

Jurisprudence of international, regional and third-state courts related to the conflict in Ukraine

This table contains international, regional and third-state domestic jurisprudence of relevance to the conflict in Ukraine as a reference point for Ukrainian practitioners working on international crimes cases. This includes cases pursued before the International Court of Justice, the International Criminal Court, the European Court of Human Rights and in third-party states based on universal and territorial or nationality jurisdiction. The table includes information on the facts, finding and status of the cases, as well as on the relevance of the courts' findings for international crimes cases being pursued domestically in Ukraine. It also provides analysis on the case written by international legal scholars, however it must be noted that the analysis is non-exhaustive and must be considered as the opinion of the author alone.

Case	Facts & Timeline	Findings	Analysis	Status per 31 December 2024
<u>International Court of Justice (ICJ)</u>				
<p>The International Court of Justice is the principal judicial organ of the United Nations, and is based in The Hague. The Court's role is to settle, in accordance with international law, legal disputes between States submitted to it by them and to give advisory opinions on legal matters referred to it by duly authorised United Nations organs and specialised agencies. Unlike the International Criminal Court, the International Court of Justice is not a criminal court, and has no jurisdiction to try <i>individuals</i> accused of international crimes such as war crimes, crimes against humanity, genocide or the crime of aggression. Nonetheless, the Court's rulings with regard to events which have occurred during the conflict between Russia and Ukraine are binding on the states in question. The findings could be relevant to the context surrounding the commission of international crimes by an individual (in cases pursued domestically in Ukraine, elsewhere and internationally).</p>				
Application of the International Convention the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of	- Ukraine initiated proceedings at the ICJ on 16 January 2017 following events in eastern Ukraine and Crimea since early 2014, focusing solely on two treaties.	- A 2019 judgment on preliminary objections defined the dispute's scope: Russia's obligations under ICSFT to prevent terrorism financing and under CERD to avoid racial discrimination.	<i>For analysis, see</i> L. Mälksoo, Application of the International Convention for the Suppression of the Financing of Terrorism and of International Convention on the Elimination of All Forms of Racial Discrimination	Concluded.



<p>Racial Discrimination (Ukraine v. Russian Federation)</p>	<ul style="list-style-type: none"> - Under the International Convention for the Suppression of the Financing of Terrorism (ICSFT), Ukraine claims Russia failed to prevent terrorism financing, especially regarding armed groups in eastern Ukraine. - Under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Ukraine alleges Russia discriminated against Crimean Tatars and ethnic Ukrainians in Crimea, violating their rights. - Ukraine does not seek rulings on issues like Russia's alleged aggression or Crimea's status; the case strictly concerns alleged ICSFT and CERD violations. 	<p>In its judgement on the merits of 31 January 2024, the ICJ made the following findings:</p> <p><i>Terrorism Financing (ICSFT):</i></p> <ul style="list-style-type: none"> - Russia violated its obligations by failing to investigate terrorism financing related to armed groups in eastern Ukraine (13 votes to 2). - Other claims regarding the ICSFT were rejected (10 votes to 5). <p><i>Racial Discrimination (CERD):</i></p> <ul style="list-style-type: none"> - Russia violated its obligations by restricting education in the Ukrainian language in Crimea (13 votes to 2). - Other claims regarding the CERD were rejected (10 votes to 5). <p><i>Compliance with Provisional Measures:</i></p> <ul style="list-style-type: none"> - Russia violated obligations related to the Mejlis, the highest executive- 	<p>(Ukraine v. Russian Federation), Judgment, American Journal of International Law, 2024, 118(3), 519-526.</p> <ul style="list-style-type: none"> - The ICJ's ruling confirms Russia violated both ICSFT and CERD, though it rejected most of Ukraine's claims, focusing only on limited issues like Russia's failure to investigate terrorism financing and discrimination in the context of Ukrainian-language education. - Mälksoo considers this judgement to be historically notable as the first time the ICJ ruled against Russia on merits, establishing that Russia is accountable under international law. - He also argues that the ICJ's narrow approach (e.g., limiting the scope of terrorism financing to financial support, not weapons) reflects caution, likely to avoid escalating tensions with Russia, a UN Security Council member. - Russia and Ukraine have each interpreted the judgement as a partial victory; Russia sees it as 	
--	--	--	---	--

		<p>representative body of the Crimean Tatars (11 votes to 4).</p> <ul style="list-style-type: none"> - Russia failed to comply with orders to avoid aggravating the dispute (10 votes to 5). - Other submissions related to provisional measures were rejected (11 votes to 4). 	<p>validating minimal ICJ intervention, while Ukraine emphasises it as proof of Russian treaty violations.</p> <ul style="list-style-type: none"> - Mälksoo contends that the ICJ’s balanced approach aims to hold Russia accountable without driving it away from international adjudication, underscoring the complex politics of international law enforcement amidst ongoing conflict. 	
<p>Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)</p>	<ul style="list-style-type: none"> - Ukraine initiated proceedings on 26 February 2022 contending that Russia falsely claimed acts of genocide in Luhansk and Donetsk, using this to justify military actions against Ukraine. - Ukraine seeks to establish that Russia has no legal basis for its actions related to purported genocide. - A request for provisional measures was submitted by Ukraine. 	<ul style="list-style-type: none"> - In its Order on 16 March 2022, the Court found it had <i>prima facie</i> jurisdiction based on Article 36 of its Statute and Article IX of the Genocide Convention, both of which the states are parties to. - In the same Order, the Court also required Russia to suspend military operations and refrain from aggravating the dispute. - Thirty-three states filed declarations of intervention, with the Court accepting 32 at the preliminary objections stage. 	<p><i>For analysis, see M. Milanović, ‘ICJ Delivers Preliminary Objections Judgment in the Ukraine v. Russia Genocide Case, Ukraine Loses on the Most Important Aspects’, EJIL: Talk!, 2 February 2024.</i></p> <ul style="list-style-type: none"> - Milanović argues that Ukraine’s case against Russia was unique: instead of alleging genocide by Russia, it argued that Russia falsely accused Ukraine of genocide against Russians to justify its invasion. - The ICJ ruled that false allegations of genocide and actions based on such claims do 	<p>Ongoing.</p>

		<ul style="list-style-type: none"> - On 2 February 2024, the Court ruled it had jurisdiction to examine Ukraine's claim that it is not responsible for genocide in Donetsk and Luhansk, allowing the case to proceed to the merits. - The Court set 2 August 2024 as the deadline for Russia's Counter-Memorial, later extended to 16 September 2024, and then, by its order of 9 September 2024, to 18 November 2024. 	<p>not fall under the Genocide Convention, dismissing these parts of Ukraine's case on jurisdictional grounds.</p> <ul style="list-style-type: none"> - The Court allowed only Ukraine's claim seeking a declaration that it did not commit genocide in Eastern Ukraine; it did not accept claims regarding Russia's use of force or recognition of separatist regions. - Milanović contends that this ruling narrows Ukraine's case scope and limits its options for securing international support or reparation through this proceeding. -The ICJ noted that, while it could not rule on all Ukraine's claims due to jurisdictional limits, all states are still obligated to follow international law. 	
--	--	--	---	--

[International Criminal Court \(ICC\)](#)

The International Criminal Court (ICC), governed by the [Rome Statute](#), is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community (war crimes, crimes against humanity, genocide, crime of aggression). The ICC determines individual criminal responsibility for these crimes. The ICC is a court of last resort and based on the principle of complementarity; it will only act when states are unable (for instance when the legal system has collapsed) or unwilling (for instance when formal proceedings are undertaken solely to shield a person from criminal responsibility) to investigate or prosecute international crimes themselves.

Ukraine, by way of two declarations under Article 12(3) of the Rome Statute, firstly accepted ICC jurisdiction for crimes from 21 November 2013 to 22 February 2014 (declaration of 9 April 2014), later extended to include events from 20 February 2014 (declaration of 8 September 2015). On 21 August 2023, Ukraine’s parliament voted in favour of ratifying the Rome Statute, a decision formalised by President Zelensky’s signature on 24 August 2024. Following the deposit of its ratification instrument on 25 October 2024, Ukraine's ratification will take effect from 1 January 2025. Criminal justice actors in Ukraine will be able to rely on the Court’s jurisprudence in domestic cases.

<p>Situation referred to the ICC by 43 State Parties, March – April 2022, Alleged crimes committed in the context of situation in Ukraine since 21 November 2013</p>	<ul style="list-style-type: none"> - On 28 February 2022, the ICC Prosecutor announced he would seek authorisation to open an investigation into the Situation in Ukraine. - On 1 March 2022, the Office of the Prosecutor (OTP) received a State Party referral from the Republic of Lithuania. - On 2 March 2022, 38 States Parties submitted a joint referral. - On the same day, 2 March 2022, the Prosecutor announced he had proceeded to open an investigation into the Situation in Ukraine on the basis of the referrals received. <p>Arrest warrants issued on 17 March 2023</p>	<ul style="list-style-type: none"> - The OTP determined in its Report on Preliminary Examination Activities 2016 that a non-international armed conflict in Ukraine began by 30 April 2014, and an international armed conflict by 14 July 2014 (see paras. 168-169). The OTP concluded, on 11 December 2020, that there is a reasonable basis to believe that war crimes and crimes against humanity within the jurisdiction of the ICC have been committed in the context of the situation in Ukraine. 		<p>Ongoing.</p>
--	---	---	--	-----------------



	<ul style="list-style-type: none"> - On 17 March 2023, arrest warrants were issued for a) Mr. Vladimir Vladimirovich Putin, President of the Russian Federation and b) Ms. Maria Alekseyevna Lvova-Belova, Commissioner for Children’s Rights in the Office of the President of the Russian Federation. - <i>Alleged crimes:</i> Both are alleged to bear responsibility for the war crimes of unlawful deportation of population (children) from occupied Ukraine to Russia (under Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute. The crimes were allegedly committed in Ukrainian - occupied territory at least from 24 February 2022. - <i>Modes of liability:</i> Pre-Trial Chamber II of the ICC considers there are reasonable grounds to believe that Mr Putin and Ms Lvova-Belova bear individual criminal responsibility for having committed the acts 			
--	---	--	--	--

	<p>directly, jointly with others and/or through others (Article 25(3)(a) of the Rome Statute), and that Mr Putin also bears responsibility for his failure to exercise control properly over civilian and military subordinates who committed the acts, or allowed for their commission, and who were under his effective authority and control, pursuant to superior responsibility (Article 28(b) of the Rome Statute).</p> <p>Arrest warrants issued on 5 March 2024</p> <ul style="list-style-type: none"> - On 5 March 2024, arrest warrants were issued against Mr. Sergei Ivanovich Kobylash, Lieutenant General, Commander of Long-Range Aviation of the Russian Aerospace Force, and Mr. Viktor Nikolayevich Sokolov, Admiral in the Russian Navy & Commander of the Russian Navy's Black Sea Fleet (at the time of the alleged crimes). 			
--	---	--	--	--

	<ul style="list-style-type: none"> - <i>Alleged crimes:</i> Both are allegedly responsible for the war crime of directing attacks at civilian objects (Article 8(2)(b)(ii) of the Rome Statute) and the war crime of causing excessive incidental harm to civilians or damage to civilian objects (Article 8(2)(b)(iv) of the Rome Statute), and the crime against humanity of inhumane acts under Article 7(1)(k) of the Rome Statute. - <i>Modes of liability:</i> Pre-Trial Chamber II of the ICC (i) having committed the acts jointly and/or through others (Article 25(3)(a) of the Rome Statute), (ii) ordering the commission of the crimes, and/or (iii) for their failure to exercise proper control over the forces under their command (Article 28(a) of the Rome Statute). <p>Arrest warrants issued on 24 June 2024</p> <ul style="list-style-type: none"> - On 24 June 2024, arrest warrants were issued against Mr. Sergei Kuzhugetovich 			
--	--	--	--	--

	<p>Shoigu, Minister of Defence of the Russian Federation (at the time of the alleged crimes) and Mr. Valery Vasilyevich Gerasimov, Chief of the General Staff of the Russian Armed Forces and First Deputy Minister of Defence (at the time of the alleged crimes).</p> <ul style="list-style-type: none"> - <i>Alleged crimes:</i> Both are allegedly responsible for the war crime of directing attacks at civilian objects (Article 8(2)(b)(ii) of the Rome Statute) and the war crime of causing excessive incidental harm to civilians or damage to civilian objects (Article 8(2)(b)(iv) of the Rome Statute), and the crime against humanity of inhumane acts under Article 7(1)(k) of the Rome Statute. - <i>Modes of liability:</i> The ICC considers there are reasonable grounds to believe that both bear individual criminal responsibility for (i) having committed the acts jointly and/or through others 			
--	--	--	--	--

	<p>(Article 25(3)(a) of the Rome Statute), (ii) ordering the commission of the crimes (Article 25(3)(b) of the Rome Statute), and/or (iii) for their failure to exercise proper control over the forces under their command (Article 28 of the Rome Statute).</p>			
<p><u>The European Court of Human Rights (ECtHR)</u></p> <p>There have been four inter-State cases (after combination of original applications) between Russia and Ukraine at the ECtHR as well as around 8,500 individual cases, involving widespread human rights violations in Crimea and Eastern Ukraine, political assassinations in Russia and other States, and the Kerch Strait incident. As of 16 September 2022, Russia is no longer a party to the European Convention on Human Rights (ECHR). Accordingly, the ECtHR will only consider individual and inter-State applications against Russia in relation to alleged violations that occurred before that date and within the limits of its jurisdiction. The practical effect of inter-State and individual cases against Russia before the Court is therefore limited, however findings could nonetheless be relevant to context required to prove the commission of an international crime by an individual (in cases pursued domestically in Ukraine, elsewhere and internationally).</p>				
<p>Ukraine v. Russia (re Crimea)</p> <p>Note: The cases of <i>Ukraine v. Russia (V)</i> (20958/14) and <i>Ukraine v. Russia (VII)</i> (38334/18) were merged into a new case titled <i>Ukraine v. Russia (re Crimea)</i> given they both</p>	<p>- The Ukrainian Government maintained that the Russian Federation has from 27 February 2014 exercised effective control over the Autonomous Republic of Crimea and the city of Sevastopol, integral parts of Ukraine, and that it had adopted an administrative</p>	<p>In its judgement of 25 June 2024 the Court held that:</p> <p>- Russia violated Articles 2, 3, 5, 6, 8, 9 10, 11 of the ECHR, Articles 1 and 2 of Protocol 1, Article 2 of Protocol 4, Articles 14 and 18 in conjunction with multiple articles of the Convention.</p>	<p>For analysis, see K. Dzehtsiarou, ‘Ukraine v Russia (re Crimea): the European Court of Human Rights Goes ‘All-in’’ EJIL:Talk!, 27 June 2024.</p> <p>- This is the first judgement issued in an inter-state case by Ukraine against Russia, with three more pending.</p>	<p>Concluded.</p>

<p>concerned the events in Crimea.</p>	<p>practice in or in respect of Crimea which resulted in numerous Convention violations between 27 February 2014 and 26 August 2015, in connection with the purported integration of Crimea into the Russian Federation.</p> <ul style="list-style-type: none"> - The case concerned repressions against Ukrainian and Crimean Tatar political activists, removal of prisoners to Russia, and restrictions on Ukrainian language and culture in Crimea. - Ukraine did not apply on behalf of individual applicants, rather it was seeking the ECtHR to establish administrative practice of human rights violations put in place by Russia in Crimea. - Russia did not contest that they exercised jurisdiction over Crimea from the moment the “Accession Treaty” had come into force on 18 March 2014. - 	<ul style="list-style-type: none"> - All tribunals established in Crimea in accordance with Russian law and applying Russian law were held not to be tribunals ‘established by law’ as provided by Article 6 of the Convention. - In violation of Article 18, authorities restricted the rights enshrined in the Convention with ulterior purpose. 	<ul style="list-style-type: none"> - Dzehtsiarou argues that it was largely a victory for Ukraine, however it must be noted that the fact that Russia is no longer party to the ECHR may have influenced the decision-making. For example, in normal circumstances the court may not make the finding that the courts are not tribunals established by law as this may lead to an influx of individual cases brought to the ECtHR as a result of this finding. However, the Court was not faced with this risk due to Russia no longer being a party. - He also argues that the finding of an administrative practice by Russia in Crimea makes individual applications easier to prove, and also adds to the stigma on Russia. 	
--	--	--	---	--

<p><u>Ukraine and the Netherlands v. Russia</u></p> <p>Note: This case brings together four inter-State applications. This includes two Ukrainian applications (43800/14 and 8019/16), as well as one application by the Netherlands (28525/20). The fourth concerns the time period of the Russian invasion since February 2022 (10055/22).</p>	<ul style="list-style-type: none"> - Ukraine's applications concerned serious and systematic ECHR violations allegedly committed by Russia in the context of events occurring in Eastern Ukraine since 2014, particularly in the Donetsk People's Republic (DPR) and the Luhansk People's Republic (LPR), amounting to an administrative practice and including the abduction and forcible transfer of children. - The Netherlands' application concerned the downing of Malaysia Airlines Flight MH17 on 17 July 2014, which occurred over eastern Ukraine in 2014, resulting in the deaths of all 298 passengers, including 196 Dutch nationals. - The Netherlands argued that Russia played a crucial role in the incident, failed to investigate adequately, and did not cooperate with information requests from Dutch authorities, which led to additional suffering for the victims' families. 	<ul style="list-style-type: none"> - In November 2022, at the hearing on the admissibility of the inter-State application, the ECtHR ruled that Russia had effective control over all areas in the hands of separatists from 11 May 2014 (and including when when MH17 was downed) on account of its military presence in eastern Ukraine and the decisive degree of influence it enjoyed over these areas as a result of its military, political and economic support to the DPR and LPR. - The complaints of an administrative practice in respect of the alleged abduction and transfer to Russia of three groups of children and accompanying adults and concerning the downing of Malaysia Airlines flight MH17 were held to be admissible. - The ECtHR found that the alleged administrative practices occurring in Eastern Ukraine from 11 May 2014 onwards, as well as the 	<p><i>For analysis, see M. Milanović, <u>'The Mariupol Test: Analysing the Briefs of Third States Intervening in Ukraine and the Netherlands v. Russia'</u> 9 January 2024.</i></p> <ul style="list-style-type: none"> - Milanović comments that the case raises questions regarding the relationship between individual and inter-State cases. The Court invited the MH17 Air Disaster Foundation and individual applicants to provide joint written submissions as third parties in the inter-State case, demonstrating the Court's openness to consider individual concerns in inter-State cases. - On 17 December 2018, the ECtHR adopted a <u>special plan</u> for processing individual applications against Ukraine or Russia, or both countries, in relation to the conflict in Eastern Ukraine, which also noted that individual applications will be paused until the judgement in <i>Ukraine and the Netherlands v. Russia</i> is issued. 	<p>Ongoing.</p>
--	--	---	--	-----------------

		<p>downing of flight MH17, fell within Russia's jurisdiction under Article 1 of the Convention.</p> <ul style="list-style-type: none"> - The judgement on admissibility was issued in January 2023. - On 17 February 2023, the Grand Chamber decided to join inter-State application <i>Ukraine v. Russia (X)</i> (10055/22 concerning events from 24 February 2022 to 16 September 2022) to the inter-State applications in <i>Ukraine and the Netherlands v. Russia</i>. The admissibility of complaints regarding the time period between 24 February 2022 until 16 September 2022 were therefore heard on 12 June 2024 at the hearing on the merits. - The judgement on the merits is still pending. 	<ul style="list-style-type: none"> - Milanović argues that the case also raises questions as to the interplay between international humanitarian law (IHL) and the ECHR (particularly the interaction between Article 2 ECHR and the rules of IHL governing the conduct of hostilities) and the extraterritorial application of the ECHR in armed conflicts. - The Court must determine whether its decision that Russia's jurisdiction under Article 1 (due to effective control) extends to (1) events after 2022 and (2) events occurring outside the area of effective control but as the result of Russia's actions e.g. missile strikes. - Milanović contends that it will also have to reconcile any decision made with the Court's decision in the <i>Georgia v. Russia (II)</i> case where it found that it 'lacks the legal basis to assessing acts of war and active hostilities in the context of an international armed conflict outside the territory of a respondent State' (para 142). 	
--	--	---	---	--

<p><i>Ukraine v Russia (VIII)</i> (55855/18)</p>	<ul style="list-style-type: none"> - The case concerns the naval incident in the Kerch Strait in 2018 which led to the capture of three Ukrainian naval vessels and their crews. 	<ul style="list-style-type: none"> - The application was lodged on 29 November 2018 and the case is currently pending before the First Section of the Court. 		<p>Ongoing.</p>
<p><i>Ukraine v Russia (IX)</i> (10691/21)</p>	<ul style="list-style-type: none"> - Ukraine's application claims that the administrative practice by the Russian Federation is ongoing and consisting of State-authorized targeted assassination operations against perceived opponents of the Russian Federation in Russia and on the territory of other States, including other member States of the Council of Europe, outside a situation of armed conflict. - The Ukrainian Government also alleges an administrative practice by the Russian Federation of failing to investigate these assassination operations and of deliberately mounting cover-up operations aimed at frustrating efforts to find the persons responsible. - The Ukrainian Government alleges a violation of both the substantive and procedural 	<ul style="list-style-type: none"> - Ukraine lodged the application on 19 February 2021. 		<p>Ongoing.</p>

	aspects of Article 2 (right to life) of the ECHR.			
<p style="text-align: center;"><u>Third-State domestic cases</u></p> <p>In response to the Russian aggression against Ukraine, many countries have opened investigations or received evidence on crimes committed in connection with the war in Ukraine, including prosecutorial authorities in Argentina, Austria, Czechia, Estonia, Finland, France, Germany, Latvia, Lithuania, Poland, Spain, Romania, Sweden, Slovakia, Switzerland, the UK, US, and Canada. Several investigations relate to the collection of evidence or establishing patterns, but only cases, investigations or submissions where there is public information on specific aspects such as perpetrators or crimes alleged are noted below. Although charges and determinations will be based on the definitions and constructions of the international crimes within respective national legislation (which may not always align with the Rome Statute, for example), findings in third-state domestic cases could be relevant to context required to prove the commission of an international crime in other cases pursued domestically in Ukraine, elsewhere and internationally. Of relevance as well are the activities of the Joint Investigation Team (JIT) set up under the auspices of EUROJUST.</p> <p>Many of the cases and investigations are pursued in third-states under universal jurisdiction. Universal jurisdiction allows national systems to investigate and prosecute individuals for the crimes of aggression, genocide, war crimes and crimes against humanity regardless of their nationality or where the offences were committed. The principle is based on the idea that certain crimes are so serious, affecting the entire international community, that all states should be able to act to protect against them. However, states need to have adopted appropriate legislation to allow for prosecution under universal jurisdiction. In some cases, therefore, third-states have rather relied upon the passive personality principle, which recognises the jurisdiction of states over offences committed abroad against its own citizens, independently from the nationality of the alleged perpetrator.</p>				
<p><i>Prosecution v. Yan Petrovsky</i> (Helsinki (Finland) District Court Case No. 706/2024/11203)</p>	<ul style="list-style-type: none"> - Finnish prosecutors charged Russian national Yan Petrovsky, (alias Voislav Torden) for alleged war crimes in Ukraine in 2014. - Petrovsky is alleged to have committed five war crimes as deputy unit commander of 'Rutish', a Russian-backed 	<ul style="list-style-type: none"> - In its ruling on 14 March, the Helsinki District Court found Petrovsky guilty of four of the five crimes, and dismissed one of the charges, saying that it had not been proven that Rutish was behind the ambush on 5 September 2014. 		<p>Ongoing.</p>

	<p>separatist group affiliated with Wagner in Luhansk.</p> <ul style="list-style-type: none"> - The alleged crimes include killing 22 Ukrainian soldiers, seriously wounding four, employing prohibited “ways” of warfare and the ill-treatment of wounded and killed enemy soldiers. - Petrovsky was arrested in July 2023 at Helsinki Airport <i>en route</i> to France, having entered Finland under a new identity (“Vosilav Torden”) via his wife’s student status. - Finland’s Supreme Court ruled he cannot be extradited to Ukraine due to risk of inhumane prison conditions, citing ECtHR jurisprudence against Ukraine. 	<ul style="list-style-type: none"> - He was sentenced to life imprisonment, however plans to appeal the verdict to the Court of Appeal. 		
<p>Ongoing investigations by the German Federal Prosecutor’s Office</p>	<ul style="list-style-type: none"> - In March 2022, the German Federal Prosecutor’s Office opened a structural investigation into alleged crimes committed during the war in Ukraine. The aim of structural investigations is to initially secure evidence without concrete accused, for example by interviewing 			<p>Ongoing.</p>

	<p>witnesses who have sought refuge in Germany. German authorities have opened similar investigations in the context of Syria.</p> <ul style="list-style-type: none"> - An investigation in a specific case was opened in July 2023 into an alleged war crime of targeted shootings by members of the Russian armed forces at fleeing civilians (including a German national) in the Kyiv suburb of Hostomel. - In October 2023, the Clooney Foundation for Justice (CFJ) filed three cases with the German Federal Prosecutor's Office, seeking investigation into alleged war crimes and crimes against humanity in Ukraine by mid to high-level commanders in Russian forces. One case was filed together with Truth Hounds. The CFJ represents 16 survivors and victim families. - The first case involves alleged indiscriminate attacks with the use of Kh-22 missiles by Russian air forces on a resort 			
--	---	--	--	--

	<p>in Odesa, killing 22 civilians and injuring 40.</p> <ul style="list-style-type: none"> - The second case concerns Russian commanders' involvement in the unlawful detention, torture, and execution of four men in the Kharkiv region, committed as part of a widespread and systematic pattern and amounting to crimes against humanity. - The third case concerns Russian forces' involvement in a pattern of crimes against humanity, including executions, torture, sexual violence, and looting and other violations, during the occupation of the Kyiv region. 177 civilians were killed, 266 houses completely destroyed (including 70 buildings intentionally burnt), and 2400 civilian objects, including 17 schools and kindergartens, are alleged to have been damaged or partially destroyed. 			
<p>Ongoing investigations by the Masovian Branch of the Department of Organised</p>	<ul style="list-style-type: none"> - On 1 March 2022, Polish authorities initiated an investigation into the 			<p>Ongoing.</p>

<p>Crime and Corruption of the Polish National Prosecutor's Office</p>	<p>'initiation of [a] war of aggression' against Ukraine under Article 117 of the Polish Criminal Code, and several war crimes under Articles 122, 123 and 125 of the Code.</p> <ul style="list-style-type: none"> - The scope of the proceedings also covers the actions of the authorities of the Republic of Belarus providing the territory of that country for the purpose of carrying out acts of armed aggression against Ukraine. - Later in March 2022, the Prosecutor-General confirmed that over 300 witness statements regarding alleged war crimes committed by Russian forces in Ukraine had already been collected. 			
<p>Ongoing investigations by the Lithuanian Prosecutor General's Office</p>	<ul style="list-style-type: none"> - On 1 March 2022, the Lithuanian Prosecutor General's Office initiated a pre-trial investigation into aggression, war crimes, and crimes against humanity committed in Ukraine. So far, over 300 witnesses have been interviewed and more 			<p>Ongoing.</p>



	<p>than 90 individuals have been officially recognised as victims.</p> <ul style="list-style-type: none"> - In June 2023, Lithuania’s Prosecutor General opened a pre-trial investigation into the alleged criminal transfer of Ukrainian children to Belarus. The accompanying documents indicate that more than 2,000 Ukrainian children have been illegally transferred from occupied Ukrainian territories to camps in Belarus. However, this investigation is pursued not as a crime of genocide (Art. 99 of the Criminal Code of the Republic of Lithuania), but as deportation or relocation of civilians (Art. 102) () and separation of children (Art. 1002). - In February 2024, after evidence was submitted to the authorities by the victim’s wife together with the European Center for Constitutional and Human Rights, and the Justice & Accountability Unit, a joint initiative of Bellingcat and the 			
--	--	--	--	--

	<p>Global Legal Action Network, the General Prosecutor of Lithuania announced that three soldiers of the so-called DPR had been charged with the unlawful arrest, deprivation of liberty and murder of Mantas Kvedaravičius, a Lithuanian filmmaker, who was evacuating civilians from Mariupol during the Russian occupation. To locate the suspects and serve them with the court orders, Lithuania has submitted a legal assistance request to Ukraine.</p>			
<p><u>United States of America v. Mkrtychan, Budnik, Lnu and Lnu (United States District Court for the Eastern District of Virginia Case No. 3:23-cr-161)</u></p>	<p>- In December 2023, the United States unsealed an indictment charging four Russian military officials with committing war crimes involving a United States victim who was living in southern Ukraine at the time of the invasion. The four defendants were Mkrtychan and Budnik (commanding officers of military units of the Russian Armed Forces and/or the so-called DPR) and</p>			<p>Ongoing.</p>

	<p>Valerii and Nazar Lnu (lower-ranking military personnel).</p> <ul style="list-style-type: none"> - This case is brought under conditional universal jurisdiction, with charges based on the citizenship of the victim. - The defendants were each charged in connection with their unlawful detainment of a U.S. national in the context of the armed conflict between Russia and Ukraine. The defendants are alleged to have interrogated, severely beaten, and tortured the victim. They also allegedly threatened to kill the victim and conducted a mock execution. - The defendants are charged with three war crimes – unlawful confinement, torture, and inhuman treatment – and one count of conspiracy to commit war crimes. 			
<p>Ongoing investigations by the Austrian Federal Prosecutor</p>	<ul style="list-style-type: none"> - On 1 July 2024, the Center for the Enforcement of Human Rights International and CFJ filed a case with the Austrian 			<p>Ongoing.</p>

	<p>federal prosecutor today requesting an investigation into crimes of sexual violence and murder committed in Ukraine by Russian forces.</p> <ul style="list-style-type: none"> - The crimes were committed as part of widespread and systematic pattern of human rights violations against the civilian population on the territories occupied by Russian forces. - The case is filed against the direct perpetrators of the crimes as well as seven mid- and high-level commanders. - Austria has jurisdiction to investigate and prosecute these crimes as war crimes and crimes against humanity in Austrian national courts, based on extraterritorial principles of jurisdiction, including universal jurisdiction. 			
<p>Ongoing investigations by the Swiss Federal Public Prosecutor's Office</p>	<ul style="list-style-type: none"> - On 26 March 2023, criminal proceedings were initiated for the attack against Swiss press reporter Guillaume Briquet by an alleged Russian commando. 			<p>Ongoing.</p>

	<ul style="list-style-type: none"> - Mr. Briquet was injured as a result of the attack, as he was driving from Kropyvnytsky to Mykolaiv. - Mr. Briquet stated that the vehicle in which he was travelling – which had Geneva license plates and had “PRESS” written on both sides – was shot twice on the driver’s side, and twice on the passenger’s side. According to the journalist, when he dismounted the vehicle, the soldiers, which identified themselves as Russian, stole, amongst other things, cash and his passport. - In 2022, Truth Hounds, with the assistance of Civitas Maxima, filed a denunciation to the Swiss authorities regarding the attack against Mr. Briquet. 			
<p>Submission for investigation to Argentina’s Federal Judiciary</p>	<ul style="list-style-type: none"> - On 15 April 2024, the Reckoning Project, together with the victim present in Buenos Aires, submitted a criminal complaint to the Argentine Federal Judiciary. - The complaint makes a request to the Federal Court 			<p>Ongoing.</p>

	<p>to investigate torture inflicted against Mr M (anonymised for security reasons) by identified and unidentified Russian officials and affiliated individuals, for committing and otherwise facilitating torture.</p> <ul style="list-style-type: none"> - The evidence provided by Mr M in the complaint demonstrates practices of torture by electrocution in detention at the hands of Russian individuals in a town that is occupied by Russian forces. - His evidence was corroborated by findings of international organisations, including the United Nations, that documented similar instances of torture upon other individuals in the same facility. - Mr M's torture was materially assisted by the presence and operation of Russian-linked entities and those in charge of them. 			
<p>MH17 case (The Hague District Court, Case No. ECLI:NL:RBDHA:2022:14039)</p>	<ul style="list-style-type: none"> - The MH17 Trial concerned the shooting down of Malaysian Airlines Flight 17. 	<ul style="list-style-type: none"> - On 17 November 2022, the District Court of The Hague 	<ul style="list-style-type: none"> - The Court had to consider the nature of the conflict existing in eastern Ukraine. 	<p>Concluded.</p>

	<ul style="list-style-type: none"> - Although it is possible to prosecute international crimes in the Netherlands, the accused (Igor Girkin, Sergey Dubinskiy, Leonid Kharchenko and Oleg Pulatov) were charged with murder of 298 people (under Article 289 of the Dutch Criminal Code, DCC) and intentionally causing the crash of an airplane (Article 168 DCC). 	<p>delivered a verdict in the case.</p> <ul style="list-style-type: none"> - Girkin, Dublinsky and Kharchenko were found guilty of the charged crimes as indirect co-perpetrators. Pulatov was acquitted. - The Court held that it had jurisdiction under the passive personality principle with respect to the Dutch national victims, and under (transferred) jurisdiction, by virtue of a bilateral agreement that Ukraine and the Netherlands concluded to this effect back in July 2017. - On 1 December 2022, the Dutch Public Prosecution Service announced that it would not appeal the District Court's verdict. None of the three convicted persons have reacted and filed an appeal either. 	<p>Using the 'overall control'-test from the International Criminal Tribunal for the former Yugoslavia <i>Tadić</i> Appeal Judgement, it had to particularly establish whether the <i>prima facie</i> non-international armed conflict between the Ukrainian government forces and the DPR's armed forces had been <i>internationalized</i> by 17 July 2014.</p> <ul style="list-style-type: none"> - The finding by the Court that 'from mid-May 2014 until at least the shooting down of flight MH17, the Russian Federation exercised overall control over the DPR. In this way, the geographically non-international armed conflict became internationalized and is, thus, an international armed conflict' (Section 4.4.3.1.3), the first judicial finding of the characterisation of the conflict. 	
--	--	---	---	--

			<ul style="list-style-type: none"> - The Court's determination that the DPR's forces, and the four accused in particular, were unlawful belligerents, did not enjoy the status of lawful combatants during the indicted period and cannot invoke combatant's immunity, has been criticised (see below). <p><i>For more analysis, see L. Yanev, 'The MH17 Judgment: An Interesting Take on the Nature of the Armed Conflict in Eastern Ukraine', EJIL:Talk!, 7 December 2022.</i></p>	
--	--	--	---	--