted. At the same time, as follows from the analysis of judgments at earlier stages, this same individual had already been convicted by the judgment of the Kotelyevsky District Court of Poltava Region dated December 23, 2022, Case No. 535/2922/22, as a mercenary of the same private military company.

Prior convictions for criminal offenses

Another important aspect of the profile of individuals convicted under Article 438 of the Criminal Code is the presence of prior convictions for various criminal offenses, primarily war crimes and criminal offenses against the foundations of Ukraine's national security:

Thus, according to several judgments analyzed during Phase IV of the monitoring, individuals were convicted who already had prior convictions for war crimes pursuant to previous judgments of Ukrainian courts (judgments of the Chernihiv District Court of Chernihiv Region dated November 5, 2025, Case No. 748/1511/25, Kherson District Court of Kherson Region dated February 19, 2026, Case No. 766/10363/24, Chernihiv District Court of Chernihiv Region dated November 24, 2025, Case No. 748/1732/25, Chernihiv District Court of Chernihiv Region dated January 19, 2026, Case No. 748/1970/25).

By the judgments of the Dnipro District Court of Zaporizhzhia dated December 26, 2025, Case No. 334/9583/24, and the Central District Court of Mykolaiv dated January 26, 2025, Case No. 490/2519/24, it was established that the individuals convicted under Article 438 of the Criminal Code of Ukraine had prior convictions for criminal offenses against the foundations of Ukraine's national security.

In particular, in Case No. 334/9583/24, the individual had previously been convicted by a judgment of the Leninskyi District Court of Zaporizhzhia dated February 17, 2025, under Part 2 of Article 111 of the Criminal Code of Ukraine.

In Case No. 490/2519/24, the convicted Ukrainian citizen had two prior convictions: under Part 7 of Article 111-1 of the Criminal Code of Ukraine (judgment of Uzhhorod City and District Court of Zakarpattia Region dated October 19, 2023, Case No. 308/5061/23) – to 13 years of imprisonment with additional penalties, and under Part 2 of Article 111 of the Criminal Code of Ukraine (judgment of Khadzhybeickyi District Court of Odesa dated February 16, 2024, case No. 521/63/23) – to life imprisonment with confiscation of property. He was also stripped of his special rank of "Major of Internal Service".

An analysis of the relevant judgments in the Unified State Register of Court Decisions indicates that the objective elements of these criminal offenses are as close as possible to the elements of a war

crime, for which the individual was subsequently convicted.

Thus, in Case No. 308/5061/23, it was established that he, as a former employee of the State Institution "Northern Correctional Colony (No. 90)", was appointed by the occupying authorities to the position of so-called head of the "Penitentiary Service of Kherson Region" and exercised overall management of this illegal body. Even before his appointment, he had been persuading other employees of the institution to take up positions within this structure.

Khadzhybeiskyi District Court found that between 23.03.2022 and the de-occupation of Kherson (11.11.2022) he carried out actions in support of the Russian Federation's occupying forces within the colony: he ensured access for transport, facilitated the supply and sale of goods, organized the repair of military equipment by convicts, provided premises for the accommodation of military personnel, and facilitated their medical care. Additionally, using his professional connections, he facilitated coordination between the Russian Federation's occupying forces and special services and other officials in Kherson region, specifically by providing contact information and facilitating the establishment of further cooperation. Accordingly, his actions were classified by this court as high treason under Part 2 of Article 111 of the Criminal Code.

By a verdict of Kholodnohirskyi District Court of Kharkiv dated 13.01.2026, Case No. 636/6739/25, a serviceman of the Russian Armed Forces was convicted of committing a war crime. The court established that he had previously been held criminally liable in the Russian Federation: in 2017 – under Part 1 of Article 228 of the Criminal Code of the Russian Federation, and in 2022 – under Part 2 of Article 162 of the Criminal Code of the Russian Federation (Zhovtnevyi Court of Novorossiysk). At the same time, he has no prior convictions in Ukraine and holds the status of a prisoner of war.

2.1.3. Procedural status of prisoners of war in criminal proceedings under Article 438 of the Criminal Code

The legal status of prisoners of war is determined, in particular, by the following international instruments: the Fourth Convention on the Laws and Customs of War on Land of October 18, 1907; the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949; the Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977; The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

As well as **national legislation**: the Laws of Ukraine "On Military Duty and Military Service" dated March 25, 1992, "On the Defense of Ukraine" dated December 6, 1991, the Procedure for the Detention of Prisoners of War, approved by CMU Resolution No. 413 of April 5, 2022, the Procedure for the Implementation of Measures Regarding the Treatment of Prisoners of War During a Special Period, approved by CMU Resolution No. 721 of June 17, 2022; Procedures for the Organization and Implementation of the Escort and Guarding of Prisoners of War from the Locations (Areas) Where They Are Held After Being Taken Prisoner to Camps for the Detention of Prisoners of War or Sections for the Detention of Prisoners of War, approved by Joint Order of the Ministry of Defense of Ukraine and the Ministry of Community, Territorial, and Infrastructure Development of Ukraine No. 15/12 dated January 8, 2024, and the Instructions on the Procedure for Implementing the Norms of International Humanitarian Law in the Armed Forces of Ukraine, approved by Order of the Ministry of Defense of Ukraine No. 164 dated March 23, 2017.

Pursuant to Article 4 of the Third Geneva Convention, the status of prisoner of war applies to persons who have been taken prisoner by the enemy, including combatants and civilians accompanying the armed forces. Pursuant to Articles 43–44 of Additional Protocol I, any combatant of the armed forces of a party to the conflict who falls into the hands of the opposing party is a prisoner of war. At the same time, a violation of the rules of international humanitarian law does not deprive a combatant of this status, except in cases expressly provided for by the Protocol. The decision in the case of Prosecutor v. Sesay (Special Court for Sierra Leone) clarifies that the status of police officers during an armed conflict must be determined on a case-by-case basis, taking into account the factual circumstances.

The Procedure for the Detention of Prisoners of War (CMU No. 413) and the Procedure for the Implementation of Measures Regarding the Treatment of Prisoners of War During a Special Period (CMU No. 721) establish that prisoners of war are persons entitled to this status in accordance with Art. 4 of the Third Geneva Convention and Article 44 of Additional Protocol I, as well as persons who participated in hostilities, were taken prisoner, and claim such status or for whom it is required by the state to which they are subject.

In judgments under Article 438 of the Criminal Code, the status of prisoner of war was granted to both citizens of the Russian Federation – servicemen of the Russian Armed Forces – and citizens of Ukraine who participated in paramilitary formations established on the territory of the LPR and DPR. In particular, in **Case No. 332/3499/24** (*judgment of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025*), the prisoner of war is a Russian citizen who was captured on January 6, 2024, during combat operations and who was held in a facility for the detention of prisoners of war in accordance with the Third Geneva Convention. In other judgments rendered in cases where the defendant was present, prisoners of war and perpetrators of war crimes were also citizens of the Russian Federation (judgments of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25, Osnovianskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25).

In accordance with the rules of the IHL, the status of prisoner of war also applies to Ukrainian citizens who participated in paramilitary formations on the territory of the LPR and DPR. In previous monitoring phases, Ukrainian citizens were granted prisoner-of-war status based on information in the judgment of Kotelevskyi District Court of Poltava Region dated December 26, 2022, **Case No. 535/2100/22,** which states the following: a Ukrainian citizen, a native of Makiyivka, was conscripted into the "DPR" army on February 23, 2022, and in March 2022 took direct part in combat operations against units of the Armed Forces of Ukraine. Since he was being held as a prisoner of war pursuant to a joint order of the Ministry of Defense and the Ministry of Justice of Ukraine, the court imposed a pretrial detention measure on him until the verdict became final.

In some judgments, courts limit themselves to a formal statement that the defendant is a prisoner of war, without analyzing the provisions of international humanitarian law that define the grounds for acquiring this status, nor determining whether the defendant meets these criteria (*judgment of Osnovianskyi District Court of Kharkiv dated August 12, 2025, No. 646/5284/25*).

Separately, attention is drawn to situations where the status of a prisoner of war directly determined the procedural status of the defendant in the proceedings. In **Case No. 750/6470/22** (*judgment of Desnianskyi District Court of Chernihiv dated April 11, 2023*), the basis for conducting the trial in absentia was the prosecutor's motion to initiate special court proceedings – since the defendant, a serviceman of the Russian Armed Forces, had been exchanged as part of a prisoner exchange, was located on the territory of the Russian Federation, and had been declared wanted by a decision of the investigator of the Security Service of Ukraine in Chernihiv Region dated July 21, 2022 (*ruling of the Desnianskyi District Court of Chernihiv dated December 29, 2022, Case No. 750/6470/22*).

The judgment in this case specifically states: "…given that the defendant, according to a copy of a letter from the commander of the military unit dated August 1, 2022, was transferred to the Russian Federation during a prisoner-of-war exchange, and being fully aware of the necessity to appear in court for the hearing of the criminal proceedings against him, he is deliberately evading such an appearance; therefore, the trial in this criminal proceeding is being conducted in the absence of the defendant (in absentia)" (*judgment of the Desnianskyi District Court of Chernihiv dated April 11, 2023, Case No. 750/6470/22*).

Crediting the time spent in camps of prisoners of war or in detention facilities for prisoners of war on the territory of Ukraine toward the term of imprisonment for prisoners of war

Code of Criminal Procedure (Art. 11, para. 7): During martial law, prisoners of war may be temporarily held in detention facilities for prisoners of war until their safe transfer to a camp becomes practically feasible.

Part 5 of Article 72 of the Criminal Code of Ukraine: Pretrial detention shall be credited by the court toward the term of imprisonment in the event of a conviction to imprisonment on a day-for-day basis or in accordance with the rules provided for in Part 1 of this Article.

Law of Ukraine "On Pretrial Detention" (Article 1): Pretrial detention is a preventive measure which, in cases provided for by the Code of Criminal Procedure, is applied to a suspect, an accused person (defendant), and a convicted person whose sentence has not yet become final.

As the Supreme Court has clarified, the facilities used for holding persons in custody are the pretrial detention centers of the State Penitentiary Service, the guardhouses of the Military Law Enforcement Service within the Armed Forces of Ukraine, and, in certain cases, temporary detention centers. The concept of pretrial detention is clearly defined by law and is not subject to arbitrary interpretation. **Staying in a camp or facility for holding prisoners of war does not constitute pretrial detention and is not counted toward the term of imprisonment** – such detention is not linked to the imposition of a preventive measure and occurs regardless of whether a criminal offense has been committed, and a person may be charged while already in a facility for holding prisoners of war. At the same time, in the specific case that served as the basis for this position, no preventive measure was imposed on the defendant – he was taken prisoner during hostilities in Donetsk region and was held in a prisoner-of-war camp in accordance with the Third Geneva Convention, and the suspicion was announced during such detention.

Courts adhered to the Supreme Court's aforementioned legal position in judgments under Article 438 of the Criminal Code, rendered in the presence of the defendant (*during the fourth monitoring phase, these were the judgments of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025, Case No. 332/3499/24, Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25, and Osnovianskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25*).

Specifically, in **Case No. 332/3499/24** (*judgment of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025*), the court found that the pretrial detention measure was imposed on March 6, 2024, at 1:00 p.m. and was subsequently extended on multiple occasions. At the same time, the defendant was taken prisoner on January 6, 2024, and was held in a facility for the detention of prisoners of war in accordance with the Third Geneva Convention; he was notified of the suspicion on February 29, 2024 – while already in such detention. Since such detention is not related to the commission of a criminal offense, and the notification of suspicion did not result in the application of a preventive measure, the court concluded that no pretrial detention measures were applied until March 6, 2024. Taking this into account, the court correctly counted only the period of pretrial detention from March 6, 2024, until the date the judgment became final, on a one-day-for-one-day basis, toward the sentence.

In other judgments where the defendant was present, this issue was not addressed. For example, the judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25, states: "Given that the defendant is being held in isolation from society as a prisoner of war pursuant to a joint order of the Ministry of Defense of Ukraine and the Ministry of Justice of Ukraine, in order to ensure the enforcement of the sentence regarding the punishment imposed on the defendant by the court, a preventive measure in the form of detention should be applied to the defendant until the judgment becomes final. <...> To credit PERSON_7, in accordance with the provisions of Part 5 of Article 72 of the Criminal Code of Ukraine, the period of pretrial detention from January 13, 2026 (from the time of taking into custody) up to and including the date this judgment becomes final, based on the principle that one day of pretrial detention corresponds to one day of imprisonment". Thus, the court calculated the term exclusively from the date of taking into custody, without analyzing whether this was preceded by a period of detention as a prisoner of war. A similar approach is also noted in another judgment.

A similar approach is also found in the judgment of Osnoviansky District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25.

Participation of a defense attorney in criminal proceedings under Article 438 of the Criminal Code regarding a prisoner of war, a servicemember of the Armed Forces of the Russian Federation, or other military formations of the aggressor state.

In such cases, the participation of a defense attorney in criminal proceedings concerning a prisoner of war is mandatory. In Ukraine, prisoners of war – whether citizens of the Russian Federation or citizens of Ukraine who participated in the armed conflict on the side of the Russian Federation – are entitled to free legal aid, which is provided through the free legal aid system, as well as through reimbursement of expenses for paid legal services.

In all cases where a defendant was present during the proceedings, defense attorneys were appointed in accordance with Ukrainian law and participated in investigative actions. This is evidenced by the procedural documents analyzed by the court.

In particular, in Case No. 332/3499/24 (*judgment of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025*) the court examined the order appointing a lawyer to provide defense counsel dated February 28, 2024, and the authorization to provide free secondary legal aid dated February 29, 2024, on the basis of which a lawyer was appointed to defend the defendant – a serviceman of the Russian Armed Forces.

Other judgments do not mention such circumstances regarding the involvement of a defense attorney in criminal proceedings (j*udgments of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25, Osnovianskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25*).

2.2. Classification under Article 438 of the Criminal Code

Article 438 of the Criminal Code of Ukraine was amended by two laws:

— The Law of Ukraine "On Amendments to the Criminal Code and the Code of Criminal Procedure of Ukraine in Connection with the Ratification of the Rome Statute of the International Criminal Court and Amendments Thereto" dated October 9, 2024, No. 4012-IX;

— The Law of Ukraine "On Amending Article 438 of the Criminal Code of Ukraine Regarding the Establishment of Liability for the Illegal Transfer, Deportation, Unjustified Delay in the Repatriation of a Child, and the Recruitment and Use of a Child for Military Purposes" dated June 17, 2025, No. 4499-IX.

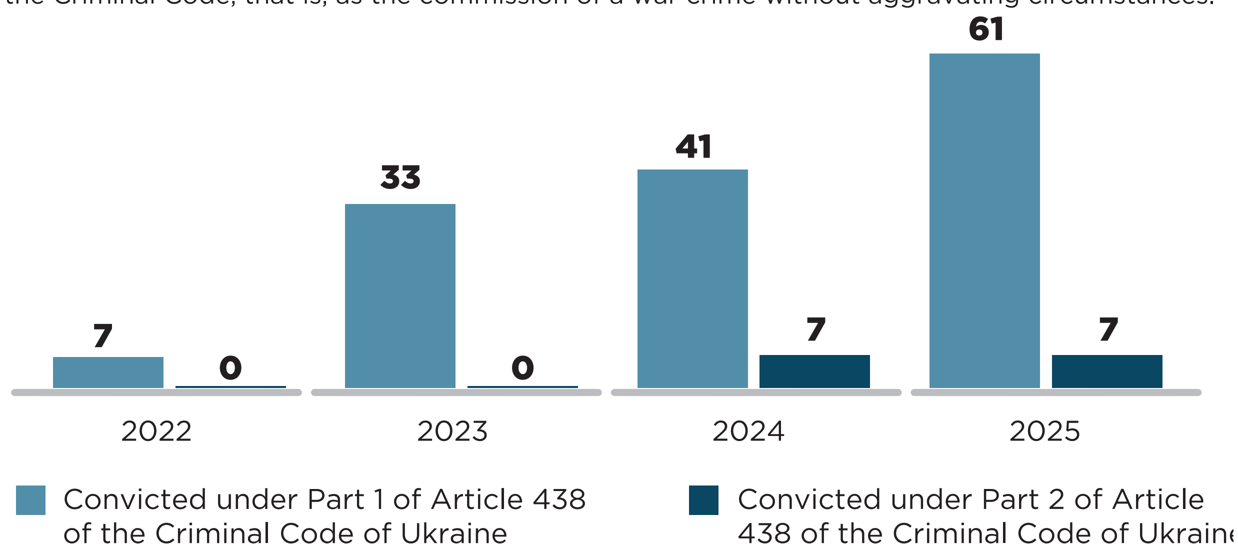
Law No. 4012-IX, first, changed the title of Article 438 of the Criminal Code of Ukraine from "Violation of the Laws and Customs of War" to "War Crimes" and second, revised Part 2 of the article – the phrase "the same acts combined with intentional homicide" was replaced with "the same acts, if they caused the death of a person". The shortcomings of this approach were already noted in the report on Phase III of the monitoring.

Law No. 4499-IX clarifies the objective elements of the offense, in particular by explicitly listing the following acts – the unlawful transfer or deportation of a child, unjustified delay in the child's repatriation, as well as the recruitment or use of a child in an armed conflict or combat operations.

At the same time, the wording of Article 438(1) of the Criminal Code of Ukraine remains general in nature. This requires law enforcement officials to specify the form of the war crime (especially in cases of "other violations of the laws and customs of war") and to refer to the norms of international humanitarian law, primarily the Rome Statute, the Fourth Geneva Convention, Additional Protocol I, the norms of customary IHL, as well as relevant international treaties in the field of human rights and international criminal law.

2.2.1. Classification under Part 1 or 2 of Article 438 of the Criminal Code

In the vast majority of cases, the courts classified the defendants' actions under Part 1 of Article 438 of the Criminal Code, that is, as the commission of a war crime without aggravating circumstances.



Convicted under Part 1 of Article 438 of the Criminal Code of Ukraine

Convicted under Part 2 of Article 438 of the Criminal Code of Ukraine

2.2.2. Classification of war crimes in conjunction with other criminal offenses

In many of the analyzed judgments, the defendants' actions were classified in conjunction with other criminal offenses. In the vast majority of cases, these were criminal offenses against the foundations of Ukraine's national security and against public safety:

- Part 2 of Art. 28 – Part 1 of Art. 438; Part 7 of Art. 111-1 of the Criminal Code (*judgment of Velyka Oleksandrivka District Court of Kherson Region dated May 2, 2025, Case No. 650/1189/24*)
- Part 1 of Article 111 (as amended on April 5, 2001, No. 2341-III) / Part 2 of Article 111; Part 1 of Article 438 / Part 2 of Article 28 – Part 1 of Article 438 of the Criminal Code (*judgments of Desnianskyi District Court of Kyiv dated July 23, 2025, Case No. 754/12142/22; Shevchenkivskyi District Court of Kyiv dated February 25, 2025, Case No. 761/25450/24; Peresypskyi District Court of Odesa dated July 23, 2025, Case No. 522/16342/22*)
- Part 1 of Article 111; Part 1 of Article 258-3; Part 1 of Article 438 of the Criminal Code (*judgment of Shevchenkivskyi District Court of Kyiv dated April 8, 2025, Case No. 761/22218/23*)
- Part 2 of Article 28 – Part 2 of Article 438; Part 1 of Article 111; Part 2 of Article 111 of the Criminal Code (*judgment of Kherson City Court of Kherson Region dated March 25, 2026, Case No. 766/764/23*)
- Part 1 of Article 258-3; Part 1 of Article 28 – Part 1 of Article 438 of the Criminal Code (*judgment of Shevchenkivskyi District Court of Kyiv dated March 27, 2025, Case No. 761/7615/23*)
- Part 8 of Article 111-1; Part 3 of Article 27 – Part 1 of Article 111-2; Part 2 of Article 28 – Article 438 of the Criminal Code (*judgment of Komunarskyi District Court of Zaporizhzhia dated November 18, 2025, Case No. 333/7817/23*)
- Part 2 of Article 110; Section 2 of Article 260; Section 2 of Article 28 – Section 1 of Article 438 of the Criminal Code (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025, Case No. 185/3969/23*)

There are also cases of classification **based on a combination of military criminal offenses**:

- Part 1 of Article 438; Part 2 of Article 28 – Part 1 of Article 438; Part 2 of Article 438 of the Criminal Code (*judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated June 19, 2025, Case No. 370/816/23*)
- Part 2 of Article 28 – Part 1 of Article 438; Part 2 of Article 28, Part 5 of Article 27 – Part 2 of Article 438 of the Criminal Code (*judgment of Kherson District Court dated October 15, 2025, Case No. 766/6280/24*)
- Part 5 of Article 27, Part 2 of Article 28 – Part 2 of Article 438; Part 2 of Article 28 – Part 2 of Article 438 of the Criminal Code (*judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25*)

2.2.3. Classification taking into account the form and type of complicity

As in previous stages of the monitoring, the courts classified the actions of the convicted individuals both as having been committed without specifying the relevant form of complicity and with reference to Article 28 of the Criminal Code of Ukraine.

In particular, reference was made to **Part 2 of Article 28** of the Criminal Code (commission of a war crime by a group of persons acting in concert) in the judgments of Velykooleksandrivskyi District Court of Kherson Region dated May 2, 2025, Case No. 650/1189/24; Kherson City Court of Kherson Region dated June 13, 2025, Case No. 766/10206/23; Chernihiv District Court of Chernihiv Region dated July 7, 2025, Case No. 748/1793/24; Osnovianskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25, and others.

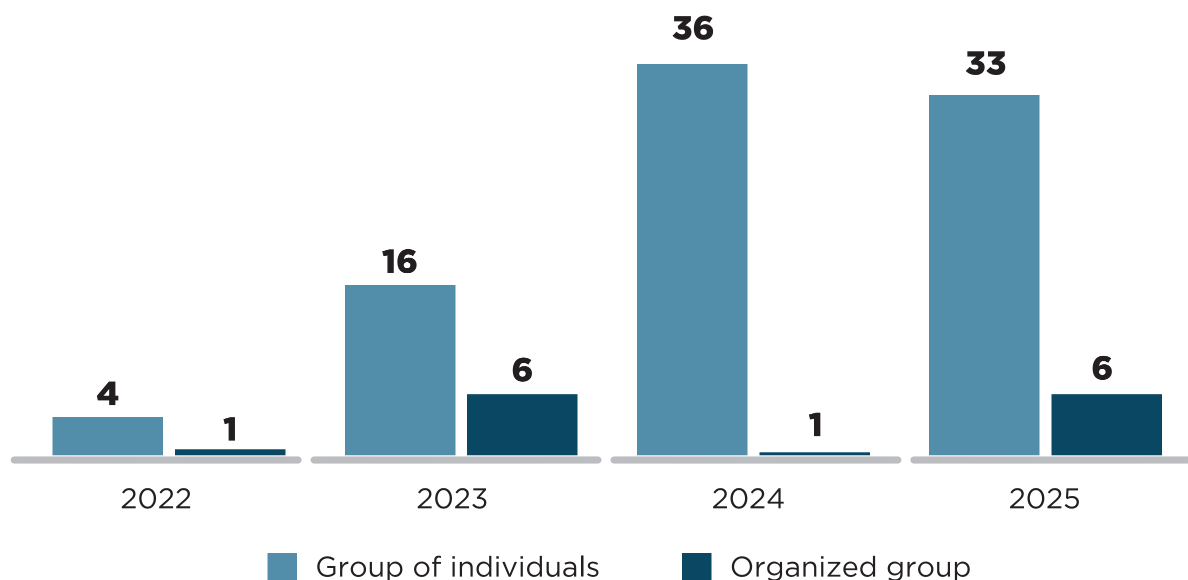
Regarding **Part 1 of Article 28** (commission of a criminal offense by a group of persons) – in the judgments of Shevchenkivskyi District Court of Kyiv dated March 27, 2025, Case No. 761/7615/23; Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24; Makariv District Court of Kyiv Region dated May 23, 2025, Case No. 370/2058/22.

Only under Part 1 or Part 2 of Article 438 of the Criminal Code – without reference to the form of complicity (*judgments of Desnianskyi District Court of Kyiv dated June 10, 2025, Case No. 754/15727/23; Makariv District Court of Kyiv Region dated November 6, 2025, Case No. 370/399/23; Khortytskyi District Court of Zaporizhzhia dated March 3, 2026, Case No. 337/6022/24*).

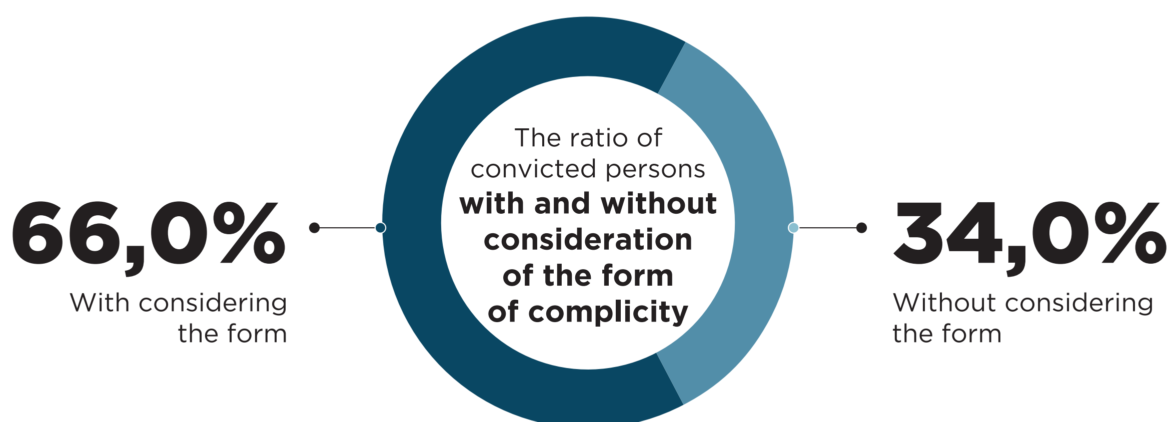
In certain judgments, the actions of the convicted persons were classified not only based on the form of complicity but also on the type of accomplice:

- Part 2 of Article 28 – Part 1 of Article 438; Part 2 of Article 28, Part 5 of Article 27 – Part 2 of Article 438 of the Criminal Code of Ukraine (*judgment of Kherson District Court dated October 15, 2025, No. 766/6280/24*);
- Part 5 of Article 27, Part 2 of Article 28 – Part 2 of Article 438; Part 2 of Article 28 – Part 2 of Article 438 of the Criminal Code of Ukraine (*judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, No. 636/6739/25*).

Convicted of complicity (according to the State Judicial Administration of Ukraine)



The ratio of convicted persons with and without consideration of the form of complicity (according to monitoring data)



In some of the verdicts, the defendants' actions were classified under **Article 27 of the Criminal Code of Ukraine**.

In particular, the actions of a serviceman of the Russian Armed Forces were classified under Part 2 of Article 28, Part 5 of Article 27, and Part 2 of Article 438 of the Criminal Code as aiding and abetting cruel treatment of the civilian population, combined with intentional murder, committed by a group of persons acting in concert. According to the facts of the case, he, together with other servicemen of the Russian Armed Forces, forced the head of Detention Center No. 1 of the Main Department of the National Police in Kherson region to hand over the keys to all the detention center's premises, effectively seizing the facility and establishing control over it. These actions were carried out with the aim of illegally detaining, using physical violence, and torturing the civilian population in the interests of the Russian Federation's occupying authorities and were not necessitated by military necessity. Subsequently, the defendant served as a guard, engaged in inhumane treatment, and ensured the illegal detention of civilians at Temporary Detention Facility No. 1. By their nature, these actions indicate direct participation in the commission of a war crime – the defendant was in fact a perpetrator, not an accomplice, which should have been reflected in the legal classification by omitting the reference to Part 5 of Article 27 of the Criminal Code.

The actions of another servicemember of the Russian Armed Forces were classified as aiding and abetting a war crime (Part 5 of Article 27, Part 2 of Article 28, and Part 2 of Article 438 of the Criminal Code), as he, acting in concert with a group of individuals, facilitated the cruel treatment of a Ukrainian

Armed Forces prisoner of war, combined with his intentional murder, thereby violating the provisions of Articles 3, 4, 13, and 14 of the Third Geneva Convention. At the same time, the materials of the judgment indicate that the defendant actually played an active role: he found the direct perpetrator (regarding whom the materials have been separated into a separate proceeding), provided advice on the location, method, and time of the crime, participated in escorting the victim, and also ensured control over the situation and perimeter security. Under these circumstances, the defendant's actions do not amount to mere aiding and abetting. A person who is present at the scene of the crime and ensures its commission effectively acts as a co-perpetrator, even if they do not directly carry out the actions constituting the objective element of the crime. At the same time, this was not reflected in the legal classification of the offense.

2.2.4. Classification of war crimes committed in a single region

As in the previous monitoring phase, cases were identified in which virtually identical acts were classified differently and, consequently, the convicted individuals received different sentences.

"The Kherson Case"

Two judgments – that of Kherson City Court of Kherson Region dated June 13, 2025, No. 766/10206/23, and the Central District Court of Mykolaiv dated January 26, 2025, No. 490/2519/24 – concern identical and interrelated acts committed by different defendants in the same location.

Pursuant to the verdict in **Case No. 490/2519/24**, under Part 1 of Article 438 of the Criminal Code, a Ukrainian citizen who, prior to the occupation of Kherson, held the position of head of the State Institution "Northern Correctional Colony (No. 90)" was convicted. He was appointed by the Russian Federation's occupation administration as head of the "Kherson Region Penitentiary Service Administration". No later than May 28, 2022, he issued an order for the unlawful transfer to Hola Prystan Penitentiary No. 7, without consent and using coercion, of persons who were serving sentences or were being held in custody at the State Institution "Snihurivka Penitentiary (No. 5)". Taking into account previous convictions under Part 7 of Article 111-1 and Part 2 of Article 111 of the Criminal Code, the final sentence was set at life imprisonment with deprivation of the right to hold positions involving the performance of organizational, managerial, administrative, and economic functions in government bodies, institutions, enterprises, and organizations regardless of ownership form for a period of eleven years, with confiscation of property and deprivation of the special rank of "Major of Internal Service".

Pursuant to the verdict in **Case No. 766/10206/23**, under Part 2 of Article 28 and Part 1 of Article 438 of the Criminal Code, another Ukrainian citizen – the head of Hola Prystan Penitentiary Colony No. 7, appointed by the occupying authorities – was sentenced to 12 years of imprisonment. Acting in compliance with a criminal order, he, in prior collusion with unidentified individuals, carried out the deportation and transfer to penal institutions in the Russian Federation and the temporarily occupied territories, without consent and using coercion, of over 1,700 persons who were serving sentences in institutions in the Kherson region, thereby violating the requirements of Articles 49, 146, and 147 of the Fourth Geneva Convention and Article 8(4)(a) of Additional Protocol I.

The interconnectedness of the defendants' actions is confirmed not only by the wording of the indictment but also by the evidence. In particular, in Case No. 766/10206/23, the court examined the order of the military commander of Kherson region dated May 7, 2022, establishing the "Kherson Region Penitentiary Service Administration" and appointing the defendant in Case No. 490/2519/24 as its head – which confirms the common institutional basis of both crimes.

Despite the imposition of the same sentence, we draw attention to the different approaches to classification – Part 1 of Article 438 of the Criminal Code in Case No. 490/2519/24 versus Part 2 of Article 28 – Part 1 of Article 438 of the Criminal Code in Case No. 766/10206/23. Such a discrepancy is unacceptable and requires correction in the practical work of investigators, prosecutors, and judges, and should be a focus for defense attorneys.

“The Yahidnianskyi Case”

During Phase IV of the monitoring, another verdict related to “The Yahidnianskyi Case”, which had been the focus of Phase III, was identified. As a reminder, by the verdict of Chernihiv District Court of Chernihiv Region dated March 11, 2023, No. 748/1278/23, upheld by the ruling of Chernihiv Court of Appeals dated May 28, 2024, under Part 1 of Art. 28 and Part 1 of Article 438 of the Criminal Code, 15 servicemen of the Russian Armed Forces were convicted for illegally detaining civilians in the school basement, threatening to kill them, torturing them, illegally holding 368 victims in inhumane conditions, and using them as “human shields” in the basement of Yahidnianska School, in violation of Articles 3, 27, 28, 31, 32, 34, and 147 of the Fourth Geneva Convention and Articles 51 and 75 of Additional Protocol I. Each of the convicted individuals was sentenced to 12 years of imprisonment.

During Phase IV, the judgment of Chernihiv District Court of Chernihiv Region dated July 7, 2025, No. 748/1793/24 – upheld by the ruling of Chernihiv Court of Appeals dated February 26, 2026 – was analyzed. This judgment convicted the commander of these 15 servicemen of the Russian Armed Forces. He was charged with two separate counts – first, issuing an order to commit cruel treatment of the civilian population – torture through the infliction of mental and physical suffering, the unlawful imprisonment of the victims, and their use as a “human shield” at the Russian Armed Forces command post in the building of Yahidnianska branch of Kolychivska General Education School; second, direct cruel treatment of the civilian population – torture through the infliction of mental and physical suffering, threats of murder, the unlawful detention of the victims, and their use as “human shields”. These actions violate the provisions of Articles 3, 27, 28, 32, 34, and 147 of the Fourth Geneva Convention and Articles 51 and 75 of Additional Protocol I.

We recommend that courts, investigators, and prosecutors avoid differing classifications of identical acts committed in the same region and ensure consistency in the wording of charges in related proceedings.

We recommend that the Office of the Prosecutor General emphasize this issue in its methodological guidelines on pre-trial investigations in cases involving war crimes.

2.2.6. Analysis of a verdict that acquits the defendant regarding the commission of a war crime

During Phase IV of the monitoring, one acquittal was handed down – by Borodianka District Court of Kyiv Region on 30 October 2025, Case No. 369/6338/23.

A serviceman of the Russian Armed Forces was accused of committing a war crime – acting with the intent of personal enrichment, he unlawfully entered the premises of a private residence and took possession of the victim’s property – household appliances, electronics, and clothing. In late March 2022, while retreating with his unit toward the north, he transported the stolen items to the territory of the Republic of Belarus and mailed them to the city of Rubtsovsk in the Altai Krai of the Russian Federation.

In acquitting the defendant, the court noted that the following facts have been established: the defendant was part of the occupying forces in Bucha district of Kyiv region from February 24, 2022, to March 31, 2022; on April 2, 2022, he sent a package from Mozyr; the victim’s testimony regarding the theft of property from her home during this period is credible and corroborated by other evidence. At the same time, the court concluded that the prosecution had not provided sufficient, relevant, and admissible evidence that the defendant personally committed the theft of property.

Thus, the acquittal was based on insufficient evidence of the defendant’s personal involvement in the abduction. **The focus of the pre-trial investigation authorities should be on gathering proper, admissible, and sufficient evidence proving the defendant’s guilt in committing each of the constituent elements of the war crime. Accordingly, courts must also carefully review the totality of such evidence, directly examined during the trial, before issuing a guilty verdict under Article 438 of the Criminal Code.**

2.3. Forms of war crimes

CRUEL TREATMENT AND TORTURE AS FORMS OF WAR CRIMES

In defining this form of war crimes, it should be borne in mind that cruel treatment and torture, according to the IHL and the provisions of human rights conventions, are distinct forms, differing from one another as well as from other forms of war crimes, such as unlawful deprivation of liberty, taking hostages, etc.

Article 147 of the Fourth Geneva Convention: Grave breaches… constitute such breaches as encompass the following acts, if committed against persons or property protected by this Convention: willful killing, torture, or inhuman treatment, including biological experiments, which intentionally cause great suffering or serious injury to body or health… or the unlawful detention of a person protected by this Convention….

Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of obtaining from that person or a third party information or a confession, punishing that person for acts that he or she or a third party has committed or is suspected of having committed, as well as to intimidate or coerce that person or a third party, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by public officials or other persons acting in an official capacity, or at their instigation, or with their knowledge, or with their tacit consent. This term does not include pain or suffering arising only from lawful sanctions, inherent in such sanctions, or incidental to them.

Article 7(2)(e) of the Rome Statute of the ICC: (e) "torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; however, torture does not include pain or suffering arising only from lawful sanctions, inherent in such sanctions, or caused by them incidentally;

Article 8(2)(ii)(iii) of the Rome Statute of the ICC: For the purposes of this Statute, "war crimes" means: (ii) torture or inhuman treatment, including biological experiments; (iii) the intentional infliction of severe suffering or serious bodily injury or harm to health.

Article 8 (2) (a) (ii)-2 Elements of Crimes: War crime in the form of inhuman treatment: 1. The perpetrator inflicted severe physical or mental pain or suffering on one or more persons. 2. Such person or persons were protected by one or more of the 1949 Geneva Conventions. 3. The perpetrator was aware of the factual circumstances indicating this protected status. 4. The acts took place in the context of an international armed conflict and were related to it. 5. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Article 8 (2) (a) (iii) of the Elements of Crimes: War crime in the form of intentionally causing great suffering: 1. The perpetrator caused great physical or mental pain or suffering, or serious bodily injury or harm to the health, to one or more persons. 2. Such person or persons were protected by one or more of the 1949 Geneva Conventions. 3. The perpetrator was aware of the factual circumstances indicating this protected status. 4. The acts took place in the context of an international armed conflict and were related to it. 5. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Rule 90 of the Customary IHL: Torture, cruel or inhuman treatment, and treatment that offends human dignity – in particular, degrading and humiliating treatment – are prohibited.

ECHR Judgment in "Ireland v. the United Kingdom", 1978, § 167: the distinction between torture, inhuman treatment or punishment and degrading treatment or punishment stems primarily from the difference in the intensity of the suffering inflicted

ECHR judgments "Labita v. Italy" [GC], 2000, § 120, and "Kudła v. Poland" [GC], 2000, § 92): treatment is inhuman because, in particular, it was premeditated, lasted for hours on end, and caused either actual bodily injury or significant physical and mental suffering.

ECHR judgment in «Gäfgen v. Germany» [GC], 2010, § 89; "Ilaşcu and Others v. Moldova and Russia" [GC], 2004, § 425; "M.S.S. v. Belgium and Greece" [GC], 2011, § 220): treatment is considered "degrading" if it humiliates or disparages a person, demonstrates a lack of respect for their human dignity or diminishes it, or causes feelings of fear, mental suffering, or inferiority, and may break the person's capacity for moral and physical resistance. For conduct to be considered degrading, it may be sufficient that the victim is humiliated in their own eyes, rather than in the eyes of others. Furthermore, although the question of whether the conduct was intended to humiliate or degrade the victim is a factor to be taken into account, the absence of any such intent cannot definitively preclude a finding of a violation of Article 3.

Courts generally do not distinguish between cruel treatment of the civilian population and torture as separate forms of war crimes.

Specifically, in Case No. 335/3484/24 (*judgment of Voznesenivskyi District Court of Zaporizhzhia dated July 22, 2025*) a serviceman of the Russian Armed Forces, who was conducting filtration operations in the city of Kamianka-Dniprovska, Vasylivskyi District, Zaporizhzhia Region, with the aim of identifying former participants in the ATO/JFO and other pro-Ukrainian citizens, was convicted on both counts for cruel treatment of the civilian population. Meanwhile, in the first incident, acts of violence – inhumane treatment, physical and psychological abuse of the victim, intimidation and threats, insults, brutal treatment, detention in appalling conditions, and torture – were committed with the aim of obtaining information: to force the victim to reveal the whereabouts of her husband and individuals with pro-Ukrainian views. This meets the criteria for torture. In the second incident, similar actions were committed without such a purpose, which qualifies as cruel treatment.

Thus, the wording of the charges regarding the first incident should classify the defendant's actions as torture, and regarding the second – as cruel treatment of the civilian population. At the same time, given the time gap between the two incidents, the different victims, and the defendant's "discontinuous" intent, there is a pattern of repeat offenses, which must be taken into account when imposing a sentence as an aggravating circumstance.

UNLAWFUL DEPRIVATION OF LIBERTY AND TAKING OF HOSTAGES AS FORMS OF WAR CRIMES

Article 147 of the Fourth Geneva Convention: Grave breaches… include the following offenses, covering the following acts when committed against persons or property protected by this Convention: … the unlawful detention of a protected person….

Article 8(2)(vii) of the Rome Statute of the ICC: For the purposes of this Statute, "war crimes" means: (vii) unlawful deprivation of liberty.

Elements of unlawful deprivation of liberty as a war crime (Article 8(2)(a)(vii)-2): 1. The perpetrator deprived or continued to deprive one or more persons of their liberty by confining them in a specific place. 2. Such person or persons were protected under one or more of the 1949 Geneva Conventions. 3. The perpetrator was aware of the factual circumstances indicating this protected status. 4. The acts took place in the context of an international armed conflict and were related to it. 5. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Article 8 (2) (a) (viii) Elements of Crimes. The war crime of taking hostages. 1. The perpetrator has seized, detained, or otherwise taken one or more persons hostage. 2. The perpetrator threatened to kill such person or persons, to cause them bodily harm, or to continue to detain them. 3. The perpetrator intended to compel a State, an international organization, a natural or legal person, or a group of persons to perform or refrain from performing acts as a direct or indirect condition for ensuring the

safety or release of such person or persons. 4. Such person or persons were protected by one or more of the 1949 Geneva Conventions. 5. The perpetrator was aware of the factual circumstances indicating this protected status. 6. The acts took place in the context of an international armed conflict and were related to it. 7. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Article 75(2)(c) of Additional Protocol I: The following acts are and shall remain prohibited at any time and in any place, whether committed by civilian or military authorities: (c) the taking of hostages.

Rule 96 of customary IHL: The taking of hostages is prohibited.

Article 1 of the International Convention Against the Taking of Hostages: 1. Any person who seizes or detains another person and threatens to kill, injure, or continue to detain that person (hereinafter referred to as a "hostage") in order to compel a third party, namely: a State, an international intergovernmental organization, any natural or legal person, or a group of persons, to perform or refrain from performing any act as a direct or indirect condition for the hostage's release, commits, in accordance with the provisions of this Convention, the crime of hostage-taking. 2. Any person who: (a) attempts to commit an act of hostage-taking; or (b) participates as an accomplice of any person who commits or attempts to commit an act of hostage-taking, also commits a crime against the object of this Convention.

The unlawful deprivation of liberty of victims (civilians protected under IHL) is identified by the courts as another violation of the laws and customs of war, corresponding to the definition of the criminal offense in Part 1 of Article 438 of the Criminal Code. For example, see the judgments of Velyka Oleksandrivka District Court of Kherson Region dated May 2, 2025, Case No. 650/1189/24

In some cases, courts have defined the unlawful deprivation of liberty of victims (in particular, civilians under the protection of international humanitarian law) as a form of violation of the laws and customs of war, specifically the cruel treatment of the civilian population. For example, in the judgment of Kherson District Court dated October 15, 2025, Case No. 766/6280/24, according to the wording of the indictment, it appears that one of the defendants, a serviceman of the Russian Armed Forces, committed "... cruel treatment of civilians, manifested in inhumane treatment (detention in cells unsuitable for prolonged stays, in unsanitary conditions, deprivation of food and water, failure to provide medical care) and the infliction of physical (twisting arms behind the back, pushing), as well as psychological suffering (placing a hood over the head to disorient the victim indoors) and ensuring the victims' illegal detention, thereby violating Articles 27, 31, 32, and 147 of the Convention and Article 75(2) of Protocol I".

CRUEL TREATMENT OF PRISONERS OF WAR

When establishing the existence of this form of violation of the laws and customs of war, it is necessary to identify the provisions of the Geneva Conventions governing the treatment of prisoners of war; in particular, it is advisable to consider whether a servicemember of the Armed Forces of Ukraine or other military formations of Ukraine was a prisoner of war, and from what point in time this occurred; whether the defendant was aware that he was committing unlawful acts specifically against a prisoner of war; and what specific forms of cruel treatment of the prisoner of war occurred in the particular case.

Thus, courts must first and foremost identify the provisions of IHL governing the acquisition of the legal status of a prisoner of war and the procedures for treating them. These IHL norms include the following:

Article 23(c) of the Fourth Hague Convention on the Laws and Customs of War on Land and its Annex: Regulations on the Laws and Customs of War on Land of October 18, 1907: In addition to the prohibitions provided for in special conventions, it is specifically prohibited, in particular, to kill or wound an enemy who, having laid down his arms or no longer having the means of defense, has unconditionally surrendered.

Article 4(1) of the Third Geneva Convention: prisoners of war are persons who have been taken prisoner by the enemy and who belong to the personnel of the armed forces of a party to the conflict, as well as members of the militia or volunteer corps forming part of those armed forces.

Article 5 of the Third Geneva Convention: This Convention applies to the persons referred to in Article 4 from the moment they fall into the hands of the enemy until their final release and repatriation.

Article 13 of the Third Geneva Convention: Prisoners of war must always be treated humanely. Any unlawful act or omission on the part of the detaining Power which causes the death of, or constitutes a serious threat to the health of, a prisoner of war in its custody is prohibited and shall be considered a grave breach of this Convention.

Article 130 of the Third Geneva Convention defines grave breaches as those involving any of the following acts, if committed against persons or property protected by this Convention: wilful killing, torture or inhuman treatment, including biological experiments, the wilful infliction of severe suffering or serious bodily injury or harm to health, the forcing of a prisoner of war to serve in the armed forces of an enemy State, or the wilful deprivation of his rights to a fair and proper judicial investigation as provided for by this Convention.

Articles 40–45 of Additional Protocol I stipulate: it is prohibited to order that no one be left alive; it is prohibited to attack a person who has been taken out of action (has laid down arms, surrendered, or is in the power of the enemy); any combatant of the armed forces of a party to the conflict who falls into the hands of the opposing party is a prisoner of war and retains that status until determined otherwise by a competent judicial authority.

Article 75(2) of Protocol I: The following acts are and shall remain prohibited at any time and in any place, whether committed by civilian or military authorities, as violence against the life, health, and physical integrity of persons, in particular: murder ("a.1)" of paragraph "a)".

Article 85(2) of Protocol I: acts characterized in the Conventions (995 151, 995 152, 995 153, 995 154) as grave breaches, constitute grave breaches of this Protocol if they are committed against persons who are in the power of the adverse party and are protected by Articles 44, 45, and 73 of this Protocol.

Article 85 of Protocol I: In addition to the grave breaches defined in Article 11, the following acts shall be considered grave breaches of this Protocol when committed intentionally in violation of the relevant provisions of this Protocol and resulting in death or an attack on a person known to have ceased to take part in hostilities (subparagraph "e)").

The courts also interpret the provisions of the **Rome Statute** in determining the elements of cruel treatment of prisoners of war. In particular, pursuant to Article 8(2)(a)(i) and Article 8(2)(a)(vii) of the Rome Statute, intentional killing and unlawful deprivation of liberty constitute war crimes. Article 25(3) establishes individual criminal responsibility regardless of whether the person committed the crime personally, jointly with another person, or through another person. Article 33 of the Rome Statute provides that an order from a superior does not exempt a person from criminal responsibility if the order was manifestly criminal – and the intentional killing of prisoners of war unquestionably falls under such orders. Liability does not arise only in cases where: a) the person was legally obligated to follow orders; b) they did not know that the order was unlawful; c) the order was not manifestly unlawful. None of these conditions can be applied to an order to kill a prisoner of war. Furthermore, in each case, it must be established whether the specific Ukrainian Armed Forces servicemember against whom the unlawful acts were committed was a prisoner of war within the meaning of the Geneva Conventions.

Furthermore, the judgments, taking into account the specific circumstances, recognize the status of the victim, a servicemember of the Armed Forces of Ukraine, as a prisoner of war. Specifically, in **Case No. 332/3499/24** (*judgment of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025*), the pretrial investigation established the following. The defendant, a servicemember of the Russian Armed Forces from an assault group, participated in the assault on a combat position of the Armed Forces of Ukraine. Among its defenders was the victim, a senior soldier in military uniform

with insignia of the Armed Forces of Ukraine, who openly carried an automatic firearm and used it while attempting to repel the attack. In accordance with Part 1 of Article 43 and Part 3 of Article 44 of Protocol I, he had the status of a combatant. After the combat position was captured, the senior soldier, realizing the impossibility of further resistance against the superior forces of the enemy, decided, at the defendant's request, to lay down his arms and surrender. He raised his hands, stepped out of the dugout, and knelt down. In accordance with subparagraph (b) of paragraph 2 of Article 41 of Protocol I, he acquired the status of a person hors de combat and, as a combatant in the power of the opposing party, enjoyed the rights of a prisoner of war, who, pursuant to Article 13 of the Third Geneva Convention, must be treated humanely. On the same day, the defendant, fully aware of the victim's protected status, fired at least three aimed shots at the senior soldier, causing his death. Thus, the servicemember of the Russian Armed Forces committed the intentional killing of a prisoner of war, violating paragraph "c" of Article 23 of the Fourth Hague Convention, Articles 4, 5, 13, and 130 of the Third Geneva Convention, and subparagraphs "a.1" of paragraph "a" of Part 2 of Article 75, and paragraph "e" of Part 3 of Article 85 of Additional Protocol I.

According to the judgment of Chernihiv District Court of Chernihiv Region dated November 5, 2025, Case No. 748/1511/25, for the cruel treatment of four prisoners of war – causing bodily harm, inflicting serious injuries to the body and health, psychological violence, and death threats, thereby violating the requirements of Articles 13, 17, and 130 of the Third Geneva Convention, Part 1 of Article 41, Parts 1 and 2 of Article 75, and subparagraph "e" of Part 3 of Article 85 of Additional Protocol I – two defendants were sentenced under Part 2 of Article 28 and Part 1 of Article 438 of the Criminal Code to 12 years' imprisonment each.

Some verdicts state that the bodies of the deceased servicemen were not evacuated from the scene of the war crime due to the combat situation. In particular, in **Case No. 636/6739/25** (*judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026*), the court examined a response from the military unit stating that the evacuation of deceased Ukrainian Armed Forces servicemen from the territory of the Vovchansk Aggregate Plant in the city of was not carried out due to the increased intensity of hostilities; the bodies of the victims in the criminal proceedings were not evacuated; the safe conduct of evacuation and other investigative actions in this territory is impossible due to active hostilities, the constant threat of artillery shelling, and a high probability of landmines.

In some verdicts, the victims and witnesses were transferred to the Russian Federation as prisoners of war as part of an exchange. In such cases, the nature of the war crime consisted of the forced mobilization of Ukrainian citizens in the temporarily occupied territories. In particular, in **Case No. 185/3969/23** (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025*), two victims, who as a result of forced mobilization served in the illegally established LPR military formation, were taken prisoner by Ukrainian Armed Forces personnel, and subsequently, according to information from the Joint Center for the Coordination of the Search and Release of Prisoners of War under the Security Service of Ukraine, were handed over to the aggressor state in 2022. During the court hearing, the victims' interrogation protocols and accompanying video recordings were examined in accordance with Part 11 of Article 615 of the Code of Criminal Procedure. Regarding the witness, only the interrogation protocol was examined without a video recording, since no such recording was made, and therefore the court did not consider his testimony as evidence. On the same grounds, the identification protocol involving this person was also deemed inadmissible.

In **Case No. 611/229/23** (*judgment of Krasnohradskyi District Court of Kharkiv Region dated December 6, 2023*), the court reviewed the transcript of the interrogation of a witness, a serviceman of the Russian Armed Forces, and found it to be proper and admissible evidence, as it was obtained in compliance with Part 11 of Article 615 of the Code of Criminal Procedure. Direct examination of the witness in court was impossible, as he had been transferred to the Russian Federation during a prisoner exchange and is currently on its territory.

Similarly to the situation with the civilian population, courts typically do not distinguish between cruel treatment of prisoners of war and their torture. For example, a Ukrainian citizen, a member of one of the DPR battalions, was convicted of cruel, insulting, and degrading treatment of a prisoner of war in the form of torture, beating, and simulating the imposition of punishment without a prior court decision, thereby causing the victim severe physical pain and lifelong significant psychological

suffering (*judgment of Shevchenkivskyi District Court of Kyiv dated February 25, 2025, Case No. 761/25450/24*).

This approach does not comply with the norms of international humanitarian law and the principle of reasonable classification. Given the distinction between cruel treatment and torture in IHL norms, we recommend distinguishing between them when classifying war crimes, both in relation to the civilian population and to prisoners of war.

ATTACK ON THE CIVILIAN POPULATION

Article 8(2)(b)(i) of the Elements of Crimes. A war crime in the form of an attack on civilians:

1. The perpetrator directed the attack. 2. The target of the attack was the civilian population as such or individual civilians not taking a direct part in hostilities. 3. The perpetrator intentionally targeted the civilian population as such or individual civilians not taking a direct part in hostilities. 4. The acts took place in the context of an international armed conflict and were related to it. 5. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

The actions of a Russian Armed Forces servicemember who operated an unmanned aerial vehicle (a quadcopter) and, in addition to obtaining information on the location of Ukrainian Armed Forces units, carried out the dropping of munitions on targets of his choosing. While remotely controlling a "Mavic" UAV, specially equipped for the guided dropping of "VOG-17" munitions, he identified as targets two civilians – a man and a woman in civilian clothing, unarmed, and showing no signs of being combatants, who were walking in the village – and intentionally carried out a targeted drop of ammunition on them, resulting in bodily injury to the victims (*Judgment of Velyka Oleksandrivka District Court of Kherson Region dated June 11, 2025, No. 650/3777/24*).

DEPORTATION AS A FORM OF WAR CRIMES

Article 8(2)(a)(vii)-1 of the Elements of Crimes. War crime in the form of unlawful deportation and transfer: 1. The perpetrator deported or transferred one or more persons to another State or another locality. 2. Such person or persons were protected by one or more of the 1949 Geneva Conventions. 3. The perpetrator was aware of the factual circumstances indicating this protected status. 4. The acts took place in the context of an international armed conflict and were related to it. 5. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Rule 129 of the Customary IHL: The parties to an international conflict are prohibited from deporting or forcibly transferring, in whole or in part, the civilian population of an occupied territory, except where the security of the civilian population or particularly weighty military reasons so require.

As in previous monitoring phases, this form of war crime was identified in the activities of a "judge" – a Ukrainian citizen who, following the temporary occupation of Ukrainian territory, was appointed "judge" by the occupying authorities and administered "justice" on behalf of the Russian Federation. In one of the decisions rendered, this "judge" ordered the expulsion of a Ukrainian citizen from the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, thereby violating the provisions of Articles 47, 49, 64, 67, 70, and 147 of the Fourth Geneva Convention and paragraph a of Part 4 of Article 85 of Additional Protocol I (*judgments of Desnianskyi District Court of Kyiv dated July 23, 2025, No. 754/12142/22; dated June 10, 2025, No. 754/15727/23; Darnytskyi District Court of Kyiv dated September 19, 2025, No. 753/7566/25*).

It should be noted that in such cases, classifying the "judge's" actions solely under Article 438 of the Criminal Code is incomplete – his actions regarding defecting to the enemy and conducting subversive activities against Ukraine by issuing decisions within the framework of administering "justice" on behalf of the Russian Federation remain outside the scope of criminal law.

Deportation as a form of war crime has also been charged against the defendants in the "The Kherson Case" mentioned above. Specifically, this involves the deportation and transfer to penal institutions in the Russian Federation and the temporarily occupied territories of over 1,700 individuals, who, pursuant to the judgments of Ukrainian courts, were serving their sentences in penal institutions in Kherson region, thereby violating the provisions of Articles 49, 146, and 147 of the Fourth Geneva Convention and Article 8(4) (a) of Additional Protocol I (*judgment of Kherson City Court of Kherson region dated June 13, 2025, case No. 766/10206/23; judgment of the Central District Court of Mykolaiv dated January 26, 2025, case No. 490/2519/24*).

FORCED SERVICE IN THE ARMED FORCES OF AN ENEMY STATE AS A FORM OF WAR CRIMES

Article 147 of the Fourth Geneva Convention: Grave breaches… constitute such breaches as include the following acts, if committed against persons …: compelling a protected person to serve in the armed forces of an enemy State….

Article 8(2)(v) of the Rome Statute: For the purposes of this Statute, "war crimes" means: v) compelling a prisoner of war or other protected person to serve in the armed forces of an enemy State.

Article 8(2)(b)(xv) of the Elements of Crimes of the Rome Statute. War crime in the form of coercion to participate in hostilities 1. The perpetrator, by acts or threats, coerced one or more persons to participate in hostilities against their own country or its armed forces. 2. Such person or persons were citizens of the enemy. 3. The acts took place in the context of an international armed conflict and were related to it. 4. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

The convicted individual, a citizen of Ukraine and head of a department at the military commissariat in the temporarily occupied territory of Luhansk, was charged with this form of war crime. Acting in concert with a group of individuals, he unlawfully compelled Ukrainian citizens residing in the temporarily occupied territory of Luhansk Region to serve in the "LPR People's Militia", thereby violating the provisions of Articles 3 and 68 of the Constitution of Ukraine and Articles 4, 8, 51, and 147 of the Fourth Geneva Convention (judgment of Komunarskyi District Court of Zaporizhzhia dated November 18, 2025, Case No. 333/7817/23).

The same form of war crime is also charged against the defendant in another case (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025, Case No. 185/3969/23*).

THE APPROPRIATION OF CIVILIAN PROPERTY AS A FORM OF WAR CRIMES

Article 147 of the Fourth Geneva Convention: Grave breaches… constitute such breaches as include the following acts, if committed against persons or property protected by this Convention…: extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly….

Article 8(2)(iv). For the purposes of this Statute, "war crimes" means: (iv) extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly.

Article 8(2)(a)(iv) of the Elements of Crimes of the Rome Statute. War crime in the form of destruction and appropriation of property: 1. The perpetrator destroyed or appropriated specific property. 2. The destruction or appropriation of the property was not justified by military necessity. 3. The destruction or appropriation of the property was extensive and carried out wantonly. 4. Such property was protected under one or more of the 1949 Geneva Conventions. 5. The perpetrator was aware of the factual circumstances indicating this protected status. 6. The acts took place in the context of an international armed conflict and were related to it. 7. The perpetrator was aware of the

factual circumstances indicating the existence of an armed conflict.

As a distinct form of a war crime, the appropriation of property is documented, in particular, in the judgment of Kherson City Court of Kherson Region dated November 19, 2025, Case No. 766/16458/24.

At the same time, courts typically formulate charges in terms that do not correspond to IHL. In particular, in the aforementioned judgment, the actions of a servicemember of the Russian Armed Forces were classified as "robbery of a protected civilian", with reference to Article 33 of the Fourth Geneva Convention. A more accurate formulation is that used in IHL: **the appropriation of property not necessitated by military necessity and committed unlawfully and wantonly**. It is precisely this formulation that was used in the judgment of Trostyanets District Court of Sumy Region of 05.03.2026, Case No. 588/1239/25.

INTENTIONAL KILLING AS A FORM OF WAR CRIMES

Article 147 of the Fourth Geneva Convention: Grave breaches... include the following breaches, covering the following acts when committed against persons ...: intentional killing....

Article 8(2)(1). For the purposes of this Statute, "war crimes" means: (i) murder.

Article 8(2)(a)(i) of the Elements of Crimes of the Rome Statute. War crime in the form of murder: 1. The perpetrator killed one or more persons. 2. Such person or persons were protected by one or more of the 1949 Geneva Conventions. 3. The perpetrator was aware of the factual circumstances indicating this protected status. 4. The acts took place in the context of an international armed conflict and were related to it. 5. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Rule 89 of Customary IHL: Killing is prohibited.

It should be noted that the current Criminal Code does not define "intentional homicide" as a form of war crime, but instead provides for criminal liability for acts that result in the death of a person. The shortcomings of this wording were addressed in the Report on Phase III of the monitoring.

If the objective aspect of the acts committed encompasses several forms of war crimes under the norms of international humanitarian law, all these forms must be specified in the indictment. Those specified in the operative part of Article 438 of the Criminal Code should be indicated in accordance with the terminology of the Criminal Code. If, however, the acts fall under the blanket formulation "other violations of the laws and customs of war", it is insufficient to limit oneself to such a reference – it is necessary to specify exactly how the violation manifested itself, using the terminology of international humanitarian law, in particular the Geneva Conventions and the Rome Statute. In any case, one cannot limit oneself to a single form – such an approach is consistent with the principle of completeness of classification.

A positive example is the judgment of Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24, in which the court found it proven that a servicemember of the Russian Armed Forces, acting in a group with others, unidentified servicemen of the Russian Armed Forces, carried out an attack on five civilians who were under protection and not participating in hostilities, combined with the intentional killing of one of the victims, as well as causing bodily harm to another victim, and the destruction of property (the vehicles in which the victims were traveling), thereby violating the provisions of Articles 4, 27, 31, 32, and 147 of the Fourth Geneva Convention and Article 51, as well as Parts 1 and 2 of Article 75 of Additional Protocol I.

Thus, in formulating the charges in the verdict, the court fully described all forms of war crimes committed by the defendant, without omitting a single unlawful act. At the same time, the defendant's actions were classified under Part 1 of Article 28 and Part 2 of Article 438 of the Criminal Code, that is, only as one form of war crimes.

Clearly, this incomplete reflection of the classification of the defendant's actions in the legal classification is due to deficiencies in the wording of Part 2 of Article 438 of the Criminal Code.

A similar situation occurred in the judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated June 19, 2025, Case No. 370/816/23.

ISSUING ORDERS TO COMMIT WAR CRIMES

The defendant is charged with this violation of the laws and customs of war for having issued orders to subordinate servicemen of the Russian Armed Forces, as a result of which two victims were subjected to cruel treatment, psychological abuse, and intimidation with the threat of murder, and, as a result, severe psychological suffering, as well as material damage caused by the unlawful seizure of their property (*judgment of Makariv District Court of Kyiv Region dated July 9, 2025, No. 370/1757/23*).

When charging the defendant under Article 438 of the Criminal Code in the form of issuing an order to commit war crimes, it is necessary to ensure that the judgments refer to the specific form of the war crime for which the order was given, for example, an order to loot the population or an order to torture the victim. Courts cannot limit themselves to general formulations from the disposition of Article 438 of the Criminal Code without specifying the form of the war crime. In some of the analyzed judgments, the courts fail to do so.

Specifically, in **Case No. 766/648/23**, the defendant, commander of the 8th Coastal Defense Artillery Regiment stationed in the temporarily occupied territory of the Autonomous Republic of Crimea, while located in the left-bank part of the Kherson region, by issuing orders and directives, ensured that units of the regiment under his command carried out large-scale indiscriminate strikes using BM-21 "Grad" multiple rocket launchers with 9M22 (9M28F, 9M22U, 9M21OF, 9M22U-1) against civilian objects in the central part of the city of Kherson, resulting in the deaths of 13 and injuries to 60 civilians, thereby violating the requirements of Art. 25 of the Regulations, Article 33 of the Fourth Geneva Convention, and Articles 51, 52, 54, and 57 of Additional Protocol I (*judgment of Kherson City Court of Kherson Region dated August 1, 2025, Case No. 766/648/23*). In this case, the judgment should have specified exactly which form of war crime the order was given to commit.

RAPE AND SEXUAL VIOLENCE AS A FORM OF WAR CRIMES

Article 3(1) (general): Persons who do not take an active part in hostilities ... shall be treated humanely, without any hostile discrimination based on race, color, religion or belief, sex, origin or property, or any other similar criteria.

Article 27(2) of the Fourth Geneva Convention: Women require special protection against any attack on their honor, and, in particular, protection against rape, forced prostitution, or any other form of attack on their modesty.

Article 75(2)(b) of Additional Protocol I: The following acts are and shall remain prohibited at any time and in any place such acts, whether committed by civilian or military authorities – acts of inhumanity, in particular degrading and humiliating treatment, forced prostitution, or indecent assault in any form.

Article 76(1) of Additional Protocol I: Women shall be accorded special respect and protection, in particular against rape, forced prostitution, and any other form of indecent assault.

Article 8(2)(b)(xxii) of the Rome Statute of the ICC: other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law, namely any of the following acts: rape, sexual slavery, enforced prostitution, forced pregnancy as defined in Article 7(2)(f), enforced sterilization, or any other form of sexual violence that also constitutes a grave breach of the Geneva Conventions.

Elements of rape as a war crime (Article 8(2)(b)(xxii)-1): 1. The perpetrator committed an act against the body of a person, resulting in penetration, even slight, of any part of the victim's or the perpetrator's body by a sexual organ or any object, or of any part of the body into the victim's anal or genital orifice. 2. The assault was committed through the use of physical force, the threat of physical force, or coercion arising, in particular, fear of violence, gross coercion, detention, psychological pressure, or abuse of authority against that person or another person, or by taking advantage of a situation characterized by coercion, or was committed against a person who was unable to give consent that expressed their true will. 3. The acts took place in the context of an international armed conflict and were related to it. 4. The perpetrator was aware of the factual circumstances indicating the existence of an armed conflict.

Rule 90 of the Customary IHL: Torture, cruel or inhuman treatment, and outrages upon personal dignity, including humiliating and degrading treatment, are prohibited.

Rule 93 of Customary IHL: Rape and other forms of sexual violence are prohibited.

Rule 135 of Customary IHL: Children affected by armed conflict are entitled to special respect and protection.

Prosecutor v Tadić (Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction) IT-94-1-A (2 October 1995) (AC) para 70: It is sufficient that the alleged crimes be closely connected with hostilities taking place in other parts of the territories controlled by the parties to the conflict.

Prosecutor v Kunarac et al (Judgement) IT-96-23 & IT-96-23/1-A (12 June 2002) (AC) para 58: the existence of an armed conflict must, at a minimum, play a significant role in the perpetrator's ability to commit such a crime, their decision to commit it, the manner in which it was committed, and the purpose for which it was committed. In particular, sexual violence is committed as part of the perpetrator's official duties or in the context of their performance.

Typically, CSV is the subject of closed court proceedings, and the information is not subject to public disclosure in accordance with Article 7 of the Law of Ukraine "On Access to Court Decisions".

However, in the two analyzed judgments, the CSV in the workplace was openly charged, and in both cases, the wording of the charges does not comply with the norms of international human rights law.

In **Case No. 370/399/23** (*judgment of Makariv District Court of Kyiv Region dated November 6, 2025*), a servicemember of the Russian Armed Forces was charged with sexual acts involving vaginal penetration without the victim's voluntary consent (rape), as well as a number of acts constituting cruel treatment of the civilian population. At the same time, the indictment does not identify rape as a separate form of war crime – instead, all acts were classified as cruel treatment of the civilian population with reference to Articles 13, 33, 47, 147 of the Fourth Geneva Convention and Articles 51, 75, and 76 of Additional Protocol I. We consider this wording to be inaccurate: the indictment should have separately identified another violation of the laws and customs of war in the form of the rape of the victim, specifying this violation terminologically in accordance with the norms of international humanitarian law.

In **Case No. 743/319/25** (*judgment of Ripky District Court of Chernihiv Region dated July 15, 2025*), it appears from the wording of the charges that the court also formulated the charges in a manner inconsistent with the norms of international humanitarian law. A servicemember of the Russian Armed Forces was charged with cruel treatment of the civilian population "in the form of rape and threats of murder", thereby violating the requirements of Article 27(2) of the Fourth Geneva Convention and Articles 75(2)(b), (e)(a)(a.1), 76 (1) of Additional Protocol I. That is, the court included rape within the concept of cruel treatment, which does not comply with the norms of international humanitarian law. Given the wording of the factual circumstances in the judgment and the elements of the war crime under Article 438 of the Criminal Code, it would have been appropriate to identify another violation of the laws and customs of war in the form of rape, which is consistent with the norms of international humanitarian law.

COMPLEX FORMS OF WAR CRIMES have been recognized by the courts in numerous judgments.

In particular, in the judgment of Velyka Oleksandrivka District Court of Kherson Region dated May 2, 2025, Case No. 650/1189/24, a citizen of Ukraine was charged with the following forms of war crimes: inhuman treatment (detention in cells unsuitable for prolonged stays, in unsanitary conditions, and food restrictions), inflicting physical suffering (beatings and bodily harm) on two victims, as well as psychological suffering (threats of physical violence) on all illegally detained persons with the aim of forcing them to cooperate with the occupation police of the Russian Federation, as well as other violations of the laws and customs of war in the form of the illegal detention of protected civilians and the issuance of orders to commit such acts, thereby violating Articles 3, 27, 31, 32, and 147 of the Fourth Geneva Convention and Article 75 of Additional Protocol I.

In cases involving complex forms of war crimes, the indictment must describe these forms as fully as possible in accordance with the formulations of the IHL. If, in a specific case, several forms of war crimes are present, some of which are directly provided for in the disposition of Article 438 of the Criminal Code, while others consist of other violations of the laws and customs of war, it is insufficient to refer to legally defined constructs when formulating the charge – it is necessary to specify exactly which of the other forms of war crimes were committed by the accused.

An example of incomplete wording is the judgment of Dnipro District Court of Zaporizhzhia dated December 26, 2025, Case No. 334/9583/24, which states: "Thus, the servicemember committed a criminal offense under Part 2 of Article 28 and Part 1 of Article 438 of the Criminal Code of Ukraine, namely cruel treatment of the civilian population and other violations of the laws and customs of war provided for by international treaties, the binding nature of which has been approved by the Verkhovna Rada of Ukraine, committed by a group of persons acting in concert". Such wording is incomplete, as it does not specify what exactly constitutes "other violations".

A positive example is the wording of the charges in the judgments of Snihurivka District Court of Mykolaiv Region dated December 23, 2025, Case No. 485/2099/24, and dated December 10, 2025, Case No. 485/1155/25:

"Thus, a servicemember of the Russian Armed Forces, being fully aware of the socially dangerous nature of his actions, foreseeing their socially dangerous consequences and intending for them to occur, acting intentionally, in the context of an international armed conflict and in connection with it, as part of a premeditated conspiracy by a group of individuals together with a person whose case has been separated into a separate proceeding, and other unidentified servicemen of the Russian Armed Forces, violated the requirements of Parts 1, 2, and 4 of Article 27, Articles 31 and 32, Part 1 of Article 33, Parts 1–3 of Article 78, Article 79, and Article 147 of the Fourth Geneva Convention, as well as the provisions of Part 1 of Article 11, subparagraphs a.2, subparagraphs "a" and "e" ("b"), Part 2 of Article 75, and Part 1 of Article 76 of Additional Protocol I:

1) unlawfully deprived the victim of liberty by committing acts constituting another violation of the laws and customs of war as provided for by international treaties, the binding nature of which has been ratified by the Verkhovna Rada of Ukraine, committed by a group of persons acting in concert, thereby violating the requirements of Part 4 of Article 27, Parts 1–3 of Article 78, Article 79, and Article 147 of the Fourth Geneva Convention;

2) caused the victim physical (numerous blows to the torso with fists and the butt of an automatic rifle) and psychological suffering (threats of murder, firing an automatic rifle near the victim's feet), thereby subjecting her to torture and committing acts constituting cruel treatment of the civilian population, committed by a group of persons acting in concert, thereby violating the provisions of Article 27(1), Articles 31, 32, and Article 33(1) of the Fourth Geneva Convention, Article 11(1) and subparagraph (a)(2) of paragraph (a) of Article 75(2) of Additional Protocol I;

3) caused the victim mental suffering (by threatening the victim with rape by all Russian Federation Armed Forces personnel present on the premises of the specified residence), that is, committed another violation of the laws and customs of war as provided for by international treaties, the binding nature of which has been ratified by the Verkhovna Rada of Ukraine, committed by a group of persons acting in

concert, thereby violating the requirements of Articles 27(1) and (2) of the Fourth Geneva Convention, Article 11(1) and subparagraphs (e) and (b) of Article 75(2), and Article 76(1) of Additional Protocol I.

2.4. Establishing contextual circumstances

In the fourth stage of monitoring, courts generally describe the contextual element of war crimes accurately. However, only a small number of judgments contain an overly detailed description of the circumstances surrounding the outbreak of the international armed conflict, both historically and in the present day.

In some judgments, the circumstances of the armed conflict are described briefly, starting from 2014 (*judgments of Borodianka District Court of Kyiv Region dated October 30, 2025, Case No. 369/6338/23; Velyka Oleksandrivka District Court of Kherson Region dated June 11, 2025, Case No. 650/3777/24*). In others, the courts limit themselves to events starting from February 24, 2022 (*judgment of Makariv District Court of Kyiv Region dated November 6, 2025, Case No. 370/399/23*).

In many judgments, courts cite specific dates for the start of the armed conflict. For example, the judgment of Komunarskyi District Court of Zaporizhzhia dated November 18, 2025, No. 333/7817/23, states: "The date of the start of the temporary occupation by the Russian Federation of certain territories of Ukraine is February 19, 2014. The Autonomous Republic of Crimea and the city of Sevastopol have been temporarily occupied by the Russian Federation since February 20, 2014. Certain territories of Ukraine that are part of Donetsk and Luhansk regions have been occupied by the Russian Federation (including by the Russian Federation's occupation administration) since April 7, 2014, in accordance with Part 2 of Article 1 of the Law of Ukraine No. 1207-VII of April 15, 2014, "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine".

We consider the position of the courts, which recognize the relevant facts as common knowledge and not requiring proof, to be convincing. In particular, the judgment of Khortytskyi District Court of Zaporizhzhia dated March 3, 2026, No. 337/6022/24, states: "The court has recognized as common knowledge and not requiring proof within the scope of these proceedings that the temporary occupation by the Russian Federation of part of Ukraine's territory, which began with an armed conflict triggered by Russian military aggression starting on February 20, 2014, and the full-scale invasion of Ukraine by the Russian Federation on February 24, 2022, as well as the annexation by the Russian Federation of part of Ukraine's territory, are facts of common knowledge".

In most of the analyzed judgments, the courts, in addition to stating the existence of an international armed conflict as a general contextual element, in specific cases, they also point to the local nature of such an element, noting the fact (temporal) of the occupation of a certain part of Ukraine's territory (*judgments of Borodianka District Court of Kyiv Region dated October 30, 2025, Case No. 369/6338/23; Bobrovytsia District Court of Chernihiv Region dated November 3, 2025, Case No. 729/169/25; Kherson City Court of Kherson Region dated November 19, 2025, Case No. 766/16458/24*).

However, in some judgments, the description of the contextual element is missing (*judgments of Shevchenkivskyi District Court of Kyiv dated February 25, 2025, Case No. 761/25450/24; Peresypsky District Court of Odesa dated July 23, 2025, Case No. 522/16342/22; Derhachi District Court of Kharkiv Region dated December 2, 2025, Case No. 619/10509/24*).

Thus, we consider it necessary to include the contextual element of war crimes in judgments, as it is an integral feature of war crimes and pertains to the circumstances of their commission. However, the general contextual element should be stated rather concisely, while the local contextual element should be described in greater detail.

2.5. References to IHL provisions when formulating charges

Given the general nature of the provision in Article 438(1) of the Criminal Code, reference should be made to the laws and customs of war when classifying the offense. As a rule, courts approach

this in a fairly standard manner: references are primarily made to the relevant articles of the Fourth Geneva Convention and Additional Protocol I. Despite the ratification of the Rome Statute, references to its provisions in judgments remain extremely rare. In particular, provisions of the Statute were used in the judgments of Chernihiv District Court of Chernihiv Region dated November 24, 2025, Case No. 748/1732/25, and Osnovianskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25.

As a positive example, we highlight the wording of the charges in the judgment of Komunarskyi District Court of Zaporizhzhia dated November 18, 2025, Case No. 333/7817/23. It not only lists the article numbers of the IHL conventions but also explains their content. Thus, the judgment states that the defendant's actions violated the requirements of:

- Article 1 of Protocol No. 1 to the European Convention on Human Rights – the right to peaceful enjoyment of one's property;
- Article 33(2) of the Fourth Geneva Convention – the prohibition of looting;
- Article 147 of the Fourth Geneva Convention – the prohibition of widespread destruction and appropriation of property not justified by military necessity;
- Article 52 of Additional Protocol I – prohibition of attacks or reprisals against civilian objects;
- Article 54 of Additional Protocol I – prohibition on the destruction or rendering inoperable of objects essential to the survival of the civilian population;
- Subparagraph "g" of Article 23, Article 46, and Article 53 of the Regulations Concerning the Laws and Customs of War on Land (Annex to the Fourth Hague Convention) – prohibition on the destruction or seizure of enemy property beyond the limits of military necessity; obligation to respect private property.

The advantage of this approach over simply listing article numbers is as follows. First, the specification of violations: referring to the content of the provisions, rather than merely their numbers, provides a clear understanding of exactly which actions of the accused and in what manner violate international law. Second, clarity for the court and the parties to the proceedings: the description of specific facts and violations facilitates the assessment of the charges and precludes their abstract interpretation.

As a positive example of the use of case law from the ICC and international tribunals, we cite the judgment of the Central District Court of Mykolaiv dated January 26, 2025, Case No. 490/2519/24. In particular, the following were applied:

- the ICTY judgment in Prosecutor v. Kunarac, Kovac and Vukovic – regarding the absence of a requirement to establish a direct causal link between the armed conflict and each war crime – it is sufficient that the conflict played a significant role in the individual's ability to commit the crime, their decision to commit it, the manner of its commission, or its purpose;
- the ICTR judgment in the Akayesu case (para. 483), the ICTY judgments in the Blaskic case (para. 28) and the Kordic and Cerkes case (para. 28), the ICTY in the Mudakumura (para. 63) and Ntaganda (para. 145) cases – regarding liability for orders: the accused is liable if, having authority, he or she gave an order to a subordinate to commit a crime, and the subordinate committed that crime.

The use of case law from the ICC and international tribunals is an important tool for ensuring the legal soundness of a verdict. It allows national courts to rely on established legal positions of international justice, improves the quality of reasoning, and contributes to the formation of stable judicial practice in cases involving war crimes.

2.6. Establishing the elements of the subjective aspect of war crimes

During Phase IV, in most of the analyzed judgments, the subjective aspect of the war crime was established properly – the courts analyzed it in greater detail than in previous phases. In some cases, however, intent was either defined in general terms in accordance with the wording of the elements of direct intent in the Criminal Code (judgments of Kherson District Court of Kherson Region dated 02/19/2026, Case No. 766/10363/24; Dniprovskyi District Court of Zaporizhzhia dated December 26, 2025, Case No. 334/9583/24), or was not determined at all (*judgments of Velyka Oleksandrivka District Court of Kherson Region dated June 11, 2025, Case No. 650/3777/24; Shevchenkivskyi District Court of Kyiv dated February 25, 2025, Case No. 761/25450/24; Peresypskyi District Court of Odesa dated July 23, 2025, Case No. 522/16342/22*).

In **Case No. 650/1189/24** (*judgment of Velyka Oleksandrivka District Court of Kherson Region dated May 2, 2025*), the court established the existence of direct intent based on the totality of the evidence, in particular that confirming the defendant's awareness of the necessity to comply with the laws and customs of war regarding the civilian population. Taking into account the defendant's experience serving in the Ukrainian law enforcement agencies and his knowledge of the norms of international humanitarian law, the court concluded that he was aware of his obligation to comply with these norms during an armed conflict.

In **Case No. 370/2058/22** (*judgment of Makariv District Court of Kyiv Region dated May 23, 2025*), the court established beyond a reasonable doubt that the defendants were aware that they had illegally crossed the state border of Ukraine and participated in military aggression, as they were wearing military uniforms, carrying weapons, and operating military equipment. At the same time, the court noted the absence of evidence that the victim had participated in combat operations or belonged to the Armed Forces of Ukraine.

In **Case No. 754/15727/23** (*judgment of Desnianskyi District Court of Kyiv dated June 10, 2025*), in describing the subjective aspect of the actions of the judge who issued the decision on the forced deportation of Ukrainian citizens, the court noted that the degree of the defendant's awareness of the details of the occupying authorities' military-political planning is irrelevant to the proof of guilt. The court applied one of the Nuremberg Principles of international law: "The fact that a person acted on the orders of his government or superior does not exempt him from responsibility under international law if a conscious choice was in fact possible for him".

In **Case No. 610/1715/24** (*judgment of Balakliya District Court of Kharkiv Region dated November 25, 2025*), the court found that the defendant, although he did not issue a direct order to detain the victims or use violence, acted in concert with other participants, directing their actions toward a common result – the unlawful deprivation of liberty of the victims and the use of violence against them. The court noted that this activity was systematic and organized, involving the use of code words and intonations, which indicates a criminal conspiracy. The approval and encouragement of violence without an order to stop it confirms the defendant's complicity in the commission of the crimes.

In **Case No. 490/2519/24** (*judgment of the Central District Court of Mykolaiv dated January 26, 2025*), the court, citing the practice of the International Court of Justice, noted that the defendant must have at least been aware that the crime would be committed in the normal course of events as a result of his actions or inaction (ICC, Kilolo et al. case, para. 82; Ntaganda case, para. 153; Mudakumura case, para. 63). In doing so, the court applied a lower threshold developed by the practice of special tribunals: it is sufficient to be aware of a significant likelihood that a crime will be committed as a result of carrying out the order (ICTY, Blashkić case, para. 42; Kordić and Čerkes case, para. 30). The court established that the existence of an international armed conflict was a matter of fact; the defendant issued orders to transport the prisoners while being aware of the conflict's existence; and the conflict played a significant role in his ability to carry out such actions. The fact that the Russian Federation military personnel who directly carried out the order were not under the defendant's command does not preclude his awareness that the crime would be committed precisely as a result of his order. The court also emphasized that a person's civilian status does not constitute immunity from liability for a war crime: the criterion for liability is not status, but the nature of the actions and their connection to the armed conflict, which is consistent with international practice.

In **Case No. 521/14869/23** (*judgment of Khadzhybeiskyi District Court of Odesa dated January 6, 2026*), the court specifically addressed the motives and purpose behind the commission of the crime. The motive was found to be a combination of the defendant's ideological beliefs: a desire to curry favor with his superiors, hatred of the Ukrainian nation and statehood, a sense of his own superiority, intolerance of dissent, and contempt for Ukrainian culture and identity. According to the court, the purpose of the actions was to seize the sovereign state of Ukraine and destroy Ukrainian statehood.

2.7. Imposing a sentence under Article 438 of the Criminal Code

In describing the sentences imposed by Ukrainian courts for the commission of war crimes, official statistics from the State Judicial Administration were used.

In addition, those convicted under Article 438 of the Criminal Code were sentenced to additional penalties

2.8. Consideration of Mitigating and Aggravating Circumstances

As in previous stages, there is no established consistency in judicial practice regarding the consideration of mitigating and aggravating circumstances.

The commission of a criminal offense by a group of persons acting in concert was considered an aggravating circumstance, particularly in the following cases: (*judgments of Kyiv-Sviatoshyn District Court of Kyiv Region dated June 19, 2025, Case No. 370/816/23; Kherson City Court of Kherson Region dated June 13, 2025, Case No. 766/10206/23; Chernihiv District Court of Chernihiv Region dated July 7, 2025, Case No. 748/1793/24*).

At the same time, some courts did not consider this circumstance as an aggravating factor, given that it had already been taken into account during the classification of the offense (judgments of Velyka Oleksandrivka District Court of Kherson Region dated May 2, 2025, Case No. 650/1189/24; Kherson City Court of Kherson Region dated November 19, 2025, Case No. 766/16458/24; Osnovyanskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25).

Committing a criminal offense while intoxicated (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated December 6, 2025, Case No. 185/3990/23*).

Committing a criminal offense in connection with the victims' performance of official or civic duties (*judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25*).

Committing a crime by taking advantage of martial law conditions (*judgments of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25; Makariv District Court of Kyiv Region dated May 23, 2025, Case No. 370/2058/22*).

At the same time, some courts did not consider this circumstance as an aggravating factor, citing that the direct object of the crime under Part 2 of Article 438 of the Criminal Code is peace and the international legal order in the sphere of armed conflicts, and therefore the offense itself is committed under wartime conditions – and recognizing the commission of the crime under martial law as an additional aggravating circumstance is superfluous (*judgments of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025, Case No. 332/3499/24; Balakliya District Court of Kharkiv Region dated August 7, 2025, No. 610/2754/24; dated October 20, 2025, Case No. 610/4551/24*).

Repeat offenses (*judgments of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25; and Makariv District Court of Kyiv Region dated November 24, 2025, Case No. 370/731/24*).

An analysis of the judgments handed down throughout all stages of monitoring indicates that courts, when imposing penalties under Article 438 of the Criminal Code, predominantly do not take recidivism into account in cases where the defendant commits several war crimes that are not identical in form, are not united by a single intent, and are committed against different victims. Since recidivism is not provided for by the legislature as an aggravating factor in Article 438 of the Criminal Code, it must be taken into account when imposing a sentence.

Serious consequences resulting from the crime (judgments of Makariv District Court of Kyiv Region dated May 23, 2025, Case No. 370/2058/22; and Peresyp District Court of Odesa dated July 23, 2025, Case No. 522/16342/22).

Committing a criminal offense against an elderly person (*judgments of Kherson City Court of Kherson Region, Case No. 766/648/23; and Derhachi District Court of Kharkiv Region dated December 2, 2025, Case No. 619/10509/24*).

Thus, the consideration of certain aggravating circumstances when imposing a sentence – in particular, the commission of a war crime by a group of persons acting in concert and taking advantage of martial law conditions – remains a matter of debate and requires the development of uniform law enforcement approaches.

2.9. Special criminal proceedings (special pre-trial investigation and special trial (in absentia))

During the fourth monitoring phase, as in previous phases, criminal proceedings under Article 438 of the Criminal Code were largely conducted in absentia. At the same time, during the fourth stage of monitoring, verdicts were handed down in three cases in the presence of the defendant (*judgments of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025, Case No. 332/3499/24; Kholodnohirskyi District Court of Kharkiv on January 13, 2026, Case No. 636/6739/25; Osnovianskyi District Court of Kharkiv on August 12, 2025, Case No. 646/5284/25*).

According to data from the State Judicial Administration for 2025, proceedings regarding war crimes were conducted in absentia under the aforementioned procedure

In nearly all of the analyzed judgments, the courts limited themselves to general measures to notify the defendant of criminal proceedings in Ukraine. Only in one case were specific notification measures taken – the prosecutor sent court summonses to the email address of the institution "FEDERAL STATE INSTITUTION "MILITARY COMMISSARIAT OF THE LUGANSK PEOPLE'S REPUBLIC" (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025, Case No. 185/3969/23*).

Thus, the situation regarding the implementation of specific measures to notify a person of criminal proceedings against them under the in absentia procedure – both during the pre-trial investigation and during the court proceedings – requires improvement.

Separately, we note that it is impossible to determine from the texts of the analyzed judgments in in absentia proceedings how active the defense counsel's participation was.

2.10. Examination and evaluation by the court of evidence of war crimes

Attention is drawn to the positive practice of examining and evaluating evidence, as reflected in the court decisions analyzed under Article 438 of the Criminal Code. Some of the analyzed judgments have a clear structure, which facilitates proper understanding of the text of the decision, ensures effective review of its compliance with legal norms during appellate and/or cassation proceedings, and contributes to the unification of judicial practice.

As an example of positive practice, we cite three judgments with varying levels of structure in the evidentiary section.

In the judgment in **Case No. 766/6280/24** (*judgment of Kherson District Court dated October 15, 2025*), there is a separate Section IV dedicated to the evaluation of evidence. The court, analyzing the evidence as a whole, concluded that the evidence was relevant, admissible, credible, and sufficient to prove the charges. It was established that the defendant acted without coercion, violated the norms of international humanitarian law regarding the prohibition of torture of civilians, and that guilt was proven beyond a reasonable doubt.

In the judgment in **Case No. 490/2519/24** (*judgment of the Central District Court of Mykolaiv dated January 26, 2025*), the evidence is organized in a separate section titled "Evidence Supporting the Facts Established by the Court" into two categories: 1) testimony of witnesses and victims; 2) documents. A positive aspect is that the court evaluated each piece of evidence separately and explained possible discrepancies in the testimony, noting in particular: "Some discrepancies in the witnesses' testimony may be due to their different locations in the courtroom, the witness's own reaction to a stressful situation, or the passage of a significant amount of time since the incident". Based on the results of this evaluation, the court confirmed that the body of evidence is proper, admissible, reliable, and sufficient to prove the defendant's guilt "beyond a reasonable doubt" in accordance with the requirements of the Code of Criminal Procedure and the practice of the European Court of Human Rights.

The judgment in **Case No. 521/14869/23** (*judgment of Khadzhybeiskyi District Court of Odesa dated January 6, 2026*) is even more structured, grouping the evidence into: 1) oral evidence (testimony); 2) documentary evidence (in particular, a copy of the inpatient's medical record, protocols of identification parades using photographs, investigative experiments, and examinations); 3) expert opinions. The verdict contains an assessment of both each individual piece of evidence and their totality. In particular, when evaluating the OSINT evidence, the court took into account that the Security Service of Ukraine and military counterintelligence had taken exhaustive measures to establish the whereabouts of the defendant – an FBI employee – his current appearance, as well as to notify him of the date, time, and place of the trial. The court noted that there were no grounds to question the information obtained, as the details from publicly available online sources had been verified and confirmed by the victim during the court hearing. Based on this evidence, the court established the defendant's personal involvement in crimes committed during the occupation of Kherson: his presence in the city, his leadership of operations to identify and unlawfully detain individuals, as well as his direct participation in acts of torture and robbery as part of a search-and-destroy operation.

With a view to improving the structure of court decisions, we consider it appropriate not to include an assessment of the applicable provisions of the Hague Convention in the portion of the judgment devoted to the examination and evaluation of evidence. This practice was observed both in the judgment in Case No. 521/14869/23 and in other analyzed decisions cited above as positive examples of the examination and evaluation of evidence in cases under Article 438 of the Criminal Code.

2.11. Evidence directly examined by the court confirming a person's guilt in committing a war crime

Oral evidence in criminal proceedings under Article 438 of the Criminal Code

Direct examination of the defendant in court

In all criminal proceedings conducted in the presence of the defendant, the defendants fully admitted their guilt (*judgments of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025, Case No. 332/3499/24; Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25; Osnovianskyi District Court of Kharkiv dated August 12, 2025, Case No. 646/5284/25*). An exception is Case No. 332/3499/24, in which the defendant, having pleaded guilty, refused to testify.

In all criminal proceedings, the testimony of **victims and witnesses was also examined**.

In some cases, the examination of testimony was conducted not through direct questioning but in accordance with Part 11 of Article 615 of the Code of Criminal Procedure. Under this provision, testimony obtained during questioning in proceedings conducted under martial law may be used as evidence only if the course and results of the questioning are recorded via video. Specifically, in Case No. 650/3777/24 (*judgment of Velyka Oleksandrivka District Court of Kherson Region dated June 11, 2025*), the court examined the minutes of the victim's interrogation along with a DVD-R disc and a transcript – direct interrogation during the court hearing was impossible due to the victim's military service in the ranks of the Armed Forces of Ukraine.

In Case No. 185/3969/23 (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025*), the victim's interrogation transcripts were also examined.

In Case No. 743/319/25 (*judgment of Ripky District Court of Chernihiv Region dated July 15, 2025, No. 743/319/25*), the victim exercised her right to refuse to testify directly in court by filing a corresponding motion on the grounds of her psychological and emotional state. The court examined the transcript of her interrogation and the accompanying video recording.

Evidence – records of investigative actions.

In all criminal proceedings without exception, a person's guilt in committing a war crime is confirmed by factual data contained in the records of the identification parade using photographs. During the identification process, in particular with the participation of victims and witnesses, the investigation's conclusions regarding the identification of the accused were confirmed.

Factual data from the inspection reports. During the pre-trial investigation, an inspection was conducted of:

- **items** — for example, materials bearing the hallmarks of official documentation drafted in Russian, specifically personnel-related administrative decisions concerning police units that were active or had been reassigned during the temporary occupation of Kherson region (*judgment of Velyka Oleksandrivka District Court of Kherson Region dated May 2, 2025, Case No. 650/1189/24*);

- **locations of the incidents** (*judgments of Ripky District Court of Chernihiv Region dated July 15, 2025, Case No. 743/319/25; and Borodianka District Court of Kyiv Region dated October 30, 2025, Case No. 369/6338/23*);

- **publications on websites** — for example, a publication on the "Myrotvorets" website and on the "OBOZREVATEL" news portal titled "DPR Reveals Names of Terrorists in COVID-19 Statistics" (*judgment of Shevchenkivskyi District Court of Kyiv dated February 25, 2025, Case No. 761/25450/24*);

- **social media pages** — for example, the defendant's page on the "Odnoklassniki" network containing his personal contact information and a photograph (*judgment of Kherson City Court of Kherson Region dated November 19, 2025, case No. 766/16458/24*);

- **interactive maps** — for example, the DeepStateMap online map, which shows that as of April 26, 2024, a unit of the Russian Armed Forces in which the defendant served was stationed in the settlement where the war crime was committed a unit of the Russian Armed Forces in which the defendant served was stationed (*judgment of Kherson City Court of Kherson Region dated November 19, 2025, Case No. 766/16458/24*).

Increasingly, judgments note that the data was obtained using OSINT (Open Source Intelligence) based on open sources (*judgments of Makariv District Court of Kyiv Region dated November 24, 2025, Case No. 370/731/24; Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25*).

Factual data from the records of investigative experiments (*judgments of Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24; Makariv District Court of Kyiv Region dated July 9, 2025, Case No. 370/1757/23*).

Factual data from the protocols of temporary access to documents, specifically:

- access to documents submitted by the defendant for the opening, maintenance, and closure of card accounts at JSC CB "PrivatBank" (judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025, Case No. 185/3969/23);

- access to items and documents, as a result of which medical records were seized – duly certified copies of patients' medical records (judgment of Kherson City Court of Kherson Region, case No. 766/648/23).

Factual data from the records of the investigative actions, including information retrieved from electronic information systems — for example, from the "Telegram" instant messaging app used by the defendant (*judgment of Velyka Oleksandrivka District Court of Kherson Region dated June 11, 2025, Case No. 650/3777/24*).

Factual data from reports and informational documents confirming the presence of the defendant's military unit on the territory of Ukraine, specifically:

- data from the State Border Guard Service of Ukraine regarding the advance of a specific unit in Chernihiv direction (*judgment of Chernihiv District Court of Chernihiv Region dated July 7, 2025, Case No. 748/1793/24*);

- information from the commander of the military unit regarding the defendant (*judgment of Voznesenivskyi District Court of Zaporizhzhia dated July 22, 2025, Case No. 335/3484/24*);

- information from the Security Service of Ukraine's Intelligence Department containing operational data (*judgment of Voznesenivskyi District Court of Zaporizhzhia dated July 22, 2025, Case No. 335/3484/24*);

- information from the Main Intelligence Directorate of the Ministry of Defense of Ukraine regarding the accused's unit's presence in the temporarily occupied territories during the period when the war crime was committed (*judgment of Chernihiv District Court of Chernihiv Region dated November 24, 2025, Case No. 748/1732/25*);

- information regarding the defendant's service in the relevant military unit (*judgments of Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24; Borodianka District Court of Kyiv Region dated October 30, 2025, Case No. 369/6338/23*).

Factual information from identification documents regarding the defendant, specifically:

- a response containing information regarding the presence and activities of the defendant and other servicemen of the Russian Armed Forces in the occupied territory of Kherson region (j*udgment of Peresyp District Court of Odessa dated July 23, 2025, Case No. 522/16342/22*);

- a response stating that there is no information regarding the defendant's presence among prisoners of war and a response stating that there is no information regarding his death (*judgment of Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24*);

- a response from the Deputy Head of the Office of the President of Ukraine stating that the defendant's citizenship had not been revoked (*judgment of Desnianskyi District Court of Kyiv dated June 10, 2025, Case No. 754/15727/23*);

- responses from the head of the High Council of Justice Secretariat and the Chair of the High Council of Justice regarding the defendant's breach of the judicial oath, the submission of a motion to the Verkhovna Rada for her dismissal, and the corresponding resolution of the Verkhovna Rada (*judgments of Desnianskyi District Court of Kyiv dated June 10, 2025, No. 754/15727/23; dated July 23, 2025, Case No. 754/12142/22*);

- response from the National Bar Association of Ukraine regarding the defendant's status as an attorney and possession of a valid license (*judgment of Darnytskyi District Court of Kyiv dated September 19, 2025, Case No. 753/7566/25*);

- response from the State Migration Service of Ukraine regarding the defendant's possession of a Ukrainian passport and a foreign passport (*judgment of Dniprovskyi District Court of Zaporizhzhia*

dated December 26, 2025, Case No. 334/9583/24);

- information from the service record regarding the defendant's service in law enforcement agencies (*judgment of Dniprovskyi District Court of Zaporizhzhia dated December 26, 2025, Case No. 334/9583/24*).

Factual information regarding the objective elements of the war crime committed or the victim, specifically:

- a report from the village council stating that the death rate in the territorial community had increased eightfold compared to the same period in the previous year (*judgment of Chernihiv District Court of Chernihiv Region dated July 7, 2025, Case No. 748/1793/24*);

- a report from the regional hydrometeorological center regarding air temperature conditions during the period when the war crime was committed (*judgment of the Chernihiv District Court of Chernihiv Region dated July 7, 2025, Case No. 748/1793/24*);

- special report from the head of the correctional colony regarding the blockade of the facility, the forced detention of staff in the assembly hall, the removal of equipment, and the transfer of inmates to an unknown destination, including information on the individuals serving sentences at the facility (*judgment of the Central District Court of Mykolaiv dated January 26, 2025, Case No. 490/2519/24*);

- information from the State Department for the Execution of Sentences regarding convicts who were serving sentences at the correctional colony and were taken away by Russian Armed Forces personnel to an unknown destination (*judgment of the Central District Court of Mykolaiv dated January 26, 2025, case No. 490/2519/24*).

This group also includes documents confirming the disappearance and/or death of a member of the Armed Forces of Ukraine, specifically: a report on the disappearance of a person in action; an extract from the register of Ukrainian defenders held captive by the aggressor state, stating that there is no information confirming the victim's captivity – either through the ICRC's Central Tracing Agency or from other open sources; a response from the military unit confirming that the victim is not among those who deserted the unit (*judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026, Case No. 636/6739/25*).

We separately highlight documents confirming the fact of damage to civilian objects as a result of indiscriminate shelling – a response from the Regional State Administration with a list of damaged and destroyed real estate and an extract from the register of damaged objects; a response from the executive committee of the city council regarding the destruction of civilian infrastructure; a response from the tactical group confirming the absence of military facilities within the shelling impact radius (*judgment of Kherson City Court of Kherson Region, Case No. 766/648/23*).

Explanatory Documents

In Case No. 766/10206/23 (*judgment of Kherson City Court of Kherson Region dated June 13, 2025*), the court examined an explanatory statement by an expert from the Crimea Reintegration Association, according to which the forcible transfer by military personnel of the Russian Federation and armed formations under its control of individuals serving sentences in institutions in the Kherson region pursuant to judgments of Ukrainian courts to similar institutions in the Russian Federation constitutes a serious violation of international humanitarian law and, depending on the context, may be classified as a crime against humanity or a war crime.

Expert Findings

The analyzed judgments examined various types of expert findings:

- forensic (judgment of Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24);

- forensic psychological (j*udgment of Ripky District Court of Chernihiv Region dated July 15, 2025, Case No. 743/319/25*);
- forensic medical (*judgments of Ichnia District Court of Chernihiv Region dated May 23, 2025, Case No. 733/37/24; Makariv District Court of Kyiv Region dated May 23, 2025, Case No. 370/2058/22*);
- forensic psychiatry (*judgments of Makariv District Court of Kyiv Region dated May 23, 2025, Case No. 370/2058/22; dated July 9, 2025, Case No. 370/1757/23*);
- commodity expertise, transport and commodity expertise (*judgments of Borodianka District Court of Kyiv Region dated October 30, 2025, Case No. 369/6338/23; Makariv District Court of Kyiv Region dated July 9, 2025, Case No. 370/1757/23; Industrial District Court of Kharkiv dated August 18, 2025, Case No. 644/9444/24*);
- forensic explosives and technical (*judgment of Velyka Oleksandrivka District Court of Kherson Region dated June 11, 2025, Case No. 650/3777/24*);
- forensic molecular genetics (*judgment of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025, Case No. 332/3499/24*);
- forensic portrait analysis (*judgment of Pavlohrad City and District Court of Dnipropetrovsk Region dated August 11, 2025, Case No. 185/3969/23*);
- handwriting analysis (*judgment of Balakliya District Court of Kharkiv Region dated October 20, 2025, Case No. 610/4551/24*).

At the same time, we would like to draw attention to a case in which the court refused to admit evidence as admissible. In Case No. 766/648/23 (judgment of Kherson City Court of Kherson Region) the court rejected a number of materials submitted by the prosecution on the following grounds:

- insufficient evidentiary value – the report on the examination of personal social media pages and other digital materials were rejected because they did not contain information confirming the circumstances subject to proof;
- failure to comply with procedural rules – the court did not take into account documents that were not properly certified, in particular the post-mortem examination report and expert conclusions, due to non-compliance with the requirements for the preparation and certification of originals;
- failure to question victims and witnesses – the documents pertained to individuals who were not recognized as victims or questioned as witnesses, which served as grounds for rejecting the relevant evidence;
- lack of correlation between the evidence and the circumstances of the case – the materials regarding various victims did not corroborate the actions attributed to the defendant and were inconsistent with other evidence in the case.

2.12. Resolution of civil claims

Civil claims were filed by victims in many criminal proceedings, the judgments in which were analyzed during Phase IV of the monitoring (for example, the judgments of Makariv District Court of Kyiv Region dated July 9, 2025, Case No. 370/1757/23; Kyiv-Sviatoshyn District Court of Kyiv Region dated June 19, 2025, Case No. 370/816/23; Voznesenivskyi District Court of Zaporizhzhia dated July 22, 2025, Case No. 335/3484/24). **In some cases, the courts granted the claims of some victims in full, while granting others only in part**.

For example,

In **Case No. 636/6739/25** (*judgment of Kholodnohirskyi District Court of Kharkiv dated January 13, 2026*), six victims (the wives, mothers, and son of deceased Ukrainian Armed Forces servicemen) seeking compensation for moral harm caused by the death of their loved ones as a result of cruel treatment of prisoners of war. Four of the victims sought 15,000,000 UAH each, and two sought 2,000,000 UAH each. The court recognized that all plaintiffs had suffered moral distress due to the death of a son, husband, or father, and that the loss of a loved one constitutes an irreversible trauma for life. At the same time, based on the principles of reasonableness, balance, and fairness, and taking into account the degree of the defendant's guilt, the nature of the victims' suffering, and his financial situation, the court determined that 2,000,000 UAH in compensation was sufficient for each. Thus, the claims of two victims were satisfied in full, and those of four were satisfied in part.

In **Case No. 370/1757/23** (*judgment of Makariv District Court of Kyiv Region dated July 9, 2025*), the court also took a differentiated approach to the claims of the three victims: regarding two of them, the claim was partially granted due to the lack of evidence supporting the full amount of material and moral damages claimed; for the third – in full.

In **Case No. 370/816/23** (*judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated June 19, 2025*), the court expanded upon the legal reasoning regarding compensation for non-pecuniary damage in the context of the Russian-Ukrainian war. In particular, the judgment cites the legal position of the Supreme Court of Ukraine dated April 14, 2022, No. 308/9708/19 (Case No. 61-18782св21) regarding the judicial immunity of foreign states – The court found that the Russian Federation does not enjoy judicial immunity in this case, and therefore the proceedings are not subject to suspension due to requests to the Russian Embassy. Compensation for moral damages was ordered to be recovered jointly and severally from a serviceman of the Russian Armed Forces and the Russian Federation, represented by its Government.

In **Case No. 335/3484/24** (*judgment of Voznesenivskyi District Court of Zaporizhzhia dated July 22, 2025*), the court found that the victim had suffered mental and physical distress as a result of unlawful detention and torture, as confirmed by medical reports. Compensation for moral damages was awarded in full (5,184,000 UAH). Claims for compensation for material damage were partially awarded (8,824 UAH) – the plaintiff failed to provide a complete list of the stolen property and its market value, did not submit relevant expert appraisals, and certain expenses (in particular, dental services) were not supported by payment documents. Given the martial law and difficult conditions, the court limited itself to awarding only those amounts that could be directly confirmed by the documents and testimony provided, and did not take into account other aspects of property losses not supported by sufficient evidence. As in the previous case, the court ordered joint and several liability against the defendant and the Russian Federation, finding no need to involve the Russian Embassy given its lack of judicial immunity. In determining the amount of compensation, the court considered the decision of the Commission on Deprivation of Liberty, medical certificates, and the position of the Ministry of Reintegration of Ukraine.

In **Case No. 333/7817/23** (*judgment of Komunarskyi District Court of Zaporizhzhia dated November 18, 2025*), the court also granted the civil claim, highlighting three key aspects. First, the court established the joint and several liability of the defendant (a Russian citizen) and the Russian Federation: the aggressor state cannot evade liability for the damage caused regardless of where the crime was committed, and the joint and several nature of the liability means that the victims may seek redress from any of the parties, who will then independently allocate liability among themselves. Second, the court denied the Russian Federation judicial immunity, relying on principles of international law: the aggressor state cannot invoke sovereignty as a defense against claims related to its international crimes, a position supported by decisions of international courts recognizing state responsibility for violations of international law. Third, the court applied the practice of the European Court of Human Rights regarding the possibility of awarding compensation in cases of human rights violations during armed conflict. Awarding compensation for damages jointly and severally from the aggressor state and the individual who directly participated in the criminal acts is an important step in ensuring justice for the victims.

Thus, an analysis of the judgments resolving civil claims in proceedings under Article 438 of the Criminal Code demonstrates the courts' comprehensive approach to compensating for moral and material harm caused by the actions of Russian Armed Forces personnel. The trends identified during Phase IV of the monitoring indicate a significant evolution in judicial practice in the context of armed conflict: courts consistently apply the mechanism of joint and several liability of the aggressor state and the direct perpetrator of the crime, deny the Russian Federation judicial immunity, and align with ECHR standards. This ensures effective protection of victims' rights and is part of Ukraine's fulfillment of its national obligations to compensate victims of aggression, creating effective legal instruments for recovering damages even from a foreign state.

2.13. Disposition of physical evidence

The disposition of physical evidence in criminal proceedings is governed by Article 100 of the Code of Criminal Procedure.

We draw attention to an unusual situation that the court had to address when rendering a verdict under Article 438 of the Criminal Code.

In **Case No. 332/3499/24** (*judgment of Zavodskyi District Court of Zaporizhzhia dated November 6, 2025*) after Ukrainian Armed Forces personnel took operational control of Russian Armed Forces combat positions on January 6, 2024, a captured weapon – an AK-74 without a magazine – belonging to unidentified Russian military personnel was discovered and seized. By a ruling of the investigating judge of Zhovtnevyi District Court dated February 1, 2024, a group of investigators from the Security Service of Ukraine in Zaporizhzhia Region was granted temporary access to this weapon. According to operational information, servicemen of the Russian Armed Forces were taken prisoner at the same combat position, among whom was the defendant in this proceeding.

In determining the fate of the physical evidence, the court was guided by Article 1 of the Law of Ukraine "On the Legal Regime of Property in the Armed Forces of Ukraine", and Instruction No. 164 of March 23, 2017, on the procedure for implementing the norms of international humanitarian law in the Armed Forces of Ukraine – according to which military trophies (weapons, military equipment, and other military property seized from the enemy) belong to the state, not to individual servicemen – as well as by Resolution No. 186-r of the Cabinet of Ministers of Ukraine dated February 26, 2022. Based on these acts, the court decided to transfer the AK-74 to the Armed Forces of Ukraine as a trophy weapon. The panel of judges ruled that all other physical evidence in the case, including items belonging to Armed Forces of Ukraine servicemembers, should be destroyed.

2.14. Provision of a Russian-language translation of the judgment

We consider it a positive practice that the operative part of the judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated June 19, 2025, No. 370/816/23, that the court authorizes the Territorial Administration of the State Judicial Administration of Ukraine in Kyiv Region to provide an official translation of the judgment into Russian. A similar practice was also observed in previous monitoring phases (*judgments of Kyiv-Sviatoshyn District Court of Kyiv Region dated December 6, 2023, Case No. 370/380/23; Bakhmach District Court of Chernihiv Region dated January 25, 2024, Case No. 728/665/23*).

2.15. Appeals of first-instance court judgments

Order of Chernihiv Court of Appeals dated February 26, 2026, No. 748/1793/24	
Argument in the appeal	**Court ruling**
The defense attorney requests that the verdict be overturned and the criminal proceedings be dismissed due to insufficient evidence to prove the defendant's guilt	The court upheld the verdict, as the evidence is sufficient to prove the defendant's guilt, and the case materials raised no doubts regarding their admissibility
Witness testimony confirms the cruel treatment of the victims but does not prove that it was the defendant who gave the orders	The court established that the defendant was the commander and gave orders for cruel treatment, which is confirmed by other evidence and testimony
Doubts arose regarding the admissibility of materials extracted from another criminal proceeding	The court found these materials admissible, as they were properly used in accordance with Article 217 of the Code of Criminal Procedure
The defendant was not properly notified of the charges, which violates his right to defense	The court concluded that the notice of suspicion had been properly served and the defendant's right to defense had been upheld
The court failed to comply with the requirements regarding a new notice of suspicion when materials were separated from another proceeding	The court noted that the law does not require a new notice of suspicion when materials are separated, and this does not violate the defendant's rights

Ruling of Kharkiv Court of Appeals, No. 644/9444/24	
Argument in the appeal	**Court ruling**
The defense attorney requests that the verdict be overturned and the defendant acquitted due to insufficient evidence of his guilt	The appellate court upheld the verdict, stating that the trial court correctly evaluated all the evidence and proved the defendant's guilt
The defense attorney argues that the trial court violated procedural rules and failed to examine all the circumstances of the case	The appellate court concluded that the trial court examined all necessary facts and evidence and adhered to procedural rules
The defense attorney asserts that the court did not properly evaluate the testimony of witnesses and victims, which is contradictory	The court noted that the testimony of the witnesses and victims was consistent, corroborated by other evidence, and sufficient to establish the defendant's guilt
The defense attorney claims that the court did not examine the issue of the defendant's service in the Russian Armed Forces	The court noted that these issues were examined and the available evidence confirms the defendant's participation in military operations on the side of the Russian Federation
The defense attorney claims that the issue of confirming the defendant's death was not properly considered by the court, which could have served as grounds for dismissing the case	The court noted that there is no confirmation of the defendant's death, so there are no grounds for closing the case

The defense attorney points out that the defendant is a citizen of Ukraine, which refutes his involvement in criminal activities on behalf of the Russian Federation	The court did not accept this argument, as the defendant's involvement in crimes against Ukraine's national security has been proven by other evidence

Ruling of Chernihiv Court of Appeals dated February 16, 2026, No. 748/1511/25	
Argument in the appeal	**Court ruling**
The defense counsel requests that the verdict be overturned and the criminal proceedings be dismissed due to the lack of sufficient evidence to prove the defendant's guilt, as well as the exhaustion of all possibilities for obtaining such evidence	The appellate court upheld the verdict, finding that there was sufficient evidence to prove guilt
The charge of prior conspiracy between the two convicted individuals and unidentified military personnel was not proven and was not supported by evidence	The court found that the defendants acted in prior conspiracy, jointly and in concert, based on evidence examined during the trial
The defendant could not be guilty of committing the crimes, as the court did not establish that he inflicted bodily harm on the victims	The court found the defendant guilty of inflicting bodily harm on the victims based on the evidence presented
The offense committed by the defendant cannot be classified under Part 2 of Article 28 of the Criminal Code due to the absence of prior conspiracy	The court found the existence of prior conspiracy and correctly classified the defendants' actions under Part 2 of Article 28 and Part 1 of Article 438 of the Criminal Code
The defense attorney argues that the photographs of the defendants used for identification are not evidence of their involvement	The court found the photographs presented by the victims to be authentic, confirming that they belong to the defendants, as the description of their appearance matches their photographs
The defense attorney argues that information from sources such as "Russian Passport" does not constitute official evidence	The court noted that materials from the Internet, including photographs, may be admitted as evidence provided their authenticity is confirmed
The defense attorney argues that the defendant could not be found guilty of issuing orders, as these circumstances were not supported by sufficient evidence	The court found that the defendant acted as a commander and issued orders, as confirmed by the totality of the circumstances and evidence examined during the proceedings

Ruling of Dnipro Court of Appeals dated February 18, 2026, Case No. 185/3990/23	
Argument in the appeal	**Court ruling**
The defense attorney requests that the verdict be overturned and the criminal proceedings against the defendant be dismissed due to lack of sufficient evidence	The appellate court upheld the verdict, stating that all evidence had been properly examined and confirmed the defendant's guilt

The defense counsel points to violations of the principles of adversarial proceedings, immediacy, comprehensiveness, and objectivity, since the victim was not questioned and his testimony was altered	The appellate court upheld the verdict, noting that no violations of the principles of judicial proceedings were established and that the evidence was properly examined
The defense attorney asserts that the witness's testimony contradicts other evidence, and the absence of a live identification is grounds for rejecting the evidence	The court concluded that all evidence, including identification photographs, is admissible and has been properly assessed in accordance with the requirements of the Code of Criminal Procedure
The defense attorney claims that the defendant was not properly identified, and the evidence was obtained in violation of procedural rules	The court found that the identification of the defendant was conducted in accordance with the provisions of the Code of Criminal Procedure and that there are no grounds to doubt the admissibility of the evidence
The defense attorney asserts that the victim's testimony regarding the attackers' state of intoxication is not supported by expert evidence	The court accepted the testimony of the witness and the victim as sufficient to prove the attackers' state of intoxication, since this was supported by factual evidence and did not require a separate expert examination
The defense attorney argues that the use of identification protocols based on photographs is inadmissible due to possible violations	The court noted that the photo identification was conducted in accordance with the rules of the Code of Criminal Procedure and that the identification protocols constitute admissible evidence
The defense attorney requests that the verdict be overturned due to violations of procedural rules during the identification process	The court concluded that all procedural rules were followed and no violations were found during the identification process

Ruling of Kherson Court of Appeals dated March 17, 2026, No. 766/6280/24	
Argument in the appeal	**Court ruling**
The defense attorney requests that the judgment of Kherson City Court be amended and that a less severe sentence be imposed on the defendant, specifically 8 years of imprisonment under Part 1 of Article 438 and 10 years under Part 2 of Article 438 of the Criminal Code	The appellate court upheld the sentence, taking into account the heightened danger to society posed by the crimes committed, specifically violations of international law and war crimes
The defense attorney notes that the court did not take into account the full characterization of the defendant, which could have mitigated the sentence	The court found no sufficient grounds to mitigate the sentence, as the defendant posed a significant danger to society and committed crimes against Ukraine's national security
The defense attorney argues that the decision is excessively harsh and unjust, given the limited information available about the defendant's character	The court stated that the decision is just, as the imposed sentence corresponds to the gravity of the crimes committed and the danger the defendant poses to society

The defense attorney notes that the court did not take into account circumstances that could have influenced a change in the sentence	The court noted that the defense attorney's arguments are unfounded, as no specific circumstances that could have altered the sentence were presented

2.16. Cassation appeals of first-instance court judgments

The panel of judges of the Third Judicial Chamber of the Supreme Court of Ukraine upheld the judgment of Vinnytsia City Court of Vinnytsia Region dated March 20, 2024, and the ruling of Vinnytsia Court of Appeal dated January 20, 2025, regarding the former Minister of Education of Ukraine and two other individuals.

The former Minister of Education of Ukraine – a citizen of the Russian Federation since 2016, whose Ukrainian citizenship was revoked by a Decree of the President of Ukraine – was found guilty and sentenced under Part 2 of Article 111, Part 1 of Article 111-2, Part 2 of Article 28, and Part 1 of Article 438 of the Criminal Code; a Russian citizen – under Part 2 of Article 28 and Part 1 of Article 438 of the Criminal Code; a Ukrainian citizen – under Part 1 of Article 111-2 of the Criminal Code.

The following actions were classified as war crimes: the former Minister of Education of Ukraine, in prior collusion with a citizen of the Russian Federation – the deputy "permanent representative of the Head of the Chechen Republic on the territory of the Autonomous Republic of Crimea" – organized the unlawful seizure of agricultural equipment belonging to Technotorg-Don LLC and Technotorg LLC and located in the temporarily occupied territory of Melitopol, Zaporizhzhia Region, as well as its transfer to a person under their control within the territory of the Autonomous Republic of Crimea.

Regarding the grounds for special judicial proceedings. In the cassation appeal, one of the defense attorneys argued that there were no grounds for conducting special judicial proceedings, since the trial court had notified the defendants of the preliminary hearing through the media only twice – whereas the law requires three summonses. The appellate court generally found this argument valid but noted that, under the circumstances of this particular case, such a violation was not substantial and did not necessitate the mandatory reversal of the decisions. The panel of judges emphasized that three summonses and three instances of failure to appear are significant not in and of themselves, but as a means of establishing that the defendant evaded appearing in court. In this case, the local and appellate courts held approximately ten hearings – six at the trial court and four on appeal. The defendants were notified of each hearing separately via the courts' official websites and the newspaper "Uryadovy Courier", but they never appeared and did not provide any explanation for their failure to appear. The same situation occurred during the cassation proceedings. The court concluded that the defendants had undoubtedly evaded appearing in court within the meaning of Part 5 of Article 139 of the Code of Criminal Procedure.

Regarding the re-examination of evidence. The court of cassation did not take into account the argument that the appellate court had violated the requirements of Part 3 of Article 404 of the Code of Criminal Procedure by refusing to re-examine the evidence – specifically, to hear the testimony of the representative of the victimized legal entities and witnesses, and to examine the online chats of the former Deputy Minister of Education. The appellate court, having heard all parties to the proceedings, found no sufficient grounds for this, as the defense counsel did not present convincing arguments to confirm that the evidence had been examined by the trial court incompletely or with violations. The Supreme Court upheld this position, noting that the defense's disagreement with the assessment of the evidence is not grounds for its re-examination, and that the conclusions of the trial court are based on a comprehensive, complete, and impartial examination of all the circumstances of the proceedings.

Regarding prior conspiracy. The court found unfounded the argument that one of the defendants had been unjustifiably charged with committing a war crime as part of a prior conspiracy by a group of individuals. The court noted that an agreement to jointly commit a crime may take any form – oral, written, or through implied conduct. It was established that the former Minister of Education instructed a Russian citizen to prepare contracts and shipping documents for the sale of equipment

previously illegally seized in occupied Melitopol, and provided information about the person who would act as the "buyer". The Russian citizen, using stolen company forms and seals, prepared the corresponding delivery notes. The court classified the totality of these actions as the commission of a war crime by a group of persons acting in prior conspiracy.

The full text of the court decisions in Case No. 127/15500/23 is available at the following links:

Judgment of Vinnytsia City Court of Vinnytsia Region dated 20.03.2024

Ruling of Vinnytsia Court of Appeal dated 20.01.2025

Ruling of the Panel of Judges of the Third Judicial Chamber of the Criminal Court of Cassation dated 04.03.2026

Dissenting opinion of a judge of the Panel of Judges of the Third Judicial Chamber of the Criminal Court of Cassation within the Supreme Court dated March 4, 2026

APPENDIX I. MONITOR QUESTIONNAIRE

Questionnaire for monitoring the judicial proceedings of criminal proceedings concerning war crimes (art. 438 of the criminal code of Ukraine) 2025-2026

I. General Information:

(please answer all questions)

Monitor's last name and first name	
Court name	
Date and time of the start of the court hearing *(scheduled and actual)*	Scheduled date and time: Actual date and time: *If the actual date and time differ from the scheduled ones, please explain why..*
Unique Case Number	
Last name, first name, patronymic of the defendant(s)	
Is the case being heard in the presence of the defendant or in absentia?	За присутності обвинуваченого / in absentia / питання не вирішувалось на даній стадії *(залиште вірне)*
Last name, first name, patronymic of the public prosecutor	
Last name, first name, patronymic of the defense attorney (chosen personally / appointed through the FLA)	
Charges	
Is the court schedule available? Specify where exactly it was available (e.g., on the bulletin board in the courthouse, on the "Judiciary" website, etc.).	
Is the trial open to the public? If not, indicate the grounds for a closed trial. Was a proper explanation provided?	

Did the court hearing take place?	
If the court hearing was postponed, please specify the following: • whether the decision to postpone the hearing was made during a court session or whether the postponement occurred without a court session; • the reasons for postponing the court session; • the duration of the postponement.	

II. Right to a public hearing

(please provide open-ended answers to the questions)

№	Question	Answer
1.	Were members of the public present at the court hearing? Was anyone denied access (if known)?	
2.	Were there any restrictions on public access to the courtroom after the hearing began? If so, what were those restrictions? Were they justified?	
3.	Were media representatives permitted to be present in the courtroom? If so, did the judge impose any restrictions on the scope of information that could be published (names, details, physical descriptions, photographs, etc.)? If not, were the reasons for denying access to the courtroom explained?	
4.	Was the courtroom large enough given the expected public interest? Did the court explain why it was not possible to provide a larger courtroom if the courtroom was too small?	
5.	Please indicate if the hearing took place in the judge's chambers or another room in the courthouse (basement, shelter, etc.). If so, was the judge's chambers or other room large enough, technically equipped, and suitable for holding court proceedings?	

III. Right to a public hearing

(please provide open-ended answers to the questions)

6.	Did the court appear objective and impartial during the criminal proceedings? If not, how was this evident and in what ways (e.g., showing favoritism toward any of the parties, exerting pressure on the parties, etc.)?	
7.	Did anyone (political actors, parties to the proceedings, etc.) make threatening statements regarding the court or other participants in the proceedings in connection with the outcome of the trial?	
8.	Were there any allegations of corruption or improper influence on judges within the criminal proceedings during the court hearing?	
9.	Does the court reject arguments/proposals/evidence/motions from the defense, the prosecution, or the victim without proper justification?	

IV. The right to participate in court proceedings and the right to a defense

(please provide detailed answers to the questions)

10.	Is the prosecution present at the court hearing?	
11.	Is the defense present at the court hearing?	
12.	Is the victim present at the court hearing?	
13.	Is the witness present at the court hearing?	
14.	Was the prosecution notified in advance of the time and place of the court hearing? Please provide all details known to you.	
15.	Was the defense informed in advance of the time and place of the court hearing? Please provide all details known to you.	

16.	Was the victim informed in advance of the time and place of the court hearing? Please provide all details known to you.	
17.	Was the witness informed in advance of the time and place of the court hearing? Please provide all details known to you.	
18.	Were the witnesses/victims properly informed in advance about the procedure for giving testimony, their rights and obligations, and did they receive the necessary practical and psychological support while testifying?	
19.	Did any party file a motion to postpone the court hearing? If so, was such a motion granted?	
20.	Was the defendant informed of his right to a defense? If the proceedings were conducted in absentia, please indicate this in your response.	
21.	Was the defense given the opportunity to review the materials of the criminal proceedings upon request? Was sufficient time provided for this? If this opportunity was not provided or was provided with restrictions, for what reasons? Was any information removed or redacted? If so, for what reasons?	
22.	Was the defense given the opportunity to fully cross-examine the witness or victim during the trial, and did the presiding judge interrupt the questioning, and if so, for what reasons?	
23.	Were there any statements made during the proceedings (or are there indications) that the prosecution withheld evidence exculpatory to the defendant? If so, please provide details.	
24.	Did the defense have sufficient time to prepare its position regarding the prosecution's evidence?	
25.	Are there any indications that pressure was exerted on prosecution or defense witnesses? If so, please provide details.	
26.	Did the defendant have the opportunity to consult confidentially with his or her defense counsel, and was a reasonable amount of time provided for this purpose?	

27.	Are there any indications that there were restrictions on the defense counsel’s access to the accused while in custody (e.g., in a pretrial detention center)? Were their meetings confidential (without video or audio surveillance)? Were their meetings time-limited?	
28.	Are there any indications that the defense attorney is openly indifferent and/or incompetent to represent the defendant?	
29.	Is the trial being conducted in absentia? If so, what were the reasons for this? Were all possible and reasonable measures taken to ensure the defendant’s presence? What method of service of process was used in the criminal proceedings (personal service, service by mail, email, fax, telephone, telegram, or other means)?	
30.	In the case of a trial in absentia, did the defendant’s defense counsel participate? If so, was he or she able to cross-examine the prosecution’s witnesses and present arguments on behalf of the defendant?	
31.	In the case of criminal proceedings conducted in absentia, please indicate: - Was the mechanism for reviewing a default judgment applied? Were there any obstacles to this? - Was the court decision appealed in the appellate or cassation proceedings?	

V. Equality of the parties

(Please provide detailed answers to the questions)

32.	Do the defense and prosecution have equal procedural opportunities to prove their respective cases? If not, please explain.	
33.	Does the defense have the same opportunity as the prosecution to take procedural actions (such as requesting an expert examination, demanding expert testimony, examining witnesses, etc.)?	

VI. Presumption of Innocence and Burden of Proof

(Please provide detailed answers to the questions)

34.	Does the court make statements during the trial that indicate bias against the defendant?	
35.	Does the trial appear to be one in which the defense must prove the defendant's innocence?	
36.	Has anyone (judicial officials, other government officials, etc.) made public statements in which the defendant was declared guilty of committing crimes prior to the court's decision?	
37.	Are there any instances of torture or ill-treatment of the accused during the pre-trial investigation, and was a proper investigation into these incidents conducted? If so, were these instances considered, and were they taken into account by the court and the prosecution?	
38.	Are there any indications that the defendant was bribed, threatened, or coerced into pleading guilty?	
39.	Is the defendant's testimony the sole evidence leading to his conviction in the case?	
40.	Did the court take into account the defendant's testimony, given as a witness, without informing him of his rights as a suspect/defendant?	
41.	Did the court take into account, when determining guilt, documents evidencing failed negotiations within the framework of a plea agreement?	

VII. The right not to testify against oneself and the right to remain silent

(Please provide detailed answers to the questions)

42.	Was the defendant properly informed of his or her rights?	
43.	Does the court remind the defendant of his or her rights during the proceedings, if necessary?	
44.	Does the court consider the defendant's silence as an indication of guilt?	
45.	Were ethical standards of conduct observed by the court, the prosecution, and the defense during the conclusion of the plea agreement?	

VIII. The right to a reasonable duration of proceedings and to an effective trial

(Please provide detailed answers to the questions)

46.	Indicate the date the criminal proceedings began (entry into the Unified Register of Pre-trial Investigations). Indicate the date of the conclusion of the criminal proceedings (if the trial is ongoing, please note this).	
47.	Are there any indications of a violation of the time limits for the pre-trial investigation or the trial in the criminal proceedings? If so, what are they?	
48.	Are there any indications that the defense is intentionally delaying the proceedings? If so, what are they?	

49.	Are there any indications that the submission of expert or other evidence is taking an unreasonably long time, and the court is not making efforts to expedite this process? If so, what are they?	
50.	Are there any indications that the court is not conducting the proceedings efficiently (for example, the court fails to serve summonses and case documents within the time limits established by law, or the court repeatedly summons too many witnesses to testify on a given day, etc.)? If so, please provide details.	
51.	Does the court take appropriate measures to ensure the presence of important witnesses who are unwilling or unable to appear in court (for example, by verifying the service of summonses, imposing fines, and/or protecting them, etc.)?	
52.	Does the court hold parties, members of the public, etc., accountable for contempt of court in accordance with the law?	

IX. Right to interpreting

(Please provide detailed answers to the questions)

53.	Was the defendant provided with a professional and independent interpreter if he or she does not understand the language of the proceedings?	
54.	Are court documents provided to the defendant in a translation into a language he or she understands? Please specify which ones.	
55.	Does the defense counsel speak the language the defendant understands best?	

X. The Right to Liberty and Personal Security

(Please provide detailed answers to the questions)

56.	When imposing and/or extending a pretrial detention order, was the possibility of applying alternative measures to pretrial detention considered?	
57.	Does the investigating judge/court properly consider the issue of a person's detention (during the pre-trial investigation/trial), justify it, and provide sufficient grounds (specify which ones) for the person's detention, thereby precluding the application of measures alternative to detention? Provide information from the Unified State Register of Court Decisions regarding this issue (link to relevant court decisions). Indicate the duration of pretrial detention during the pretrial investigation / trial.	
58.	Are the sentences imposed commensurate with the duration of the defendant's pretrial detention? Did the defense have sufficient time to present evidence of mitigating circumstances or evidence regarding the defendant's character, as well as motions for a more lenient sentence or alternatives to imprisonment?	

XI. The Right to a Public and Reasoned Court Decision

(Please provide detailed answers to the questions)

59.	Was the court's decision announced publicly?	
60.	If a guilty verdict was handed down, does the sentence imposed fall within the limits set by law?	
61.	If there were mitigating or aggravating circumstances in the case – were they taken into account?	
62.	Was a civil claim filed as part of the criminal proceedings for compensation for moral and/or material damages? Were these claims satisfied (in full or in part)?	

XII. Questions regarding violations of international humanitarian law (IHL)

(Please provide detailed answers to the questions)

63.	Does the indictment provide a detailed specification of the provisions of international humanitarian law that, according to the prosecution, were violated?	
64.	Was the issue of command responsibility addressed during the trial? If so, was this concept properly explained?	
65.	Was the issue of following orders from superior authorities (orders from a superior) addressed in the case? If so, was this concept properly explained?	
66.	Did the court note that the victims are persons protected under IHL (e.g., civilians)?	
67.	Were charges related to sexual violence, forced displacement, or attacks on civilian infrastructure considered, and if so, were they considered effectively?	
68.	What types of evidence were used to prove violations of IHL (e.g., eyewitness testimony, military documents, forensic medical reports)?	
69.	Did the court admit and evaluate evidence demonstrating the systematic or widespread nature of the acts (systematic or widespread attacks) relevant to the classification as war crimes or crimes against humanity?	
70.	Did the court cite or apply international judicial precedents (ICJ, ICTY, ICC, ECHR, etc.) in its reasoning?	
71.	Did victims or their representatives participate in the proceedings?	

Additional comments:

APPENDIX II.
CATALOG OF CASES UNDER ART. 438 OF THE CRIMINAL CODE OF UKRAINE

2022

1. **Case No. 760/5257/22**
   Judgment of Solomianskyi District Court of Kyiv dated 23.05.2022 https://reyestr.court.gov.ua/Review/104432094
   Ruling of Kyiv Court of Appeals dated 29.07.2022 https://reyestr.court.gov.ua/Review/105669005

2. **Case No. 535/244/22**
   Judgment of Kotelevskyi District Court of Poltava Region dated 31.05.2022 https://reyestr.court.gov.ua/Review/104531363
   Judgment of Kotelevskyi District Court of Poltava Region dated 31.05.2022 https://reyestr.court.gov.ua/Review/106448411

3. **Case No. 554/3925/22**
   Judgment of Oktiabrskyi District Court of Poltava dated 09.06.2022 https://reyestr.court.gov.ua/Review/104701812

4. **Case No. 554/3864/22**
   Judgment of Oktiabrskyi District Court of Poltava dated 13.06.2022 https://reyestr.court.gov.ua/Review/104739440
   Ruling of Poltava Court of Appeals dated 26.09.2022 https://reyestr.court.gov.ua/Review/106528443
   Appeal proceedings were closed due to the appellants' withdrawal of their appeals.

5. **Case No. 554/3954/22**
   Judgment of Oktiabrskyi District Court of Poltava dated 13.06.2022 https://reyestr.court.gov.ua/Review/104731235
   Ruling of Poltava Court of Appeals dated 26.09.2022 https://reyestr.court.gov.ua/Review/106528446
   Appeal proceedings were closed due to the appellants' withdrawal of their appeals.

6. **Case No. 761/14035/22**
   Judgment of Shevchenkivskyi District Court of Kyiv dated 03.08.2022 https://reyestr.court.gov.ua/Review/106643372

7. **Case No. 750/2891/22**
   Judgment of Desnianskyi District Court of Chernihiv dated 08.08.2022 https://reyestr.court.gov.ua/Review/105614689
   Ruling of Chernihiv Court of Appeals dated 02.11.2022 https://reyestr.court.gov.ua/Review/107069742

8. **Case No. 751/2961/22**
   Judgment of Novozavodskyi District Court of Chernihiv dated 31.08.2022 https://reyestr.court.gov.ua/Review/105986768

9. **Case No. 760/4174/22**
   Judgment of Solomianskyi District Court of Kyiv dated 26.09.2022 https://reyestr.court.gov.ua/Review/106808179

10. **Case No. 751/2659/22**
    Judgment of Novozavodskyi District Court of Chernihiv dated 02.11.2022 https://reyestr.court.gov.ua/Review/107111142
    Ruling of Chernihiv Court of Appeal dated 23.03.2023 https://reyestr.court.gov.ua/Review/110415036

11. **Case No. 369/9950/22**
    Judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated 17.11.2022 https://reyestr.court.gov.ua/Review/107577110

12. **Case No. 729/574/22**
    Judgment of Bobrovytsia District Court of Chernihiv Region dated 24.11.2022 https://reyestr.court.gov.ua/Review/107481395

13. **Case No. 729/592/22**
    Judgment of Bobrovytsia District Court of Chernihiv Region dated 25.11.2022 https://reyestr.court.gov.ua/Review/107503138

14. **Case No. 758/14216/2**1
    Judgment of Podilskyi District Court of Kyiv dated 19.12.2022 https://reyestr.court.gov.ua/Review/108048620

15. **Case No. 535/2922/22**
    Judgment of Kotelevskyi District Court of Poltava Region dated 23.12.2022 https://reyestr.court.gov.ua/Review/108042992

16. **Case No. 535/2100/22**
    Judgment of Kotelevskyi District Court of Poltava Region dated 26.12.2022 https://reyestr.court.gov.ua/Review/108302451

2023

17. **Case No. 748/2272/22**
    Judgment of Chernihiv District Court of Chernihiv Region dated 10.01.2023 https://reyestr.court.gov.ua/Review/108302451

18. **Case No. 748/1773/22**
    Judgment of Chernihiv District Court of Chernihiv Region dated 12.01.2023 https://reyestr.court.gov.ua/Review/108357178
    Ruling of Chernihiv Court of Appeal dated 06.04.2023 https://reyestr.court.gov.ua/Review/110071819

19. **Case No. 753/23311/21**
Judgment of Darnytskyi District Court of Kyiv dated 30.01.2023 https://reyestr.court.gov.ua/Review/108861126
Ruling of Kyiv Court of Appeal dated 02.05.2023 https://reyestr.court.gov.ua/Review/110709640

20. **Case No. 748/1824/22**
Judgment of Chernihiv District Court of Chernihiv Region dated 17.02.2023 https://reyestr.court.gov.ua/Review/109074116

21. **Case No. 588/1009/22**
Judgment of Trostyanets District Court of Sumy Region dated 01.03.2023 https://reyestr.court.gov.ua/Review/109272987
Ruling of Sumy Court of Appeals dated 18.10.2023 https://reyestr.court.gov.ua/Review/114842547
Ruling of Panel of Judges of the Third Judicial Chamber of the Supreme Court dated 18.10.2023 https://reyestr.court.gov.ua/Review/116704925 (*request for cassation proceedings denied*)

22. **Case No. 638/1343/23**
Judgment of Dzerzhinskyi District Court of Kharkiv dated 2.03.2023 https://reyestr.court.gov.ua/Review/109334224

23. **Case No. 748/22/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 08.03.2023 https://reyestr.court.gov.ua/Review/109438873

24. **Case No. 369/7906/22**
Judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated 27.03.2023 https://reyestr.court.gov.ua/Review/109824184

25. **Case No. 753/2458/22**
Judgment of Darnytskyi District Court of Kyiv dated 28.03.2023 https://reyestr.court.gov.ua/Review/110157736

26. **Case No.750/6470/22**
Judgment of Desnianskyi District Court of Chernihiv dated 11.04.2023 https://reyestr.court.gov.ua/Review/110135338

27. **Case No. 370/179/23**
Judgment of Makariv District Court of Kyiv Region dated 20.04.2023 https://reyestr.court.gov.ua/Review/110354341

28. **Case No. 753/14148/21**
Judgment of Darnytskyi District Court of Kyiv dated 24.04.2023 https://reyestr.court.gov.ua/Review/110409601
Ruling of Kyiv Regional Court of Appeal dated 10.07.2023 https://reyestr.court.gov.ua/Review/113698929
Decision of the Panel of Judges of the Third Judicial Chamber of the Criminal Chamber of the Supreme Court dated 28.02.2024 https://reyestr.court.gov.ua/Review/117442733 (*upheld*)

29. **Case No. 733/923/22**
Judgment of Ichnia District Court of Chernihiv Region dated 26.04.2023 https://reyestr.court.gov.ua/Review/110482776
Ruling of Chernihiv Court of Appeal dated 26.07.2023 https://reyestr.court.gov.ua/Review/112456514

30. **Case No. 734/2129/22**
Judgment of Chernihiv District Court of Chernihiv Region dated 27.04.2023 https://reyestr.court.gov.ua/Review/110482938
Ruling of Chernihiv Court of Appeal dated 09.08.2023 https://reyestr.court.gov.ua/Review/112760946

31. **Case No. 588/1072/22**
Judgment of Trostyanets District Court of Sumy Region dated 09.05.2023 https://reyestr.court.gov.ua/Review/110714705
Ruling of Sumy Court of Appeals dated 04.12.2023 https://reyestr.court.gov.ua/Review/115635407

32. **Case No. 367/3477/22**
Judgment of Irpin City Court of Kyiv Region dated 12.05.2023 https://reyestr.court.gov.ua/Review/110824305

33. **Case No. 212/4028/22**
Judgment of Zhovtnevyi District Court of Kryvyi Rih dated 15.05.2023 https://reyestr.court.gov.ua/Review/110845948

34. **Case No. 748/655/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 24.05.2023 https://reyestr.court.gov.ua/Review/111050241

35. **Case No. 748/727/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 29.05.2023 https://reyestr.court.gov.ua/Review/111139770

36. **Case No.523/1944/23**
Judgment of Suvorov District Court of Odesa dated 01.06.2023 https://reyestr.court.gov.ua/Review/111270096

37. **Case No. 758/16427/21**
Judgment of Podilskyi District Court of Kyiv dated 15.06.2023 https://reyestr.court.gov.ua/Review/111764865

38. **Case No. 366/869/23**
Judgment of Ivankivskyi District Court of Kyiv Region dated 28.06.2023 https://reyestr.court.gov.ua/Review/111894270

39. **Case No. 366/2363/22**
udgment of Ivankivskyi District Court of Kyiv Region dated 28.06.2023 https://reyestr.court.gov.ua/Review/111986970
Ruling of Kyiv Court of Appeals dated 26.12.2023 https://reyestr.court.gov.ua/Review/116158551

40. **Case No. 751/3261/22**
Judgment of Ripky District Court of Chernihiv Region dated 17.07.2023 https://reyestr.court.gov.ua/Review/112364078
Ruling of Chernihiv Court of Appeals dated 28.09.2023 https://reyestr.court.gov.ua/Review/113807470

41. **Case No. 748/1991/22**
Judgment of Chernihiv District Court of Chernihiv Region dated 01.08.2023 https://reyestr.court.gov.ua/Review/112559865

42. **Case No. 361/6215/22**
Judgment of Brovary City and District Court of Kyiv Region dated 15.08.2023 https://reyestr.court.gov.ua/Review/112819115

43. **Case No. 748/1599/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 28.08.2023 https://reyestr.court.gov.ua/Review/113102312
Ruling of Chernihiv Court of Appeal dated 04.12.2023 https://reyestr.court.gov.ua/Review/115390958

44. **Case No. 588/1122/23**
Judgment of Trostyanets District Court of Sumy Region dated 30.08.2023 https://reyestr.court.gov.ua/Review/113106427
Ruling of Sumy Court of Appeals dated11.03.2024 https://reyestr.court.gov.ua/Review/117964366

45. **Case No. 748/855/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 14.09.2023 https://reyestr.court.gov.ua/Review/113458684

46. **Case No. 202/3594/23**
Judgment of the Industrial District Court of Dnipropetrovsk dated 02.10.2023 https://reyestr.court.gov.ua/Review/113875389

47. **Case No. 522/3868/23**
Judgment of Saksahanskyi District Court of Kryvyi Rih dated 10.10.2023 https://reyestr.court.gov.ua/Review/114042300
Ruling of Dnipro Court of Appeal dated 21.02.2024 https://reyestr.court.gov.ua/Review/117199185

48. **Case No. 585/2381/22**
Judgment of Romny City and District Court of Sumy Region dated 18.10.2023 https://reyestr.court.gov.ua/Review/114246483

49. **Case No. 361/6545/22**
Judgment of Brovary City and District Court of Kyiv Region dated 23.10.2023 https://reyestr.court.gov.ua/Review/114340568

50. **Case No. 751/1303/23**
Judgment of Novozavodsk District Court of Chernihiv dated 26.10.2023 https://reyestr.court.gov.ua/Review/114511607
Ruling of Chernihiv Court of Appeals dated 22.01.2024 https://reyestr.court.gov.ua/Review/116467305

51. **Case No. 523/8377/23**
Judgment of Suvorov District Court of Odesa dated 30.10.2023 https://reyestr.court.gov.ua/Review/114705146

52. **Case No. 333/2316/23**
Judgment of Komunarskyi District Court of Zaporizhzhia dated 22.11.2023 https://reyestr.court.gov.ua/Review/115263819 (information prohibited from disclosure [27])
Ruling of Zaporizhzhia Regional Court dated 22.08.2024 https://reyestr.court.gov.ua/Review/121178547

53. **Case No. 748/3888/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 04.12.2023 https://reyestr.court.gov.ua/Review/115421876
Ruling of Chernihiv Court of Appeals dated 21.02.2024 https://reyestr.court.gov.ua/Review/117239611

54. **Case No. 370/380/23**
Judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated 06.12.2023 https://reyestr.court.gov.ua/Review/116083621
Ruling of Kyiv Court of Appeals dated 27.11.2024 https://reyestr.court.gov.ua/Review/123988492
Ruling of the Supreme Court dated 06.03.2025 https://reyestr.court.gov.ua/Review/125639387 (cassation appeal dismissed)

55. **Case No. 611/229/23**
Judgment of Krasnohrad District Court of Kharkiv Region dated 06.12.2023 https://reyestr.court.gov.ua/Review/115464004

27 Here and below – This information is not subject to public disclosure in accordance with Article 7 of the Law of Ukraine "On Access to Court Decisions"

56. **Case No. 369/358/23**
Judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated 08.12.2023 https://reyestr.court.gov.ua/Review/116101034

57. **Case No. 367/3635/22**
Judgment of Borodianka District Court of Kyiv Region dated 11.12.2023 https://reyestr.court.gov.ua/Review/115543640 Appealed to the Court of Appeals. The appeal proceedings are ongoing

58. **Case No. 748/3990/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 11.12.2023 https://reyestr.court.gov.ua/Review/115639014

2024

59. **Case No. 332/441/23**
Judgment of Zavodskyi District Court of Zaporizhzhia dated 02.01.2024 https://reyestr.court.gov.ua/Review/116072492

60. **Case No. 369/3120/23**
Judgment of Kyiv-Sviatoshyn District Court of Kyiv Region dated 09.01.2024 https://reyestr.court.gov.ua/Review/116176015

61. **Case No. 728/665/23**
Judgment of Bakhmach District Court of Chernihiv Region dated 25.01.2024 https://reyestr.court.gov.ua/Review/116539533

62. **Case No. 748/3511/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 29.01.2024 https://reyestr.court.gov.ua/Review/116622634
Ruling of Chernihiv Court of Appeals dated 01.05.2024 https://reyestr.court.gov.ua/Review/118787280

63. **Case No. 523/6894/23**
Judgment of Suvorov District Court of Odesa dated 31.01.2024 https://reyestr.court.gov.ua/Review/116791581

64. **Case No. 588/1363/23**
Judgment of Trostyanets District Court of Sumy Region dated 14.02.2024 https://reyestr.court.gov.ua/Review/116968500
Ruling of Sumy Court of Appeal dated 11.09.2024 https://reyestr.court.gov.ua/Review/121868850

65. **Case No. 760/2836/23**
Judgment of Solomianskyi District Court of Kyiv dated 20.02.2024 https://reyestr.court.gov.ua/Review/118944945

66. **Case No. 743/380/23**
Judgment of Kulykivskyi District Court of Chernihiv Region dated 28.02.2024 https://reyestr.court.gov.ua/Review/117304451

67. **Справа № 367/3486/22**
Judgment of Obolon District Court of Kyiv dated 06.03.2024 https://reyestr.court.gov.ua/Review/117778018

68. **Case No. 760/10793/22**
Judgment of Solomianskyi District Court of Kyiv dated 11.03.2024 https://reyestr.court.gov.ua/Review/117558621

69. **Case No. 748/1278/23**
Judgment of Chernihiv District Court of Chernihiv Region dated 11.03.2023 https://reyestr.court.gov.ua/Review/117537510
Ruling of the Chernihiv Court of Appeals dated 28.05.2024 https://reyestr.court.gov.ua/Review/119350031

70. **Case No. 127/15500/23**
Judgment of Vinnytsia City Court of Vinnytsia Region dated 20.03.2024 https://reyestr.court.gov.ua/Review/117947422
Ruling of the Vinnytsia Court of Appeals dated 20.01.2025 https://reyestr.court.gov.ua/Review/124692881
Cassation review pending

71. **Case No. 748/4122/23**
Judgment of the Chernihiv District Court of Chernihiv Region dated 25.03.2024 https://reyestr.court.gov.ua/Review/117864445

72. **Case No. 733/961/23**
Judgment of the Ichnia District Court of Chernihiv Region dated 25.03.2024 https://reyestr.court.gov.ua/Review/117894180

73. **Case No. 523/224/23**
Judgment of the Suvorov District Court of Odesa dated 27.03.2024 https://reyestr.court.gov.ua/Review/117988682
Ruling of the Odessa Court of Appeals dated 24.11.2024 https://reyestr.court.gov.ua/Review/124111175
(full text of the ruling is missing)

74. **Case No. 638/4210/23**
Judgment of the Dzerzhinskyi District Court of Kharkiv dated 02.04.2024 https://reyestr.court.gov.ua/Review/118097896

75. **Case No. 754/3227/23**
Judgment of the Desnianskyi District Court of Kyiv dated 05.04.2024 https://reyestr.court.gov.ua/Review/118166721

76. **Case No. 939/2083/23**
Judgment of the Borodianka District Court of Kyiv Region dated 09.04.2024 https://reyestr.court.gov.ua/Review/118220618

77. **Case No. 748/1665/23**
Judgment of the Chernihiv District Court of Chernihiv Region dated 16.04.2024 https://reyestr.court.gov.ua/Review/118372054
Ruling of the Chernihiv Court of Appeal dated 08.08.2024 https://reyestr.court.gov.ua/Review/120904899

78. **Case No. 748/4474/23**
Judgment of the Chernihiv District Court of Chernihiv Region dated 22.04.2024 https://reyestr.court.gov.ua/Review/118552526
Ruling of the Chernihiv Court of Appeals dated 03.07.2024 https://reyestr.court.gov.ua/Review/120191949

79. **Case No. 361/488/23**
Judgment of the Brovary City and District Court of Kyiv Region dated 23.04.2024 https://reyestr.court.gov.ua/Review/118555675 (information prohibited from disclosure)
Appeal review is ongoing

80. **Case No. 953/7767/22**
Judgment of the Kyiv District Court of Kharkiv dated 30.04.2024 https://reyestr.court.gov.ua/Review/118781560
Ruling of the Kharkiv Court of Appeals dated 23.01.2025 https://reyestr.court.gov.ua/Review/124729174

81. **Case No. 650/1870/23**
Judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 29.04.2024 https://reyestr.court.gov.ua/Review/118734665

82. **Case No. 748/2091/23**
Judgment of the Chernihiv District Court of Chernihiv Region dated 02.05.2024 https://reyestr.court.gov.ua/Review/118552526
Ruling of the Chernihiv Court of Appeal dated 26.08.2024 https://reyestr.court.gov.ua/Review/121218502

83. **Case No. 522/6292/23**
Judgment of the Prymorskyi District Court of Odesa dated 20.05.2024 https://reyestr.court.gov.ua/Review/119124094 (*information prohibited from disclosure*)

84. **Case No. 748/1469/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 31.05.2024 https://reyestr.court.gov.ua/Review/119430956

85. **Case No. 588/156/24**
Judgment of the Trostyanets District Court of Sumy Region dated 03.06.2024 https://reyestr.court.gov.ua/Review/119440612

86. **Case No. 748/2095/23**
Judgment of the Desnianskyi District Court of Chernihiv dated 13.06.2024 https://reyestr.court.gov.ua/Review/119729167
Ruling of the Chernihiv Court of Appeals dated 11.10.2024 https://reyestr.court.gov.ua/Review/122231369

87. **Case No. 314/2584/23**
Judgment of the Vilnianskyi District Court of Zaporizhzhia Region dated 14.06.2024 https://reyestr.court.gov.ua/Review/119756832 (*information prohibited from disclosure*)

88. **Case No. 496/2300/23**
Judgment of the Biliayivskyi District Court of Odesa Region dated 18.06.2024 https://reyestr.court.gov.ua/Review/119823787

89. **Case No. 485/1015/23**
Judgment of the Snihurivka District Court of Mykolaiv Region dated 05.07.2024 https://reyestr.court.gov.ua/Review/120200633
Appeal proceedings are ongoing

90. **Case No. 766/1560/24**
Judgment of the Kherson City Court of Kherson Region dated 05.08.2024 https://reyestr.court.gov.ua/Review/120819241

91. **Case No. 638/11302/23**
Judgment of the Dzerzhynskyi District Court of Kharkiv dated 13.08.2024 https://reyestr.court.gov.ua/Review/120995921
Ruling of the Kharkiv Court of Appeals dated 03.10.2024 https://reyestr.court.gov.ua/Review/122112497

92. **Справа № 729/1125/23**
Judgment of the Bobrovytsia District Court of Chernihiv Region dated 02.09.2024 https://reyestr.court.gov.ua/Review/121306414

93. **Case No. 939/1435/22**
Judgment of the Borodianka District Court of Kyiv Region dated 12.09.2024 https://reyestr.court.gov.ua/Review/121563993
Ruling of the Kyiv Court of Appeals dated 08.05.2025 https://reyestr.court.gov.ua/Review/127403028

94. **Case No. 748/259/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 16.09.2024 https://reyestr.court.gov.ua/Review/121610838
Appeal hearing scheduled for 25.02.2025

95. **Case No. 638/1305/24**
Judgment of the Dzerzhinskyi District Court of Kharkiv dated 11.10.2024 https://reyestr.court.gov.ua/Review/122241348
Ruling of the Kharkiv Court of Appeals dated 11.03.2025 https://reyestr.court.gov.ua/Review/125718802

96. **Case No. 646/4862/23**
Judgment of the Chervonozavodskyi District Court of Kharkiv dated 16.10.2024 https://reyestr.court.gov.ua/Review/122340678

97. **Case No. 185/12535/23**
Judgment of the Pavlohrad City and District Court of Dnipropetrovsk Region dated 11.11.2024 https://reyestr.court.gov.ua/Review/122971013

98. **Case No. 950/3703/23**
Judgment of the Lebedyn District Court of Sumy Region dated 18.11.2024 https://reyestr.court.gov.ua/Review/123060677
Ruling of the Sumy Court of Appeals dated 24.03.2025 https://reyestr.court.gov.ua/Review/126102174

99. **Case No. 748/2174/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 29.11.2024 https://reyestr.court.gov.ua/Review/123386411

100. **Case No. 748/3438/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 27.12.2024 https://reyestr.court.gov.ua/Review/124093768

2025

101. **Case No. 650/2358/23**
Judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 16.01.2025 https://reyestr.court.gov.ua/Review/124441061 (*information prohibited from disclosure*)

102. **Case No.185/10275/22**
Judgment of the Pavlohrad District Court of Dnipropetrovsk Region dated 16.01.2025 https://reyestr.court.gov.ua/Review/124518642

103. **Case No. 739/772/24**
Judgment of the Menskyi District Court of Chernihiv Region dated 03.02.2025 https://reyestr.court.gov.ua/Review/124852968 (*information prohibited from disclosure*)

104. **Case No. 366/2305/23**
Judgment of the Ivankivskyi District Court of Kyiv Region dated 30.05.2024 https://reyestr.court.gov.ua/Review/119382555
Ruling of the Chernihiv Court of Appeals dated 07.04.2025 https://reyestr.court.gov.ua/Review/126384920

105. **Case No. 485/742/24**
Judgment of the Snihurivka District Court of Mykolaiv Region dated 03.02.2025 https://reyestr.court.gov.ua/Review/124851030

106. **Справа № 743/262/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 03.02.2025 https://reyestr.court.gov.ua/Review/124852078

107. **Case No.748/3480/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 17.02.2025 https://reyestr.court.gov.ua/Review/125178086
Ruling of the Chernihiv Court of Appeals dated 24.04.2025 https://reyestr.court.gov.ua/Review/126852324

108. **Case No. 743/908/24**
Judgment of the Ripky District Court of Chernihiv Region dated 17.02.2025 https://reyestr.court.gov.ua/Review/125179842

109. **Case No. 748/4732/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 24.02.2025 https://reyestr.court.gov.ua/Review/125347765

110. **Case No. 650/1462/24**
Judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 26.02.2025 https://reyestr.court.gov.ua/Review/125482420

111. **Case No. 729/861/24**
Judgment of the Bobrovytsia District Court of Chernihiv Region dated 24.02.2025 https://reyestr.court.gov.ua/Review/126077450

112. **Case No. 333/5566/24**
Judgment of the Komunarskyi District Court of Zaporizhzhia dated 26.02.2025 https://reyestr.court.gov.ua/Review/125791333

113. **Case No. 939/226/23**
Judgment of the Borodianka District Court of Kyiv Region dated 13.03.2025 https://reyestr.court.gov.ua/Review/125798844

114. **Case No. 754/18236/23**
Judgment of the Desnianskyi District Court of Kyiv dated 18.03.2025 https://reyestr.court.gov.ua/Review/125913241
Ruling of the Kyiv Court of Appeals dated 04.11.2025 https://reyestr.court.gov.ua/Review/131748995

115. **Case No. 954/266/23**
Judgment of the Novovorontsov District Court of Kherson Region dated 19.03.2025 https://reyestr.court.gov.ua/Review/125938305

116. **Case No. 761/28971/22**
Judgment of the Shevchenkivskyi District Court of Kyiv dated 24.03.2025 https://reyestr.court.gov.ua/Review/126159129

117. **Case No. 761/7615/23**
Judgment of the Shevchenkivskyi District Court of Kyiv dated 27.03.2025 https://reyestr.court.gov.ua/Review/126919967

118. **Справа № 766/9711/23**
Judgment of the Kherson City Court of Kherson Region dated 31.03.2025 https://reyestr.court.gov.ua/Review/126335900

119. **Case No. 485/167/25**
Judgment of the Snihurivka District Court of Mykolaiv Region dated 07.04.2025 https://reyestr.court.gov.ua/Review/126402305

120. **Case No. 766/12885/23**
Judgment of the Kherson District Court of Kherson Region dated 07.04.2025 https://reyestr.court.gov.ua/Review/126490833

121. **Case No. 485/2098/24**
Judgment of the Snihurivka District Court of Mykolaiv Region dated 08.04.2025 https://reyestr.court.gov.ua/Review/126435594

122. **Case No. 748/4032/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 11.04.2025 https://reyestr.court.gov.ua/Review/126524631

123. **Case No. 361/1117/24**
Judgment of the Brovary City and District Court of Kyiv Region dated 08.04.2025 https://reyestr.court.gov.ua/Review/126870871

124. **Case No. 638/11148/23**
Judgment of the Industrial District Court of Kharkiv dated 16.04.2025 https://reyestr.court.gov.ua/Review/126641897 (*information prohibited from disclosure*)
Ruling of the Kharkiv Court of Appeals dated 16.06.2025 https://reyestr.court.gov.ua/Review/128125999 (*information prohibited from disclosure*)

125. **Case No. 485/2061/23**
Judgment of the Snihurivka District Court of Mykolaiv Region dated 28.04.2025 https://reyestr.court.gov.ua/Review/126891635

126. **Case No. 650/1189/24**
Judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 02.05.2025 https://reyestr.court.gov.ua/Review/127124241

127. **Case No. 760/21748/24**
Judgment of the Solomianskyi District Court of Kyiv dated 09.05.2025 https://reyestr.court.gov.ua/Review/127418319

128. **Case No. 363/2119/24**
Judgment of the Vyshhorodskyi District Court of Kyiv Region dated 15.05.2025 https://reyestr.court.gov.ua/Review/127350687

129. **Case No. 638/8749/23**
Judgment of the Shevchenkivskyi District Court of Kharkiv dated 15.05.2025 https://reyestr.court.gov.ua/Review/127385113

130. **Case No. 337/4647/24**
Judgment of the Khortytskyi District Court of Zaporizhzhia dated 19.05.2025 https://reyestr.court.gov.ua/Review/127424787

131. **Case No. 748/2577/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 22.05.2025 https://reyestr.court.gov.ua/Review/127524899

132. **Case No. 761/25450/24**
Judgment of the Shevchenkivskyi District Court of Kyiv dated 25.02.2025 https://reyestr.court.gov.ua/Review/125424756

133. **Case No. 761/22218/23**
Judgment of the Shevchenkivskyi District Court of Kyiv dated 08.04.2025 https://reyestr.court.gov.ua/Review/126473332

134. **Case No.733/37/24**
Judgment of the Ichnia District Court of Chernihiv Region dated 23.05.2025 https://reyestr.court.gov.ua/Review/127581010

135. **Case No. 370/2058/22**
Judgment of the Makariv District Court of Kyiv Region dated 23.05.2025 https://reyestr.court.gov.ua/Review/127640506

136. **Case No. 748/5045/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 27.05.2025 https://reyestr.court.gov.ua/Review/127664733 (*information prohibited from disclosure*)

137. **Case No. 490/9491/23**
Judgment of the Central District Court of Mykolaiv dated 02.06.2025. Appealed to the Court of Appeals https://reyestr.court.gov.ua/Review/127796477

138. **Case No. 754/15727/23**
Judgment of the Desnianskyi District Court of Kyiv dated 10.06.2025 https://reyestr.court.gov.ua/Review/128063971

139. **Case No. 650/3777/24**
Judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 11.06.2025 https://reyestr.court.gov.ua/Review/128058801

140. **Case No. 766/10206/23**
Judgment of the Kherson City Court of Kherson Region dated 13.06.2025 https://reyestr.court.gov.ua/Review/128231478

141. **Case No. 370/816/23**
Judgment of the Kyiv-Sviatoshyn District Court of Kyiv Region dated 19.06.2025 https://reyestr.court.gov.ua/Review/130564557

142. **Case No. 483/456/24**
Judgment of the Ochakiv District Court of Mykolaiv Region dated 02.07.2025 https://reyestr.court.gov.ua/Review/128564937 (*information prohibited from disclosure*)

143. **Case No. 748/1793/24**
Judgment of the Chernihiv District Court of Chernihiv Region dated 07.07.2025 https://reyestr.court.gov.ua/Review/128645335
Ruling of the Chernihiv Court of Appeals dated 26.02.2026 https://reyestr.court.gov.ua/Review/134546508

144. **Case No. 370/1757/23**
Judgment of the Makariv District Court of Kyiv Region dated 09.07.2025 https://reyestr.court.gov.ua/Review/128730523

145. **Case No. 743/319/25**
Judgment of the Ripky District Court of Chernihiv Region dated 15.07.2025 https://reyestr.court.gov.ua/Review/128839647

146. **Case No. 335/3484/24**
Judgment of the Voznesenivskyi District Court of Zaporizhzhia dated 22.07.2025 https://reyestr.court.gov.ua/Review/128998924
Ruling of the Zaporizhzhia Court of Appeal dated 25.11.2025 https://reyestr.court.gov.ua/Review/132166314 (*information prohibited from disclosure*)

147. **Case No. 522/16342/22**
Judgment of the Peresyp District Court of Odesa dated 23.07.2025 https://reyestr.court.gov.ua/Review/129337268

148. **Case No. 754/12142/22**
Judgment of the Desnianskyi District Court of Kyiv dated 23.07.2025 https://reyestr.court.gov.ua/Review/129050968

149. **Case No. 635/12445/24**
Judgment of the Kharkiv District Court of Kharkiv Region dated 31.07.2025 https://reyestr.court.gov.ua/Review/129235834 (*information prohibited from disclosure*)

150. **Case No. 766/648/23**
Judgment of the Kherson City Court of Kherson Region 01.08.2025 https://reyestr.court.gov.ua/Review/129335344

151. **Case No. 610/2754/24**
Judgment of the Balakliya District Court of Kharkiv Region 07.08.2025 https://reyestr.court.gov.ua/Review/129369419

152. **Case No. 185/3969/23**
Judgment of the Pavlohrad City and District Court of Dnipropetrovsk Region dated 11.08.2025 https://reyestr.court.gov.ua/Review/129577274

153. **Case No. 646/5284/25**
Judgment of the Osnovianskyi District Court of Kharkiv dated 12.08.2025 Appeal filed https://reyestr.court.gov.ua/Review/129489893

154. **Case No. 644/9444/24**
Judgment of the Industrial District Court of Kharkiv dated 18.08.2025 https://reyestr.court.gov.ua/Review/129574328
Ruling of the Kharkiv Court of Appeals dated 03.12.2025. A cassation appeal filed https://reyestr.court.gov.ua/Review/132438652

155. **Case No. 588/376/25**
Judgment of the Trostyanets District Court of Sumy Region dated 19.08.2025 https://reyestr.court.gov.ua/Review/129596514 (*information prohibited from disclosure*)

156. **Case No. 578/264/24**
Judgment of the Zarichnyi District Court of Sumy dated 17.09.2025 https://reyestr.court.gov.ua/Review/130295048

157. **Case No. 753/7566/25**
Judgment of the Darnytskyi District Court of Kyiv dated 19.09.2025 https://reyestr.court.gov.ua/Review/130340359

158. **Case No. 766/6280/24**
Judgment of the Kherson District Court dated 15.10.2025 https://reyestr.court.gov.ua/Review/131025810
Ruling of the Kherson Court of Appeals dated 17.03.2026 https://reyestr.court.gov.ua/Review/134985059

159. **Case No. 588/1952/24**
Judgment of the Trostyanets District Court of Sumy Region dated 16.10.2025 https://reyestr.court.gov.ua/Review/131038097
Appealed to the Court of Appeals

160. **Case No. 610/4551/24**
Judgment of the Balakliya District Court of Kharkiv Region dated 20.10.2025 https://reyestr.court.gov.ua/Review/131092699

161. **Case No. 369/6338/23**
Judgment of the Borodianka District Court of Kyiv Region dated 30.10.2025 https://reyestr.court.gov.ua/Review/131386350

162. **Case No. 729/169/25**
Judgment of the Bobrovytsia District Court of Chernihiv Region dated 03.11.2025 https://reyestr.court.gov.ua/Review/131530169

163. **Case No. 638/18046/24**
Judgment of the Shevchenkivskyi District Court of Kharkiv dated 03.11.2025 https://reyestr.court.gov.ua/Review/131448553 (*information prohibited from disclosure*)

164. **Case No. 748/1511/25**
Judgment of the Chernihiv District Court of Chernihiv Region dated 05.11.2025 https://reyestr.court.gov.ua/Review/131529134
Ruling of the Chernihiv Court of Appeals dated 16.02.2026 https://reyestr.court.gov.ua/Review/134074859

165. **Case No. 332/3499/24**
Judgment of the Zavodskyi District Court of Zaporizhzhia dated 06.11.2025 https://reyestr.court.gov.ua/Review/131578573

166. **Case No. 370/399/23**
Judgment of the Makariv District Court of Kyiv Region dated 06.11.2025 https://reyestr.court.gov.ua/Review/131666261

167. **Case No. 588/811/25**
Judgment of the Trostyanets District Court of Sumy Region dated 10.11.2025 https://reyestr.court.gov.ua/Review/131639173

168. **Case No. 333/7817/23**
Judgment of the Komunarskyi District Court of Zaporizhzhia dated 18.11.2025 https://reyestr.court.gov.ua/Review/132265385

169. **Case No.766/16458/24**
Judgment of the Kherson City Court of Kherson Region dated 19.11.2025 https://reyestr.court.gov.ua/Review/131936153

170. **Case No.370/731/24**
Judgment of the Makariv District Court of Kyiv Region dated 24.11.2025 https://reyestr.court.gov.ua/Review/132098033

171. **Case No. 748/1732/25**
Judgment of the Chernihiv District Court of Chernihiv Region dated 24.11.2025 https://reyestr.court.gov.ua/Review/131998569

172. **Case No. 619/10509/24**
Judgment of the Derhachi District Court of Kharkiv Region dated 02.12.2025 https://reyestr.court.gov.ua/Review/132229397

173. **Справа № 185/3990/23**
Judgment of the Pavlohrad City and District Court of Dnipropetrovsk Region dated 06.12.2025 https://reyestr.court.gov.ua/Review/132657726
Ruling of the Dnipro Court of Appeal dated 18.02.2026 https://reyestr.court.gov.ua/Review/134222658

174. **Case No. 485/1155/25**
Judgment of the Snihurivka District Court of Mykolaiv Region dated 10.12.2025 https://reyestr.court.gov.ua/Review/132478729
Appealed to the Court of Appeals

175. Case No. 366/1631/25
Judgment of the Ivankivskyi District Court of Kyiv Region dated 17.12.2025 https://reyestr.court.gov.ua/Review/132885340

176. Case No. 610/1715/24
Judgment of the Balakliya District Court of Kharkiv Region dated 22.12.2025 https://reyestr.court.gov.ua/Review/132801900

177. Case No. 485/2099/24
Judgment of the Snihurivka District Court of Mykolaiv Region dated 23.12.2025 https://reyestr.court.gov.ua/Review/132835572

178. Case No. 588/800/24
Judgment of the Trostyanets District Court of Sumy Region dated 23.12.2025 https://reyestr.court.gov.ua/Review/132851617
Appealed to the Court of Appeals

179. Case No. 334/9583/24
Judgment of the Dniprovskyi District Court of Zaporizhzhia dated 26.12.2025 https://reyestr.court.gov.ua/Review/132974063

2026

180. Case No. 521/14869/23
Judgment of the Khadzhybeiskyi District Court of Odessa dated 06.01.2026 https://reyestr.court.gov.ua/Review/133106441

181. Case No. 748/1384/25
Judgment of the Chernihiv District Court of Chernihiv Region dated 06.01.2026 https://reyestr.court.gov.ua/Review/133105491

182. Case No. 636/6739/25
Judgment of the Kholodnohirskyi District Court of Kharkiv dated 13.01.2026 https://reyestr.court.gov.ua/Review/133241932
Appealed to the Court of Appeals

183. Case No. 748/1970/25
Judgment of the Chernihiv District Court of Chernihiv Region dated 19.01.2026 https://reyestr.court.gov.ua/Review/133373914

184. Case No. 650/5532/24
Judgment of the Velyka Oleksandrivka District Court of Kherson Region dated 21.01.2026 https://reyestr.court.gov.ua/Review/133508420 (*information prohibited from disclosure*)

185. Case No. 490/2519/24
Judgment of the Central District Court of Mykolaiv dated 26.01.2026 https://reyestr.court.gov.ua/Review/133685112

186. Case No. 766/10363/24
Judgment of the Kherson District Court of Kherson Region dated 19.02.2026 https://reyestr.court.gov.ua/Review/134189507

187. Справа № 638/4038/24
Judgment of the Shevchenkivskyi District Court of Kharkiv dated 23.02.2026 https://reyestr.court.gov.ua/Review/134295971 (*information prohibited from disclosure*)

188. **Case No. 644/5405/24**
Judgment of the Industrial District Court of Kharkiv dated 02.03.2026 https://reyestr.court.gov.ua/Review/134516518 (*information prohibited from disclosure*)

189. **Case No. 337/6022/24**
Judgment of the Khortytskyi District Court of Zaporizhzhia dated 03.03.2026 https://reyestr.court.gov.ua/Review/134489760

190. **Case No. 588/1239/25**
Judgment of the Trostyanets District Court of Sumy Region dated 05.03.2026 https://reyestr.court.gov.ua/Review/134604985

191. **Case No. 766/9963/24**
Judgment of the Kherson District Court of Kherson Region dated 12.03.2026 https://reyestr.court.gov.ua/Review/134887357

192. **Case No. 766/764/23**
Judgment of the Kherson City Court of Kherson Region dated 25.03.2026 https://reyestr.court.gov.ua/Review/135227148