



The Supreme
Court

The Ukrainian justice system in the process of prosecuting serious crimes: achievements, problems and opportunities for improvement

Stanislav Kravchenko
President of the Supreme Court

Brussels, Belgium
November 27, 2023

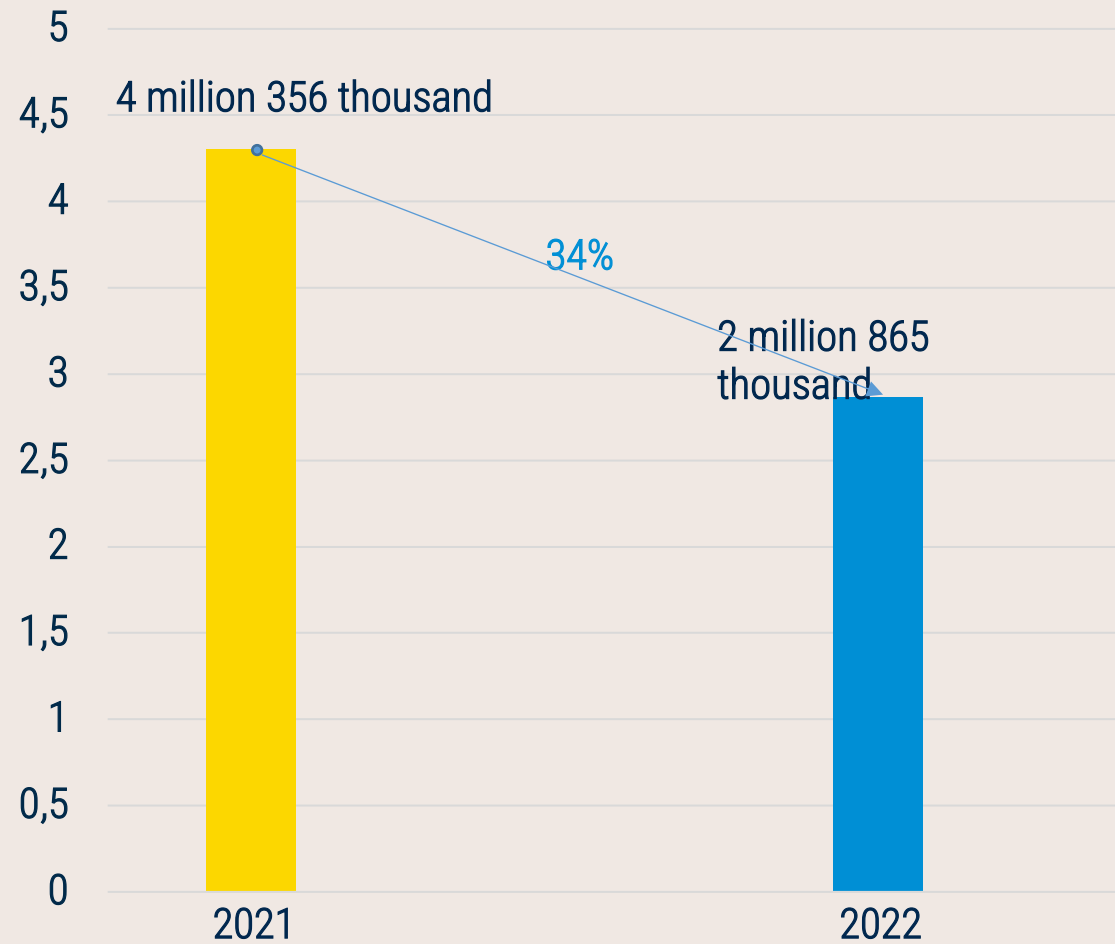
The general state of administration of justice in Ukraine

- 17% (135) of courts changed their territorial jurisdiction due to the impossibility of administering justice during the war
- 7 % (59) of the total number of courts and 43 % of the courts that changed their territorial jurisdiction have already restored it

The general state of administration of justice in Ukraine

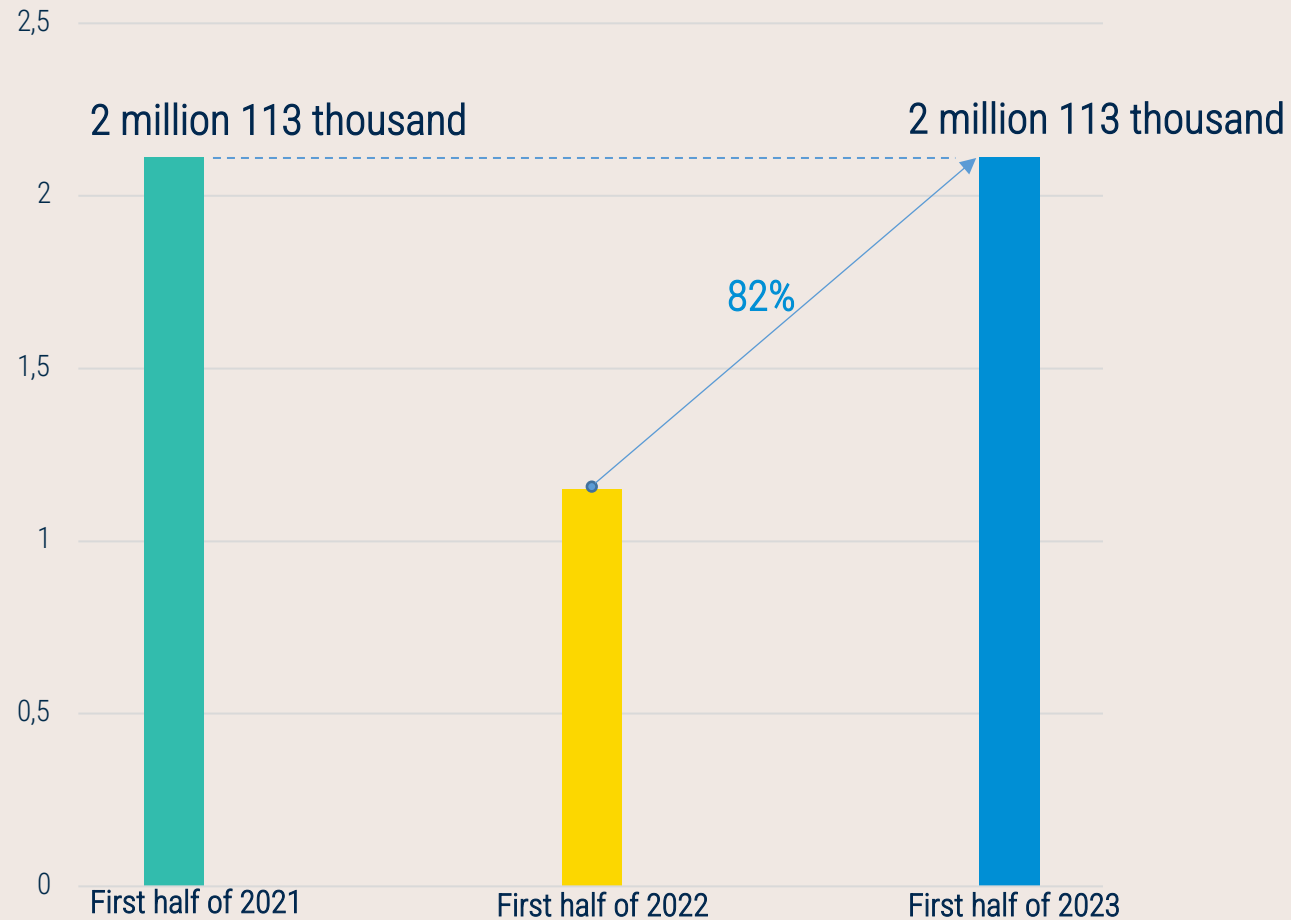
- the judicial system lacks 2,227 judges
- 226 judges were dismissed between January and September 2023
- a call for applications for 560 vacant positions in local general courts has been announced

Statistics of cases submitted to the courts



The beginning of Russia's full-scale invasion of Ukraine has led to a sharp decrease in the number of citizens' appeals to the courts to protect their rights. Thus, in 2022, the courts of Ukraine received 2 million 865 thousand cases and materials for review, which is 34% less compared to 2021 (4 million 356 thousand cases and materials).

Statistics of cases submitted to the courts



In this regard, the total volume of cases and materials received by the courts for review in the first half of 2023 has increased by 82% (2 million 113 thousand) compared to the same period in 2022 and reached the level of 2021.
In the first half of 2023, the courts reviewed a total of 1 million 946 thousand cases and materials of all jurisdictions (70% of those pending).

Criminal proceedings for crimes against the national security of Ukraine

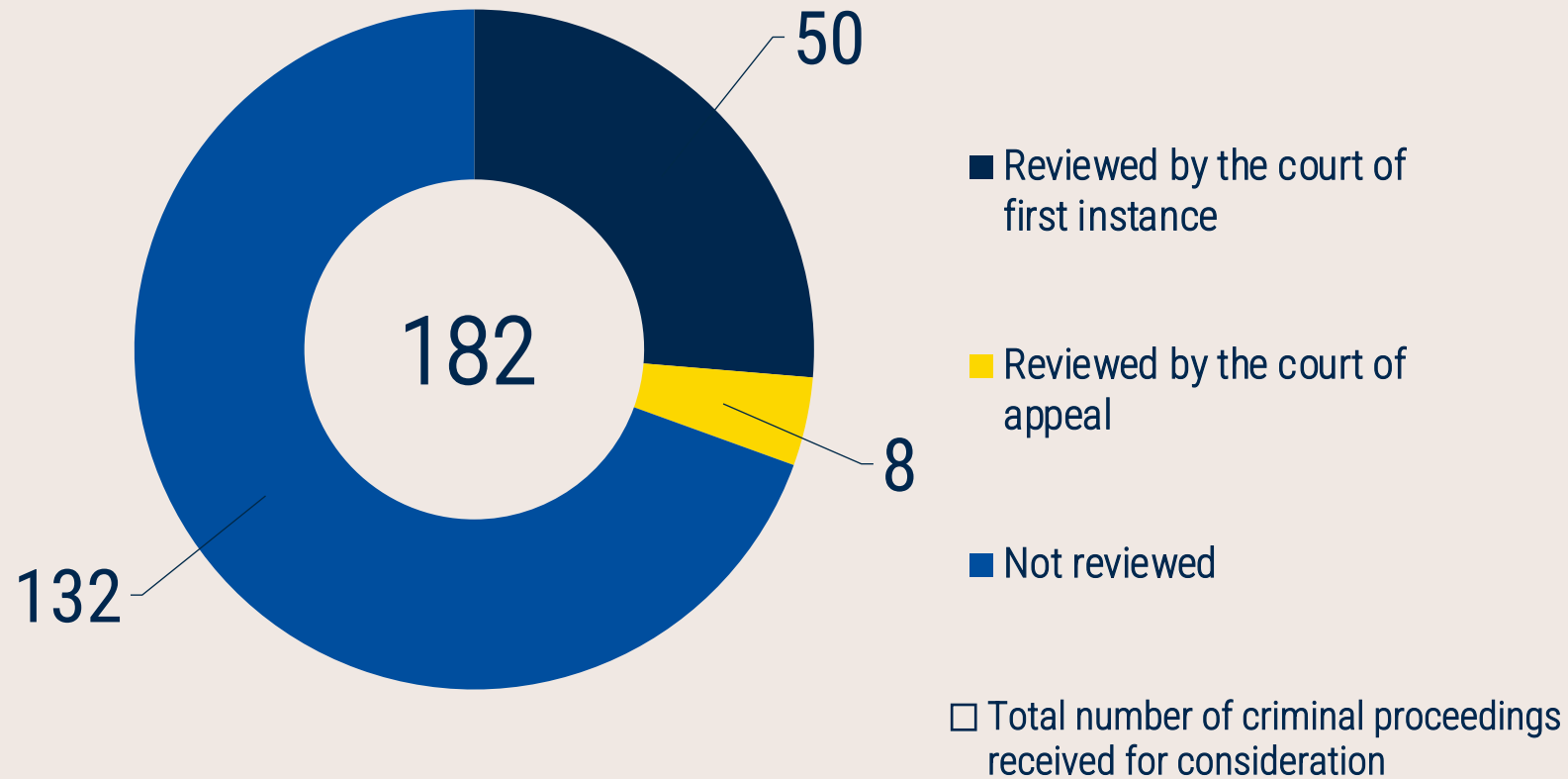
- As of November 20, 2023, **16,000** crimes against the national security of Ukraine have been reported
- **5,933** proceedings were brought to court:
 - ✓ **2,265** were reviewed by the courts of first instance
 - ✓ **129** were reviewed by the courts of appeal

Criminal proceedings for crimes of aggression and war crimes

- As of 21 November 2023, **more than 113,000** war crimes have been registered
- **1,499** proceedings were brought to court:
 - ✓ **1,089** reviewed by courts of first instance
 - ✓ **64** reviewed by courts of appeal
 - ✓ several - in cassation

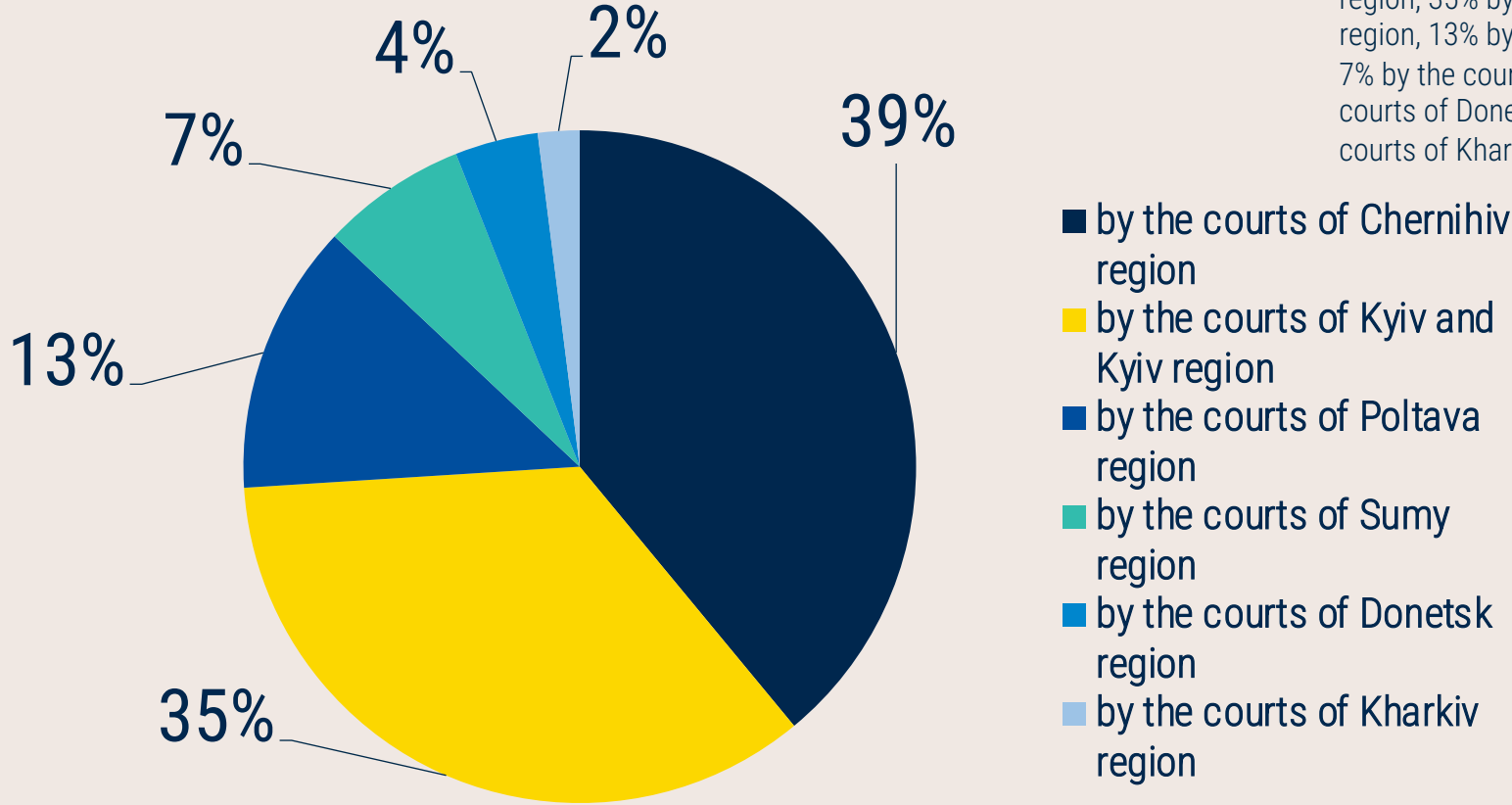
Prosecution for war crimes committed in Ukraine

Art. 438 of the Criminal Code of Ukraine "Violation of the laws and customs of war"



Verdicts passed under Article 438 of the Criminal Code of Ukraine

Currently, 100% of the verdicts under Article 438 of the Criminal Code of Ukraine are guilty; 39% were issued by the courts of Chernihiv region, 35% by the courts of Kyiv and Kyiv region, 13% by the courts of Poltava region, 7% by the courts of Sumy region, 4% by the courts of Donetsk region, and 2% by the courts of Kharkiv region.



Typical cases under Art. 438 of the Criminal Code of Ukraine

"Violation of the laws and customs of war"

- intentional killing of civilians
- ill-treatment of civilians
- robbery, destruction of property
- destruction of civilian/critical infrastructure, residential buildings
- attacking a civilian object, unlawful deprivation of liberty of civilians
- giving orders to violate the laws and customs of war

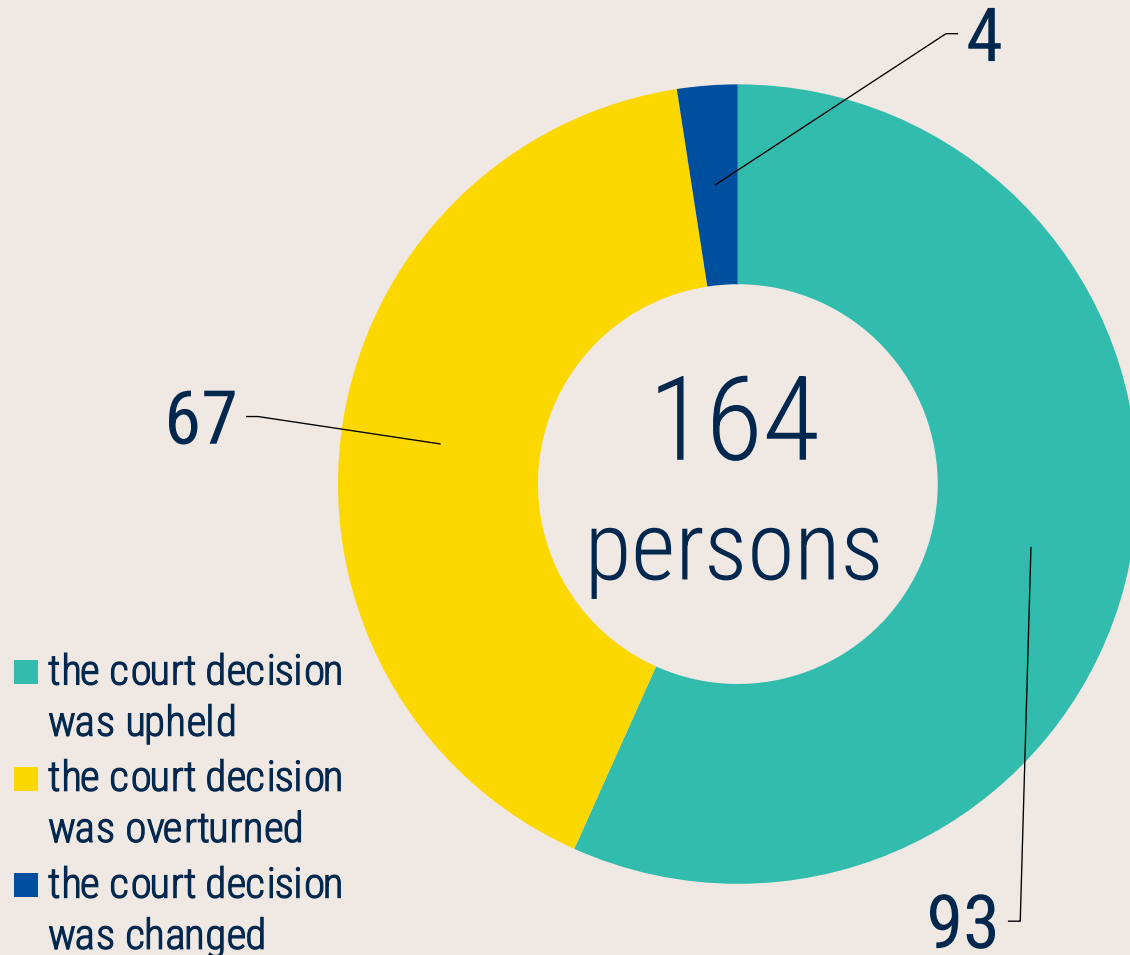
Special procedure of criminal proceedings (in absentia)

- ✓ 75% of criminal proceedings under Article 438 of the Criminal Code of Ukraine were conducted in the absence of the accused
- ✓ 25% of criminal proceedings under Article 438 of the Criminal Code of Ukraine were conducted in the presence of the accused

The range of evidence confirming the guilt of a person convicted under Article 438 of the Criminal Code of Ukraine

- ✓ testimony from victims, witnesses, and the accused
- ✓ material evidence
- ✓ electronic evidence
- ✓ expert opinions (in 46 % of verdicts)

Cassation review of criminal proceedings on corruption-related criminal offences in the 1st half of 2023





The Supreme
Court

Thank you for your attention!