



Coalition of Faith-Based Organizations

Ukraine Prosecution Project

Working group

Coordinated by Dr. Michael Platzer

3 July 2022

INTERNATIONAL CRIMINAL INVESTIGATIONS:

Eurojust - European Union Agency for Criminal Justice Cooperation¹

Joint Investigation Team (JIT):

Eurojust supported Lithuania, Poland and Ukraine in setting up the joint investigation team (JIT) on 25 March 2022, the International Criminal Court (ICC) becoming a participant and the extension of the JIT to three more EU member states (on 31 May, Estonia, Latvia and Slovakia became members). Both Eurojust and the ICC (25 April 2022, agreement signed by ICC Prosecutor Mr Karim A.A. Khan QC and the Prosecutors General of the three countries involved²) are participants in the JIT.

A joint investigation team (JIT) is the most advanced tool in international cooperation in criminal matters. It is a team in which judges, prosecutors and law enforcement officials work together on a transnational criminal investigation, based on a legal agreement between two or more countries for a fixed period. Eurojust has been assisting countries to set up and operate JITs since 2009. The Agency will support the JIT partners in the entire process with operational, analytical, legal and financial assistance. Eurojust also accommodates the coordination and cooperation between all national investigating and prosecuting authorities who have initiated investigations into core international crimes.

Evidence database:

The amendment of the Eurojust Regulation solidifies the Agency's existing legal basis to deal with evidence of core international crimes. The two major changes include: 1) the creation of a dedicated database at Eurojust to store evidence of core international crimes; and 2) Eurojust's new mandate to analyse the evidence stored in the dedicated database. Eurojust will set up the database where evidence of war crimes will be preserved and stored securely. Eurojust will analyse the evidence to establish links, identify investigative gaps and advise prosecutors on the way forward. Eurojust will work closely with the International Criminal Court, so that analysis can also benefit their investigation, through their cooperation with States concerned. Access to the information will always be subject to the approval of the country who provided it.

¹ <https://www.eurojust.europa.eu/eurojust-and-the-war-in-ukraine>

² <https://www.eurojust.europa.eu/news/icc-participates-joint-investigation-team-supported-eurojust-alleged-core-international-crimes>

Q&A - Physical or digital database? The amendment allows for Eurojust to store physical as well as digital evidence. However, in the first instance, the Agency will concentrate on storing digital evidence only. The evidence database will be set up within Eurojust's secure IT environment and comply with the highest IT security and data protection standards.

Database operationality: Before the database can become operational, an assessment of the European Data Protection Supervisor of the proposed setup needs to take place. Once the data protection assessment is complete, the database will be operational shortly after. Eurojust has already started preparations for the database's implementation.

How & when can national authorities submit evidence collected? Eurojust will be using digital data formats per type of evidence (testimonies from victims or witnesses; areal/satellite images; video footage and photographs). This will ensure that evidence is transmitted in a uniform way and facilitate the subsequent processing, cross-checking, and analysis. When the Commission published the legislative proposal, Eurojust immediately started preparing for the implementation. The aim is to have the database operational as soon as possible after the European Data Protection Supervisor³'s assessment.

How can private parties (citizen, NGOs, companies) submit collected evidences? Eurojust will receive evidence submitted by national authorities. Information collected by private parties such as NGO's and Civil Society Organisations may eventually become evidence, but it needs to be assessed by national and international judicial authorities. Private parties are therefore asked to submit relevant information to their national authorities.

Genocide Network:

The European Network for investigation and prosecution of genocide, crimes against humanity and war crimes ('Genocide Network') enables close cooperation between national authorities investigating and prosecuting the crime of genocide, crimes against humanity and war crimes, known collectively as core international crimes. The Network's mandate is to ensure perpetrators do not attain impunity within the Member States.

The Genocide Network Secretariat and the European Judicial Training Network organise a joint training on the "Investigation and Prosecution of Core International Crimes⁴" in Nuremberg, Germany, from 22 to 24 June 2022, hosted by the International Nuremberg Principles Academy.

³ https://edps.europa.eu/data-protection/our-role-supervisor_en

⁴ <https://www.nurembergacademy.org/events/detail/6ca82b4366efeab23466927e2e8a532a/joint-training-on-the-investigation-and-prosecution-of-core-international-crimes-550/>

UN Human Rights Council:

Independent International Commission of Inquiry on Ukraine⁵

The main operational outcome is the establishment of an independent international commission of inquiry, constituted by three human rights experts (Erik Møse of Norway, Jasminka Džumhur of Bosnia and Herzegovina and Pablo de Greiff of Colombia⁶), appointed on 30 March 2022 by the President of the Human Rights Council for an initial duration of one year. As with previous commissions of this kind established by the HRC, the experts' mandate is to investigate all alleged violations and abuses of human rights and violations of international humanitarian law; to collect, consolidate and systematically record and preserve evidence; to identify, where possible, those individuals and entities responsible; to make recommendations on accountability measures.

With a budget of USD 4.1 million, the independent commission will work with the United Nations High Commissioner for Human Rights and the UN Human Rights Monitoring Mission in Ukraine (HRMMU), which has a staff of 57 people and has so far remained in the country.

Mandate (resolution 49/1 & resolution S-34/1, March 2022) ⁷:

- To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation, and to establish the facts, circumstances and root causes of any such violations and abuses;
- To collect, consolidate and analyze evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;
- To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;
- To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;
- To make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims;

⁵[https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/639322/EXPO_BRI\(2022\)639322_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/639322/EXPO_BRI(2022)639322_EN.pdf)

⁶ <https://waps.ohchr.org/en/press-releases/2022/03/president-human-rights-council-appoints-members-investigative-body-ukraine?sub-site=HRC>

⁷ <https://www.ohchr.org/en/hr-bodies/hrc/iic/hr-ukraine/index>

- To provide the Human Rights Council, at its fifty-first session, with an oral update, to be followed by an interactive dialogue, and a comprehensive written report at its fifty-second session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-seventh session;
- To conduct an inquiry, consistent with its mandate and international standards, and in coordination with other national and international mechanisms, to address the events in the areas of the Kyiv, Chernihiv, Kharkiv and Sumy regions in late February and in March 2022, including their gender dimension, with a view to holding those responsible to account, and also requests the commission to brief the Human Rights Council on the progress of that inquiry as part of the oral update to the Council at its fifty-first session, and to include its findings after the completion of the inquiry in its report to the Council at its fifty-second session

OSCE VOLUNTARY MISSION⁸

The Organization for Security and Cooperation in Europe (OSCE)'s Special Monitoring Mission (SMM) in Ukraine was established in 2014, to monitor implementation of the Minsk agreements designed to bring peace to eastern Ukraine. The SMM operates under a mandate adopted by consensus among the 57 OSCE participating States, including the United States, Russia and Ukraine⁹.

13 April 2022: the OSCE publish the first independent expert analysis from an international organization that identifies potential war crimes committed by Russia in Ukraine¹⁰: The "REPORT ON VIOLATIONS OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW, WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN UKRAINE SINCE 24 FEBRUARY 2022", by Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli¹¹.

28 April 2022: the head of OSCE, Poland's foreign minister Zbigniew Rau, and secretary general of OSCE Helga Maria Schmid announce that the OSCE has decided to close down its special monitoring mission for Ukraine amid Russia's ongoing full-scale invasion and war.

⁸ <https://www.osce.org/ukraine-smm/reports?page=8>

⁹ <https://www.osce.org/international-impact/background-osce-special-monitoring-mission-ukraine?page=1>

¹⁰ <https://www.shrmonitor.org/osce-expert-report-finds-clear-patterns-of-violations-of-international-humanitarian-law-by-russian-forces-in-ukraine/>

¹¹ <https://www.osce.org/files/f/documents/f/a/515868.pdf>

THE INTERNATIONAL COMMISSION ON MISSING PERSONS¹²

Ukraine's Prosecutor General is working to ensure that ICMP has the cooperation of the relevant agencies and government departments so that it can provide substantive assistance in the process of excavating sites of forensic interest, identifying missing persons, and supporting families of the missing.

ICMP's Ukraine Program

ICMP's Ukraine Program is being developed in response to requests from the Ukrainian authorities. On 5 April 2022 in a letter from the Prosecutor General to Ukraine's Minister of Border Affairs, the Prosecutor General confirmed that ICMP's program can be implemented within the framework of the *Memorandum of Understanding between the International Commission on Missing Persons (ICMP) and Ukraine's Commission on Missing Persons*, signed in Kyiv on 22 July 2021. In mid-April 2022, ICMP and the Foreign Ministry of Ukraine exchanged diplomatic notes to the same effect, also strengthening provisions for ICMP's direct operational engagement on the ground. These measures enable ICMP to assist the Ukrainian authorities in finding missing persons, regardless of nationality, religion, role of the missing person during the conflict, or any other factor.

Through its Ukraine Program, ICMP will:

- Engage Families, NGOs, and the authorities in learning & development programs on data reporting and data collection efforts;
- Conduct largescale media outreach to encourage families to report missing persons using ICMP's Online Inquiry Center (OIC) and conduct a largescale effort to collect data directly from families of the missing, including genetic reference samples;
- Ensure coordination and cooperation with domestic institutions, civil society and with relevant international organizations and the diplomatic community;
- Provide technical and material support to enable Ukrainian authorities to conduct investigations into missing persons cases, conduct mortuary-based analyses that supports identification and evidence-gathering efforts and to reunify separated families; and
- Under an existing cooperation agreement with the ICC Office of the Prosecutor, ICMP will endeavor to ensure Ukraine's efforts to account for the missing align with the investigative strategies of the ICC, as well as domestic processes.

¹² <https://www.icmp.int/where-we-work/europe/ukraine/>

The European Union Advisory Mission (EUAM) Ukraine¹³

EUAM Ukraine is a non-executive civilian mission established on 22 July 2014. It began operations on 1 December 2014. Its overall objective is to support Ukraine in developing sustainable, accountable and efficient security services that strengthen the rule of law.

In April 2022, the Council amended the mandate of the EU Advisory Mission for Civilian Security Sector Reform in Ukraine (EUAM Ukraine). The new rules allow the mission to provide strategic advice and training to Ukrainian authorities to facilitate the investigation and prosecution of any international crimes.

EUAM Ukraine may also donate funds or equipment to Ukrainian authorities and will cooperate closely with the International Criminal Court and with Eurojust, the EU agency for judicial co-operation in criminal matters.

Atrocity Crimes Advisory Group (ACA)¹⁴

On May 25, The European Union, the United States, and the United Kingdom establish the Atrocity Crimes Advisory Group (ACA) for Ukraine. a mechanism aimed at ensuring efficient coordination of their respective support to accountability efforts on the ground. The ACA will reinforce current EU, US and UK efforts to further accountability for atrocity crimes in the context of Russia's ongoing war of aggression against Ukraine. It advances commitments made by the European Union, the United States, and the United Kingdom to demonstrate international support and solidarity at this crucial historical moment for Ukraine.

The overarching mission of the ACA is to support the War Crimes Units of the Office of the Prosecutor General of Ukraine (OPG) in its investigation and prosecution of conflict-related crimes. The ACA seeks to streamline coordination and communication efforts to ensure best practices, avoid duplication of efforts, and encourage the expeditious deployment of financial resources and skilled personnel to respond to the needs of the OPG as the legally constituted authority in Ukraine responsible for dealing with the prosecution of war crimes on its own territory.

EU High Representative/Vice-President Josep Borrell, US Secretary of State Antony J. Blinken, UK Foreign Secretary Liz Truss, General Prosecutor of Ukraine, Iryna Venediktova)

¹³ <https://www.consilium.europa.eu/en/press/press-releases/2022/04/13/euam-ukraine-council-further-amends-the-mandate-to-also-provide-support-in-the-investigation-and-prosecution-of-international-crimes/>

¹⁴ <https://www.state.gov/creation-of-atrocity-crimes-advisory-group-for-ukraine/>

The ACA will bring together multinational experts to provide strategic advice and operational assistance to OPG specialists and other stakeholders in areas such as collection and preservation of evidence, operational analysis, investigation of conflict-related sexual violence, crime scene and forensic investigations, drafting of indictments, and co-operation with international and national accountability mechanisms. This engagement with the OPG and other justice, law enforcement and security agencies of Ukraine has been and will continue to be driven by the needs of the Ukrainian government and the parameters of its support will be developed in close consultation with the OPG. To this end, it will closely associate its activities with the ongoing operational work taking place in cooperation with EU Member States, partner third countries and the International Criminal Court, including the Joint Investigation Team coordinated by Eurojust.

The ACA brings together a multi-national group of war crimes experts from European Union countries, the United States, the United Kingdom and other countries. Due to the current security situation in Ukraine, the experts are primarily based in south-eastern Poland but are operationally engaged in Ukraine, including by means of short-term missions and on-site interaction with the OPG staff and other international partners engaged. As the security situation permits, it is anticipated that experts and support staff will relocate entirely to Ukraine.

The ACA activity will cover coordination of two key elements:

- Advisory Group to the OPG: Experienced senior war crimes prosecutors, investigators, military analysts, forensic specialists, and other experts based in the region on an ongoing basis provide expertise, mentoring, advice and operational support to the OPG and to the field-level Mobile Justice Teams, as well as a wider range of state and non-state actors.
- Mobile Justice Teams: Several Mobile Justice Teams (MJTs) are being created and deployed to increase the capacity of the OPG War Crimes Unit and regional prosecutors to conduct field investigations. The MJTs will be composed of both international and Ukrainian experts and will be deployed at the request of the OPG to assist Ukraine's investigators on the ground. They will be part of the holistic chain for documentation, investigation and prosecution of grave international crimes that is led by the OPG.

The ACA is supported by the U.S. State Department's Office of Global Criminal Justice (GCJ) and Bureau of International Narcotics and Law Enforcement Affairs (INL). ACA partners include the Arizona State University Sandra Day O'Connor College of Law, Global Rights Compliance, and the International Development Law Organization (IDLO). On the EU side, coordination will be ensured by the European External Action Service (EEAS), through the EU Delegation to Ukraine, in coordination with the European Commission, the EU Project Pravo-Justice II and the EU Advisory Mission Ukraine (EUAM). The UK contribution will be coordinated by the Foreign, Commonwealth and Development Office (FCDO) and other relevant UK Government Departments.

COUNCIL OF EUROPE OFFICE IN UKRAINE

27 May - Council of Europe provided expert comments to Draft Law 'On Support for Criminal Proceedings and Enforcement of Punishments, Which Are Precluded as a Result of Armed Aggression, Temporary Occupation of the Territory of Ukraine'¹⁵

- Version created the 11th of May 2022¹⁶
- Version created the 9th of June 2022¹⁷

29 June 2022. Professional discussion on issues of international humanitarian law and the practice of the European Court of Human Rights in the context of armed conflicts ¹⁸

Professional discussion on issues of international humanitarian law and the practice of the European Court of Human Rights in the context of armed conflicts took place via videoconference on 29 June 2022. This discussion was held jointly by the Council of Europe Project "Support for judicial institutions and processes to strengthen access to justice in Ukraine" and Ministry of Justice of Ukraine. Main topics discussed:

- State responsibility for human rights violations during armed conflicts;
- Correlation of spheres of action of international humanitarian law and national criminal legislation;
- The practice of the International Criminal Court regarding war crimes and the application of the norms of international humanitarian law and the practice of the International Criminal Court by national courts;
- The application of international humanitarian law by the European Court of Human Rights in the context of armed conflicts, etc.
- The participants also discussed the issues of finding ways to punish Russia for war crimes and redress the damage caused by Russian aggression in Ukraine.

¹⁵ <https://www.coe.int/en/web/kyiv/-/council-of-europe-provided-expert-comments-to-draft-law-on-support-for-criminal-proceedings-and-enforcement-of-punishments-which-are-precluded-as-a-re>

¹⁶ <https://rm.coe.int/coe-ukraine-precluded-proceedings-expert-comments/1680a6a9cc>

¹⁷ <https://rm.coe.int/coe-expert-opinion-ua-joint-investigative-teams-draft-law-7330/1680a71abe>

¹⁸ https://www.coe.int/en/web/kyiv/news-event/news-/asset_publisher/m9nDZlgeFMpW/content/professional-discussion-on-issues-of-international-humanitarian-law-and-the-practice-of-the-european-court-of-human-rights-in-the-context-of-armed-con?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fkyiv%2Fnews-event%2Fnews%3Fp_p_id%3D101_INSTANCE_m9nDZlgeFMpW%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1

29 June 2022 - PACE delegation establish priorities after Kyiv visit¹⁹

A cross-party delegation of ten members of the Parliamentary Assembly of the Council of Europe (PACE), ending a visit to Kyiv on Ukraine's Constitution Day (28 June 2022), has expressed shock at the level of evidence of war crimes and crimes against humanity it saw, denounced the war in the strongest terms, and pledged determination to fight impunity and achieve just compensation for Ukraine.

"We heard from many of our interlocutors that one priority shall be the establishment of an ad hoc international tribunal to prosecute the crime of aggression, as proposed by the Assembly in April. The second priority is the establishment of a compensation commission empowered to seize certain Russian assets for funding the reconstruction of Ukraine. Last but not least, through joint efforts of Ukrainian and international investigators and prosecutors, individual perpetrators of war crimes and crimes against humanity shall be prosecuted and punished in accordance with the law. Special attention must be given to punishing widespread sexual violence, despite the difficulties of collecting and preserving evidence," the parliamentarians said.

22 June 2022. "Judges and prosecutors for Ukraine" platform closed²⁰

Following the aggression of the Russian Federation against Ukraine, a self-help platform "Basecamp: judges and prosecutors for Ukraine" has been launched at the initiative of the Presidents of three Council of Europe committees: the Consultative Council of European Judges (CCJE), the Consultative Council of European Prosecutors (CCPE) and the European Commission for the Efficiency of Justice (CEPEJ). The platform is a free online exchange tool, accessible also on mobile phones. It aims to facilitate informal communication between Ukrainian judges or prosecutors (located in or outside Ukraine) and judges and prosecutors from the other 45 Council of Europe member states.

In June 22 - PLATFORME CLOSED: The platform "Judges and prosecutors for Ukraine", which was set up under emergency circumstances in the form of a temporary online exchange tool, has been closed. The Council of Europe's work

¹⁹ https://www.coe.int/en/web/kyiv/news-event/news/-/asset_publisher/m9nDZlgeFMpW/content/pace-delegation-ending-kyiv-visit-the-worst-crime-of-all-is-the-war-itself-?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fkyiv%2Fnews-event%2Fnews%3Fp_p_id%3D101_INSTANCE_m9nDZlgeFMpW%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1

²⁰ https://www.coe.int/en/web/human-rights-rule-of-law/home/-/asset_publisher/Gp5N1WP8QXLP/content/-judges-and-prosecutors-for-ukraine-launch-of-a-new-platform-connecting-with-ukrainian-judges-and-prosecutors?inheritRedirect=false

both to support the Ukrainian judiciary and to reinforce the link between justice professionals in Europe continues in other formats.

14 June 2022 - Council of Europe discussed with the National School of Judges of Ukraine cooperation in the criminal justice area in the times of war²¹

On 14 June 2022 the Council of Europe held a working online-meeting with representatives of the National School of Judges of Ukraine to discuss joint initiatives in the criminal justice area in the times of war in Ukraine. As noted during the meeting, strengthening the professional capacities of judges as one of the key criminal justice professionals in relation to dealing with cases of gross human rights violations in the context of the ongoing war in Ukraine was one of the priority areas for the Council of Europe.

2 June 2022 - Roundtable discussions on the admissibility of open-source information and electronic evidence in criminal proceedings²²

On 2 June 2022, the Council of Europe, in cooperation with the Supreme Court, the Office of the Prosecutor General, and the Prosecutor's Training Centre of Ukraine organised an online roundtable on the admissibility of open-source information and electronic evidence in the national criminal proceedings concerning gross human rights violations resulting from the Russian aggression against Ukraine. The event brought together all key national criminal justice actors who work with open-source electronic evidence during investigation and prosecution of the gross human rights violations, including judges of the Criminal Court of Cassation of the Supreme Court and courts of general jurisdiction, prosecutors of the War Crimes Department of the Office of the Prosecutor General and regional prosecutor's offices, representatives of the Prosecutors' Training Centre of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, international and national experts. Among the participants were members of the Council of Europe expert advisory group to the Office of the Prosecutor General of Ukraine as well as experts of the Council of Europe Cybercrime Programme Office. The participants discussed the national legal framework and practice as well as the applicable international standards and best practices regarding open-source information and electronic evidence.

21 April 2022 - Council of Europe expert advisory group to the Office of the Prosecutor General of Ukraine started its work²³

²¹ <https://www.coe.int/en/web/kyiv/-/council-of-europe-discussed-with-the-national-school-of-judges-of-ukraine-cooperation-in-the-criminal-justice-area-in-the-times-of-war>

²² <https://www.coe.int/en/web/kyiv/-/roundtable-discussions-on-the-admissibility-of-open-source-information-and-electronic-evidence-in-criminal-proceedings>

²³ <https://www.coe.int/fr/web/human-rights-rule-of-law/-/council-of-europe-expert-advisory-group-to-the-office-of-the-prosecutor-general-of-ukraine-started-its-work>

NATIONAL CRIMINAL INVESTIGATIONS:

UKRAINE ACTIVITIES

Ukraine's Prosecutor General

11 May 2022: Ukraine prosecutors ready to launch first war crimes trials of Russia conflict ²⁴: three Russian prisoners of war accused of targeting or murdering civilians, and a soldier who allegedly killed a man before raping his wife, are set to be in the dock in the first war crimes trials of the Ukraine conflict, the Ukrainian prosecutor general has revealed.

- Vadim Shysimarin, a 21-year-old commander of the Kantemirovskaya Tank Division, who is currently in Ukrainian custody, is expected to be the first to face trial over his alleged murder of a 68-year-old man.
- It is alleged Shysimarin, a sergeant, had been fighting in the Sumy region in north-east Ukraine when he killed a civilian on 28 February in the village of Chupakhivka. He is accused of driving a stolen car with four other soldiers as he sought to flee Ukrainian fighters and then shooting dead the unarmed man on a bicycle as he was talking on his phone. He was ordered "to kill a civilian so he would not report them to Ukrainian defenders", according to prosecutors.
- In a final case that is probably heading to a trial in absentia, a soldier named as Mikhail Romanov, who has a large tattoo of a bear on his chest, is accused of breaking into a house in March in a village in the Brovarsky region, murdering a man and then repeatedly raping his wife while "threatening her and her underage child with violence and weapons". A second soldier also raped the 33-year-old woman, who has a four-year-old son.

Ukraine's Parliamentary Commissioner for Human Rights²⁵

The Ukrainian Parliament Commissioner for Human Rights (Ombudsman) exercises parliamentary control over observance of human rights and freedoms²⁶.

²⁴ <https://www.theguardian.com/world/2022/may/11/ukraine-prosecutors-ready-launch-first-war-crimes-russia-conflict>

²⁵ <https://ombudsman.gov.ua/en>

²⁶ <https://ennhri.org/our-members/ukraine/>

NGO's working on the ground in Ukraine on Evidence collection and preservation²⁷:

- Mnemonic
- Redress
- Global Legal Action Network
- Global Diligence LLP
- Global Rights Compliance
- Global EyeWitness (EyeWitness to Atrocities App)
- International Partnership for Human Rights
- Commission for International Justice and Accountability

Governmental and non-governmental agencies setting up evidence portals²⁸

- OTP Contact Pathway
- The War Crimes Team of the Metropolitan Police Service
- The Office of the Prosecutor General of Ukraine
- Mnemonic
- The Global EyeWitness App (EyeWitness to Atrocities)

UKRAINE: Centre for Civil Liberties²⁹

A court in Kyiv has sentenced a Russian tank commander to life in prison for killing an unarmed Ukrainian civilian during the first war crimes trial since the beginning of Russia's full-scale invasion of Ukraine. According to Ukrainian officials, more than 10,000 allegations of war crimes are being investigated by a multinational team, including dozens of representatives from the International Criminal Court, yet sorting through the atrocities of Mariupol, Bucha, and other cities across the country proves challenging and time-consuming. The Center for Civil Liberties (CCL)—one of Ukraine's leading human rights organizations, partner of the National Endowment for Democracy (NED), and 2022 NED Democracy Award honoree—joins the important effort to monitor and document war crimes and crimes against humanity, seeking justice for victims and helping the country move forward³⁰.

Lasted news:

- **28 June: Support for Ukraine: Russian War Crimes Investigation, Demining, Reconstruction³¹:** Last week at the Pilecki Institute Berlin our friends from the DRA e.V. (Germany), Vostok SOS (Ukraine) and Libereco – Partnership

²⁷ <https://ukrainejusticealliance.com/articles/evidence-collection-and-preservation>

²⁸ <https://ukrainejusticealliance.com/articles/links-to-report-evidence>

²⁹ <https://civilimplus.org/en/>

³⁰ <https://www.ned.org/documenting-war-crimes-ukrainian-ngo-center-for-civil-liberties-seeks-justice/>

³¹ <https://civilimplus.org/en/news/support-for-ukraine-russian-war-crimes-investigation-demining-reconstruction/>

for Human Rights (Germany) presented a report on their monitoring mission to Ukraine. Experts visited the liberated areas of Chernihiv, Sumy and Kyiv regions as well as Zakarpattia where many internally displaced people found shelter. The international monitoring mission to Ukraine is part of a project funded by the German Federal Foreign Office.

- **7 June: Documentation of war crimes in Ukraine and assistance from foreign investigators³²**

US ACTIVITIES:

21 June 2022: U.S. Attorney General Merrick Garland visited Ukraine^{33 34}:

U.S. Attorney General Merrick Garland visited Ukraine on Tuesday in a show of American support for Kyiv's prosecution of Russian forces accused of war crimes and other atrocities. Garland met with Ukraine's Prosecutor General Iryna Venediktova, who is spearheading the investigation of what Kyiv says are 16,000 reported war crimes since Russia invaded the country almost four months ago. Specifically, Attorney General Garland announced the launch of a War Crimes Accountability Team to centralize and strengthen the Justice Department's ongoing work to hold accountable those who have committed war crimes and other atrocities in Ukraine. This initiative will bring together the Department's leading experts in investigations involving human rights abuses and war crimes and other atrocities; and provide wide-ranging technical assistance, including operational assistance and advice regarding criminal prosecutions, evidence collection, forensics, and relevant legal analysis. The team will also play an integral role in the Department's ongoing investigation of potential war crimes over which the U.S. possesses jurisdiction, such as the killing and wounding of U.S. journalists covering the unprovoked Russian aggression in Ukraine. To lead this effort, the Attorney General has tapped Eli Rosenbaum to serve as Counselor for War Crimes Accountability.

In addition, the Justice Department will provide additional personnel to expand its work with Ukraine and other partners to counter Russian illicit finance and sanctions evasion. Among other things, the Department will provide Ukraine an expert Justice Department prosecutor to advise on fighting kleptocracy, corruption, and money laundering. In addition, it plans to deploy two expert attorneys from the Office of International Affairs (OIA) – one to a U.S. Embassy in Europe, and another to a U.S. Embassy in the Middle East – in support of the

³² <https://civilmplus.org/en/news/documentation-of-war-crimes-in-ukraine-and-assistance-from-foreign-investigators/>

³³ <https://www.voanews.com/a/us-attorney-general-visits-ukraine-to-support-war-crimes-prosecutions/6626691.html>

³⁴ <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-visits-ukraine-reaffirms-us-commitment-help-identify>

Department's KleptoCapture Task Force. These senior attorneys will work closely with their counterparts in EU member states and Middle Eastern countries to facilitate mutual legal assistance and extraditions relating to Russian illicit finance and sanctions evasion, including with respect to designated Russian oligarchs who have supported the Russian regime and its efforts to undermine Ukrainian sovereignty.

22 May 2022 US Embassy in Poland ³⁵

Today, I can announce that, based on information currently available, the U.S. government assesses that members of Russia's forces have committed war crimes in Ukraine.

Our assessment is based on a careful review of available information from public and intelligence sources. As with any alleged crime, a court of law with jurisdiction over the crime is ultimately responsible for determining criminal guilt in specific cases. The U.S. government will continue to track reports of war crimes and will share information we gather with allies, partners, and international institutions and organizations, as appropriate. We are committed to pursuing accountability using every tool available, including criminal prosecutions.

27 May 2022: The United States and the International Justice Enterprise ³⁶

In a surprising political and legal turn, top Senate lawmakers agreed last week on bipartisan draft language for a bill to amend the War Crimes Act of 1996. The proposed change would expand the United States' jurisdiction to prosecute perpetrators of war crimes to include non-nationals (e.g., members of the Russian military) found on U.S. soil. Passing such legislation would represent a significant but welcome departure from the United States' current approach to advancing international justice.

4 May 2022: UNITED STATES INSTITUTE OF PEACE - Lauren Baillie on Accountability for Atrocities in Ukraine ³⁷

Amid ongoing revelations of atrocities committed against Ukrainians at the hands of Russian forces, USIP's Lauren Baillie says efforts to investigate and prosecute these crimes will require creativity and "the ability to think more broadly about how we bring perpetrators to justice and recognize the unique needs of victims." Lauren Baillie is Senior Program Officer for Atrocity Prevention at the United States Institute of Peace.

³⁵ https://pl.usembassy.gov/war_crimes/

³⁶ <https://www.cfr.org/blog/united-states-and-international-justice-enterprise>

³⁷ <https://www.usip.org/publications/2022/04/ukraine-justice-war-crimes-must-begin-evidence>

OTHER COUNTRIES ACTIVITIES:

- UK ³⁸
- Germany ³⁹
- Spain ⁴⁰
- Sweden ⁴¹
- Switzerland ⁴²
- Ireland ⁴³
- AUSTRIA ACTIVITIES ⁴⁴
- THE NETHERLANDS ACTIVITIES ⁴⁵

REFUGES SUPPORT & PLATFORMS

ECRE: EUROPEAN COUNCIL ON REFUGEES AND EXILES

Information Sheet: Access to Territory, Asylum Procedures and Reception Conditions for Ukrainian Nationals in European Countries

ECRE has compiled a non-exhaustive document of measures taken by European countries to address the arrival of Ukrainian nationals on their territory following the invasion in Ukraine ⁴⁶.

³⁸ <https://www.gov.uk/government/news/uk-dispatches-war-crimes-experts-to-help-ukraine-with-investigations>

³⁹ <https://www.wsj.com/livecoverage/russia-ukraine-latest-news-2022-03-08/card/germany-opens-investigation-into-suspected-russian-war-crimes-in-ukraine-bNCphalWE30f2REH8BCi>

⁴⁰ <https://newswwc.com/world/europe/spain-opens-probe-into-serious-violations-by-russia-in-ukraine/>

⁴¹ <https://www.reuters.com/world/europe/swedish-prosecutors-open-preliminary-investigation-into-war-crimes-ukraine-2022-04-05/>

⁴² <https://www.swissinfo.ch/spa/suiza-investiga-cr%C3%ADmenes-de-guerra-en-ucrania/47668722>

⁴³ <https://www.justice.ie/en/JELR/Pages/PR22000077>

⁴⁴ <https://www.bmeia.gv.at/en/the-ministry/press/news/2022/04/war-crimes-in-ukraine-austria-supports-investigations-by-the-international-criminal-court/>

⁴⁵ <https://www.government.nl/latest/news/2022/06/13/the-netherlands-to-co-host-international-accountability-conference-for-ukraine>

⁴⁶ <https://ecre.org/information-sheet-access-to-territory-asylum-procedures-and-reception-conditions-for-ukrainian-nationals-in-european-countries/>