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Supreme
Court

The judicial system of Ukraine during the full-scale war

30 November 2022
Strasbourg, France

Current situation in Ukraine: People

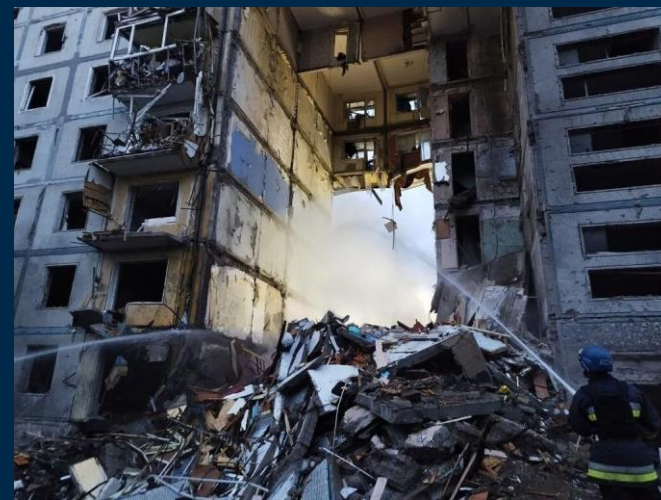
- 7,6 million refugees
- 1,6 million people deported
- 6 655 civilians killed
- 10 368 civilians injured
- 6,9 million internally displaced persons
- 600 thousand children deported
- 440 children killed
- 851 children injured

The Prosecutor General's Office of Ukraine, Ukrainian Parliament Commissioner for Human Rights, the UN High Commissioner for Human Rights and the International Organization for Migration latest updates.

Current situation in Ukraine: People



23 November 2022, the residential building in Vyshgorod, Kyiv Region, 7 killed, 35 injured



9 October 2022, the residential building in Zaporizhzhia, 12 killed, 49 injured



27 June 2022, the shopping-mall in Kremenchuk, Poltava Region, 22 killed, 64 injured



10 October 2022, Kyiv city center, 5 killed, 20 injured

Current situation in Ukraine: People



11 July 2022, the residential building in Chasiv Yar, Donetsk Region, 48 killed, 9 injured



14 July 2022, the business-center in Vinnytsia, 27 killed, 202 injured



17 October 2022, the residential building and Kyiv cultural heritage, 4 killed, 18 injured



14 October 2022, the residential building in Mykolaiv, 7 killed

Current situation in Ukraine: Infrastructure

- 130 000 residential buildings
- 200 000 vehicles
- 2 217 educational institutions
- 1991 retail stores
- 978 healthcare institutions
- 511 administrative buildings
- 864 cultural facilities
- 40 % energy facilities
- 388 industrial enterprises
- 19 civilian airports

The analysis carried out within the “Russia will pay” project by the Kyiv School of Economics with the support of the Presidential Office, the Ministry of Economy, the Ministry of Reintegration of Temporarily Occupied Territories and the Ministry of Infrastructure.

Current situation in Ukraine: Infrastructure



7 May 2022, National Skovoroda Museum in Skovorodnyvka, Kharkiv Region



6 July 2022, National Pedagogical University in Kharkiv



9 May 2022, Sviatogirska Church in Donetsk Region

Current situation in Ukraine: Infrastructure



10 October 2022, children`s playground in the center of



25 February 2022, museum of Mariia Prymachenko in Ivankiv, Kyiv Region



9 March 2022, maternity hospital in Mariupol, Donetsk Region



16 March 2022, drama theatre in Mariupol, Donetsk Region

Judicial system of Ukraine after the beginning of the full-scale war

- Legislation
- Institutions and Infrastructure
- People (judges and staff)

Legislation amendments to the Criminal Procedure Code

- expand the procedural capabilities of the pre-trial investigation bodies
- conduct a number of urgent investigative actions
- use precautionary measures

Crimes committed during the full-scale war

49 938 registered crimes of aggression and war crimes

48 252 Breaking the laws and customs of war (art. 438 CC)

73 Planning, preparing for or starting and waging an aggressive war (art. 437 CC)

40 Propaganda of war (art. 436 CC)

1 573 Other

19 174 registered crimes against national security

12 730 Encroachment of the territorial integrity and inviolability of Ukraine (art. 110 CC)

1 893 State treason (art. 111 CC)

3 611 Collaborative activities (art.111-1 CC)

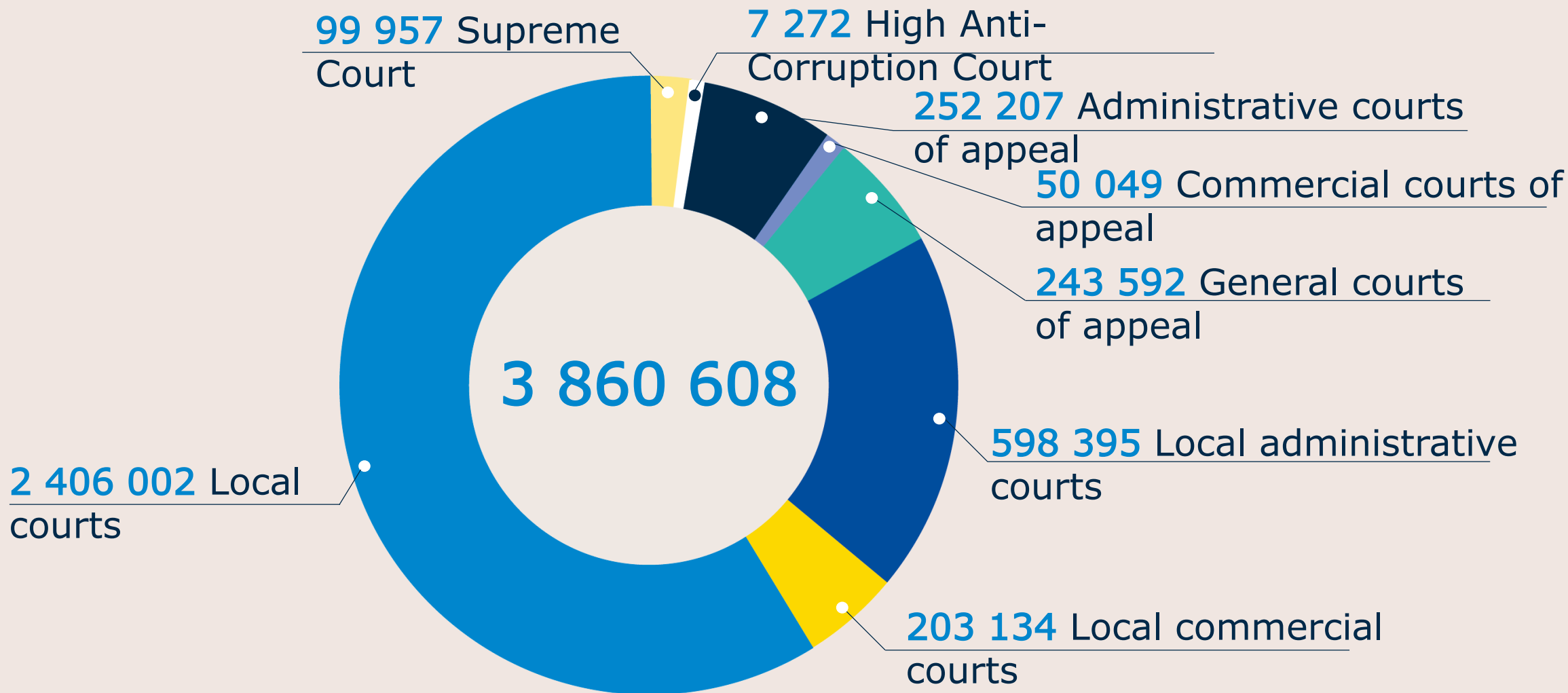
322 Assistance to the aggressor state (art. 111-2 CC)

64 Sabotage (art. 113 CC)

Criminal cases considered by the courts during the full-scale war

Cases	Incoming	Resolved	Pending
Encroachment of the territorial integrity and inviolability of Ukraine (art. 110 CC)	176	102	74
State treason (art. 111 CC)	551	256	295
Collaborative activities (art.111-1 CC)	518	243	275
Assistance to the aggressor state (art. 111-2 CC)	9	2	7
Sabotage (art. 113 CC)	5	1	4
Propaganda of war (art. 436 CC)	13	10	3
Production and distribution of Communist and Nazi symbols and propaganda of its totalitarian regimes (art. 436-1 CC)	61	39	22
Justification, recognition as legitimate and denial the armed aggression of the Russian Federation against Ukraine, glorification of its participants (art. 436-2 CC)	399	255	144
Planning, preparing for or starting and waging an aggressive war (art. 437 CC)	1	0	1
Breaking the laws and customs of war (art. 438 CC)	51	12	39

Decisions adopted by the courts of Ukraine (24.02.2022 - 28.11.2022)



Court decisions related to the crimes committed during the full-scale war



On the 9 August 2022 the court of appeal sentenced to 15 years imprisonment on breaking the laws and customs of war (killing civilian) a 21-years old russian soldier Vadym Shyshymarin (art. 438 CC)



On the 26 September 2022 the first instance court sentenced to 9 years of imprisonment (trial in absentia) on breaking the laws and customs of war a 23-years russian soldier Serhiy Shtayner (art. 438 CC)

Work of the judicial system during the war

- 11 % (85) of the courts of appeal and local courts do not administer justice
- 12 % (93) of court premises are damaged or completely destroyed



According to the calculations of the State Judicial Administration of Ukraine approximately **UAH 1.7 billion** is needed to restore the work of the courts.

Work of the judicial system during the war

- **25 % (198)** of the courts changed the territorial jurisdiction due to the inability to administer justice under martial law
- **6 % (50)** of the general amount of the courts and **24 %** of the courts that changed the territorial jurisdiction — has been restored its jurisdiction

Currently Ukraine has **120** courts where the territorial jurisdiction has been changed

(including temporary occupied territories of Luhansk, Donetsk Region and Crimea)

Territories of Ukraine where, in connection with the war, justice is not administered by courts of general jurisdiction*



Judges in the occupied territories

Russian occupation authorities persecute judges, arrest them and demand to join the Russian Federation judges ranks. So judges are put in a jail for the refusal to work for the Russian Federation.

They also identify judges who considered cases against separatists and collaborators on the aggression of the Russian Federation in 2014–2015. Those judges are arrested and tortured on a purpose to intimidate other Ukrainian judges to be afraid to consider cases against russian soldiers breaking the rules of war, as well as against collaborators and military traitors.

Ukrainian judges cannot leave the occupied territories, they hide from the russian military forces. Judges destroy their documents so the invaders could not identify them as Ukrainian judges.

Judges murdered in the result of russian

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On the 1 July 2022 in a missile attack on Sergiivka, Odesa Region, among 21 killed were 2 judges (mother and daughter) from Donetsk Region.



On the 3 March 2022 the judge of Chernihiv Court of Appeal was killed trying to evacuate from Chernihiv.

The judge liberated from a captivity



On the 17 October 2022 the judge of the Mariupol district court Yuliya Matveeva, who was kidnapped by the occupiers because of her professional activity during the evacuation from Mariupol, was released from a captivity.

In recent years she considered criminal cases related to crimes against the foundations of national and public security of Ukraine.



Legislation amendments to unblock the work of the High Council of Justice and the High Qualifications Commission of Judges

- implementation of competitive procedures (as a part of the Judicial Reform)
- participation of international experts (as a part of the Judicial Reform)
- temporary transferring the powers to other judicial institutions

Institutional process to unblock the work of the High Council of Justice and the High Qualifications Commission of Judges

- The Ethics Council continues remotely conducting interviews with the selected candidates for the members of the HCJ to form a list of recommended candidates according to the quote of each institution. On November 28 the Ethics Council published such a list for the position of a member of the HCJ from representatives of the Congress of Judges of Ukraine
- The Selection Commission of the HQCJ admitted the list of candidates who continue to take part at the competition. The Commission currently analyzes candidates data to form the list of

Procedure for the transfer of judges



500+ judges
are to be transferred



426 judges
already
transferred

2 000 judges the judicial system lacked before the outbreak of the war.

Judges and staff joined the Armed Forces of Ukraine



Supreme Court

4 judges and **15** staff employees

Judicial system

60 judges and **323** staff employees

Judges voluntarily deduct 40-60 % of their salaries for the needs of the armed forces.

The SC judges from March till October 2023 deducted up to UAH 200 mln

The SC judges and staff joined the Armed Forces of Ukraine



The judge of the Supreme Court Oleksandr Mamalui has been rewarded by the Order for Courage by the President of Ukraine on the 1 of July 2022.

The SC judges and staff coordinate humanitarian aid for the army



The SC judges hold a lesson of justice for children in deoccupied Irpin and Kyiv





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Stand

with

Ukraine!