

## Under Siege: A Brief Glimpse of Legal Education and the Rule of Law in Ukraine

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As editor of the *International Journal of Legal Information*, I receive article submissions from scholars in many nations, including Ukraine. Overall, the articles that Ukrainian legal academics submit are impressive; they are well-researched, well-written, and have multiple authors. Under normal circumstances, this would be unsurprising, but Ukraine is under siege and has been since Russia invaded Ukraine on February 24, 2022.

According to the UN Human Rights Monitoring Mission in Ukraine (HRMMU), as of February 24, 2024, more than 10,000 Ukrainian civilians had been killed and almost 20,000 injured, but these figures are likely significantly higher.<sup>1</sup> HRMMU has also reported that the hostilities have affected 1,072 educational facilities (236 destroyed; 836 damaged) and 465 medical facilities (59 destroyed; 406 damaged) since the invasion began.<sup>2</sup> Russian soldiers have also damaged or destroyed hundreds of culturally significant buildings in Ukraine, including museums, libraries, and churches.<sup>3</sup>

If the above doesn't strike you, I recommend watching "20 Days in Mariupol," a film that three AP journalists from Ukraine shot as they documented the first twenty days of Russia's siege in and around the port city of Mariupol in southeastern Ukraine. The film, which won a BAFTA and an Academy Award, is riveting, tragic, heartbreaking, and difficult to watch.<sup>4</sup>

Under these circumstances, I had to wonder how these Ukrainian legal scholars were producing such excellent scholarship. Were their law schools even open? Were libraries functioning? How were they conducting classes and research? How were they communicating with one another? I had not seen any references or clues in the submissions that allowed me to answer these questions.

I had been in contact with Pavlo Medvediev, a freelance researcher in Ukraine, and I asked him if he thought some law professors would be willing to complete a questionnaire about their experiences over the past two years. He responded in the affirmative, so I drafted a survey in early December 2023 that asked the questions I listed above, as well as several general queries about Ukrainian law, the court system, and the rule of law. Pavlo was kind enough to serve as an intermediary and asked three law professors to complete the questionnaire, which they answered between December 9, 2023, and January 9, 2024.<sup>5</sup>

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<sup>1</sup> Office of the UN High Commissioner for Human Rights, "Two-Year Update: Protection of Civilians: Impact of Hostilities on Civilians since 24 Feb 2022," at 1–2, accessed May 8, 2024, [https://ukraine.un.org/sites/default/files/2024-02/22%20Feb%202024%20Protection%20of%20Civilians\\_impact%20of%20hostilities%20on%20civilians%20since%2024%20Feb%202022\\_HRMMU%20report\\_ENG.pdf](https://ukraine.un.org/sites/default/files/2024-02/22%20Feb%202024%20Protection%20of%20Civilians_impact%20of%20hostilities%20on%20civilians%20since%2024%20Feb%202022_HRMMU%20report_ENG.pdf).

<sup>2</sup> *Ibid.*, 6.

<sup>3</sup> Ian Kuijt, Pavlo Shydlovskiy, and William Donaruma, "The Russia-Ukraine War Has Caused a Staggering Amount of Cultural Destruction—Both Seen and Unseen," *The Conversation* (Feb. 23, 2024), <https://theconversation.com/the-russia-ukraine-war-has-caused-a-staggering-amount-of-cultural-destruction-both-seen-and-unseen-221082>; "The Bombing of Kharkiv Damaged One of Europe's Largest Libraries," *Chytomo* (Mar. 14, 2022), as reported by Суспільне. Харків (Suspilne. Kharkiv), <https://chytomo.com/en/the-bombing-of-kharkiv-damaged-one-of-europe-s-largest-libraries/>.

<sup>4</sup> The full documentary is available on the AP website, accessed May 8, 2024, at <https://apnews.com/watch-20-days-in-mariupol-the-2024-best-documentary-oscar-winner-0000018e2b12d01aa9fe6fd3a9340000>.

<sup>5</sup> On Mar. 19, 2024, Professor Anatolii Movchan added several citations to his responses.

Included here are the responses of Professors Iryna Shopina, Larysa Brych, and Anatolii Movchan. These faculty members are affiliated with the Lviv State University of Internal Affairs, which offers bachelor's, master's, and doctoral degrees in numerous law- and finance-related fields. Lviv is a city in western Ukraine, about forty-five miles east of Ukraine's border with Poland and, despite its location, has not been spared from Russian attacks.<sup>6</sup>

This is not an empirical study, and I didn't attempt to write general summaries or draw sweeping conclusions. I think each of these responses deserves to be read on its own. I only lightly edited the text.

I also compiled a brief bibliography to accompany the responses. These are recent articles in English that focus on legal education and the rule of law in Ukraine. This is not an exhaustive list, and my purpose was only to provide some context for the responses. I also recommend the English-language websites of the Ukrainian National Bar Association (<https://en.unba.org.ua/>) and the Ukrainian Bar Association (<https://uba.ua/eng/>) for more information on the role of lawyers during the conflict.

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<sup>6</sup> Petro Zadorozhnyy et al., "Russia Has Attacked Lviv. Here's Why the Western City Is so Important to Ukraine's Defense," CNN (Mar. 18, 2022), <https://www.cnn.com/2022/03/18/europe/lviv-ukraine-attack-russia-importance-intl/index.html>.

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## QUESTIONNAIRE FOR LEGAL ACADEMICS IN UKRAINE

The purpose of this survey is to gain a general understanding of the impact of the Russian Federation's February 2022 invasion of Ukraine on legal education, the practice of law, and the rule of law.

If you aren't comfortable answering a question, or you don't have enough knowledge to answer a question, please leave it blank. Many thanks!

### PART I. General Questions

**1. Please provide your name.**

Iryna Shopina

**2. Where are you currently living?**

Kyiv, Ukraine

**3. Do you currently have access to reliable communications technology (i.e., wifi)?**

Yes.

### PART II. Legal Education

**1. Please provide the name of your position (job).**

Professor at the Department of Administrative and Legal Disciplines, Institute of Law, Lviv State University of Internal Affairs.

**2. What is your institutional affiliation (law school)?**

I am a specialist in the field of administrative and military law. I work at the Lviv State University of Internal Affairs which trains specialists in law, law enforcement, psychology, and others.

**3. Before the Russian invasion of Ukraine in 2022, what were your primary responsibilities? Teaching? Research? Writing?**

I combined teaching, writing scientific papers, and expert work in state authorities (Ministry of Veterans Affairs of Ukraine).

**4. How did the Russian invasion impact your responsibilities? Do you still teach, research, write?**

My responsibilities have not changed, I continue to teach, engage in scientific research, and carry out expert activities.

**5. Please describe the current situation concerning your institution. Is it still open and serving faculty and students? Does it have an operating law library or other type of library?**

Lviv State University of Internal Affairs continues to carry out educational and scientific activities at a high level while observing security measures. The university has a back-up power supply system and Internet access. This makes it possible to hold training sessions, conferences, and colloquiums even in conditions of constant attacks by the aggressor state on infrastructure facilities.

The university management's flexible approach to full-time and remote (online) lectures and seminars makes it possible not to expose students to danger and, at the same time, to hold a sufficient number of classroom classes.

The university has a powerful law library, part of which is available online in compliance with copyright requirements.

During the legal regime of martial law, the intensity of international cooperation increased,

which made it possible to use the capacities of the University's international partners to conduct scientific research and improve the qualifications of teachers.

**6. Do you have firsthand knowledge of the situations of other law schools in Ukraine?**

Most law schools in Ukraine continue to perform their functions. Timely evacuation to areas far from the combat line made it possible to save students and teachers, and some of the evacuated universities were able to take out their book collection and equipment. However, in many universities, there is a lack of resources for conducting scientific research, teachers' salaries are being reduced, and departments are being consolidated.

Among the universities that work with a high degree of efficiency in the conditions of full-scale armed Russian aggression, I would like to name Donetsk State University of Internal Affairs. This educational institution was evacuated from the city of Donetsk (temporarily occupied in 2014) to the city of Mariupol (temporarily occupied in 2022); the university currently operates in the cities of Kropyvnytskyi and Kryvyi Rih. Despite several evacuations, the university kept its teaching staff and students and built the educational base almost from scratch several times. Currently, thanks to an active position in the information space and to international cooperation, Donetsk State University of Internal Affairs actively carries out scientific activities, ensures the work of five scientific publications, and fully provides training for cadets and students.

**7. In general, how would you summarize the impact of the invasion on legal education and scholarship in Ukraine?**

Legal education in Ukraine has a high degree of adaptability, teachers and students participate in the educational process, regardless of the constant enemy's terrorist attacks. In the time that has passed since February 2022, strategies have been developed for the safe implementation of the educational process, and I have not heard anything about the death or injury of students and teachers during classes. Backup means of power supply and provision of access to the Internet make it possible not to reduce the quality of educational and scientific activities. Unfortunately, the possibilities of Ukraine's state budget in the conditions of war are very limited, and Ukrainian law universities need external support to continue scientific research and improve the quality of the pedagogical process.

PART III. Practice of Law

**1. What are the requirements for practicing law in Ukraine?**

The Ukrainian National Bar Association is a non-governmental, self-governing institute that provides protection, representation, and the provision of other types of legal assistance on a professional basis, as well as independently resolves issues of organization and activity of the bar following the procedure established by the Law of Ukraine "On the Bar and Practice of Law."

**2. In general, how has the Russian invasion of Ukraine impacted the practice of law?**

The issue of deferment lawyers from military conscription during mobilization remains unresolved. Cases were observed when lawyers were served with summonses ordering them to report to the territorial recruitment and social support centers (military commissariats) right in the courtroom, while they were performing their defense function.

PART IV. Rule of Law

**1. Please describe Ukraine's legal system.**

According to the Ukrainian legal doctrine, the legal system of Ukraine is a complex entity that includes legal norms, legal relations, law-making, legal ideology, legal awareness, and legal culture. The legal system should be distinguished from the system of law. The system of law is its internal structure, which includes legal branches, legal institutions, and legal norms. The description of the legal system of Ukraine would take many pages, but the most important in its construction is the separation of powers,

the priority of the rights and freedoms of a person and citizen, as well as the participation of citizens in the state management system.

**2. Are courts operating in the area where you live? If yes, are they operating at the same level as before the invasion, or are they only partially open (if at all)? What kinds of cases are being heard?**

Courts in the area where I live are working. There are problems related to the slowdown of justice activities due to air raids and prolonged absence of power supply (the latter was typical for the winter of 2022–2023, in the current period no prolonged blackouts were observed). Among the number of cases under consideration, the share of cases related to draft evasion during mobilization has increased (Article 336 of the Criminal Code of Ukraine).

**3. In general, how has the Russian invasion impacted the rule of law in Ukraine?**

In general, Ukraine continues to be a democratic state with a high level of citizens' awareness of the value of law and legal means for resolving social conflicts. The increase in the share of discretionary powers among officials is not always appropriate; although it meets the requirements of the Law of Ukraine "On the Legal Regime of Martial Law," [it] poses a problem. Low-quality, law-making work creates conflicts in law enforcement practice, although it is explained by the acceleration of the pace of preparation of some laws in the conditions of martial law.

**4. Other than the cases brought before the International Court of Justice, has Ukraine brought claims against the Russian Federation for breaches of international law, including crimes against humanity, in other international tribunals?**

At present, two lawsuits filed by Ukraine are being considered by the Permanent Court of Arbitration (the International Court of Arbitration in the Hague). The lawsuits concern the violation by the Russian Federation of the UN Convention on the Law of the Sea in the territorial waters of Ukraine adjacent to Crimea, the waters of the Black Sea and the Sea of Azov and the Kerch Strait, as well as the violation of the right to peaceful navigation and use of natural resources of the continental shelf. On June 23, 2022, Ukraine filed a lawsuit with the European Court of Human Rights (ECtHR). The subject matter of the lawsuit is related to the violation by the Russian Federation of the European Convention on Human Rights (ECHR) due to the illegal invasion of the sovereign territory of Ukraine. In addition, the ECtHR is considering four more lawsuits filed by Ukraine and more than eight thousand individual lawsuits filed by citizens of Ukraine against the Russian Federation in connection with its armed aggression and violation of human and civil rights.

**V. Commentary: Do you have anything else you'd like to add?**

As a representative of the Ukrainian legal community, I would like to express my immense gratitude to our foreign partners, especially the leadership of the state and colleagues of the United Kingdom of Great Britain and Northern Ireland, for their constant assistance in the face of full-scale Russian aggression. We appreciate your efforts aimed at preserving the potential of Ukrainian legal science and hope that strengthening international integration will benefit both parties.

**QUESTIONNAIRE FOR LEGAL ACADEMICS IN UKRAINE**

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If you aren't comfortable answering a question, or you don't have enough knowledge to answer a question, please leave it blank. Many thanks!

**PART I. General Questions**

**1. Please provide your name.**

Larysa Brych

**2. Where are you currently living?**

The city of Lviv is my permanent residence.

**3. Do you currently have access to reliable communications technology (i.e., wifi)?**

Yes. There is internet both at home and at the university.

PART II. Legal Education**1. Please provide the name of your position (job).**

Professor at the department

**2. What is your institutional affiliation (law school)?**

Lviv State University of Internal Affairs

**3. Before the Russian invasion of Ukraine in 2022, what were your primary responsibilities? Teaching? Research? Writing?**

Teaching, research, creation of scientific results.

**4. How did the Russian invasion impact your responsibilities? Do you still teach, research, write?**

Yes.

**5. Please describe the current situation concerning your institution. Is it still open and serving faculty and students? Does it have an operating law library or other type of library?**

Our higher education institution is working, it has libraries: of printed editions, electronic, institutional repository.

**6. Do you have firsthand knowledge of the situations of other law schools in Ukraine?**

I participated remotely in scientific and practical events held by other higher education institutions. They were focused on the topic of the discussion. At face-to-face events held in Lviv, my colleagues and I did not discuss the situation in their institutions.

**7. In general, how would you summarize the impact of the invasion on legal education and scholarship in Ukraine?**

The same as for the whole of Ukraine. The invasion affects us on a physical, moral, psychological, and material level. Actually, I don't want to say much about it. Is it pleasant to open up pain and wounds?

As for the functioning of the higher education institution in general and each employee in particular, it depends on the proximity of the region to the front line. But even in our region, we felt and still feel the destructive impact of the invasion on legal education and science in Ukraine. Stress and lack of sleep due to air raids do not contribute to the flow of ideas. Last year's problems with energy supply, frequent blackouts interrupted the creative process. In order to maintain the storyline in a complex system project, many types of analytical work had to be started from scratch. This entailed large losses of time, which were compensated by rest time, which in turn led to exhaustion. The same was observed among those who obtained higher education. Due to blackouts, they did not have time to prepare all the planned tasks. Because of air raids, classes had to be postponed.

PART III. Practice of Law**1. What are the requirements for practicing law in Ukraine?**

They are provided for by the Law of Ukraine "On the Bar and Legal Practice," dated July 5, 2012.

**2. In general, how has the Russian invasion of Ukraine impacted the practice of law?**

I am not a lawyer. It is difficult to say.

PART IV. Rule of Law**1. Please describe Ukraine's legal system.**

In the unoccupied territories, all state authorities, including the judiciary, work. The Unified State Register of Court Decisions of Ukraine has resumed its work and is being filled with new decisions of courts of general jurisdiction, including the Supreme Court, that were issued already during the full-scale invasion. The Supreme Court actively applies the practice of the ECtHR. Its decisions are available on the website of the Constitutional Court of Ukraine.

There is a bar and a notary.

**2. Are courts operating in the area where you live? If yes, are they operating at the same level as before the invasion, or are they only partially open (if at all)? What kinds of cases are being heard?**

Courts are open in the area where I live. Personally, I have not applied to the courts since the beginning of the full-scale invasion.

**3. In general, how has the Russian invasion impacted the rule of law in Ukraine?**

This still needs to be thought through.

**4. Other than the cases brought before the International Court of Justice, has Ukraine brought claims against the Russian Federation for breaches of international law, including crimes against humanity, in other international tribunals?**

Yes, Ukraine has submitted several applications to the ECtHR.

**V. Commentary: Do you have anything else you'd like to add?**

When I was filling out the questionnaire, I caught myself thinking that it is unpleasant for me to write about the difficulties for our education and science and about my personal experiences and fears caused by a full-scale invasion.

**QUESTIONNAIRE FOR LEGAL ACADEMICS IN UKRAINE**

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PART I. General Questions**1. Please provide your name.**

Anatolii Movchan

**2. Where are you currently living?**

Lviv, Ukraine

**3. Do you currently have access to reliable communications technology (i.e., wifi)?**

Yes.

PART II. Legal Education**1. Please provide the name of your position (job).**

Professor at the department

**2. What is your institutional affiliation (law school)?**

Criminal procedure and criminology; forensic examination; investigative activity.

**3. Before the Russian invasion of Ukraine in 2022, what were your primary responsibilities? Teaching? Research? Writing?**

1. Teaching academic disciplines at the University for applicants of higher education degrees of bachelor's, master's, and PhD in the specialties of "Law" and "Law Enforcement."
2. Participation in the preparation and certification of applicants for the degree of Doctor of Philosophy and the scientific degree of Doctor of Sciences.
3. Preparation of training manuals, monographs, scientific articles.
4. Preparation of educational and methodical materials for educational disciplines.
5. Participation in scientific and practical conferences, seminars, round tables.
6. Fulfilling the duties of the guarantor of the educational program "Law Enforcement (Police Officers)" for the applicants for a master's degree at the University.
7. Participation in the work of the Scientific and Methodological Commission of the Scientific and Methodological Council of the Ministry of Education and Science of Ukraine.
8. Conducting scientific research on actual problems of practical activity of bodies (subdivisions) of the National Police of Ukraine.

**4. How did the Russian invasion impact your responsibilities? Do you still teach, research, write?**

After the beginning of the Russian<sup>7</sup> invasion of Ukraine, I have continued to perform the same functions that I performed before the full-scale invasion. But during the announcement of the air raids, classes are suspended, and students of higher education descend into shelters. The preparation of educational and methodological materials, scientific publications, theses of speech at scientific events is carried out taking into account the declaration of martial law in Ukraine.

**5. Please describe the current situation concerning your institution. Is it still open and serving faculty and students? Does it have an operating law library or other type of library?**

The educational process continues at the University, taking into account the martial law regime. Scientific activities are conducted in online or mixed mode. Law libraries work at the university.

**6. Do you have firsthand knowledge of the situations of other law schools in Ukraine?**

Yes, I communicate with colleagues from other legal institutions of higher education in Ukraine. The vast majority of them resumed the educational process in a classroom or mixed format, taking into account the martial law regime and the availability of shelter. Some higher education institutions from the territories close to hostilities were forced to relocate to safer regions, where they continue the educational process.

**7. In general, how would you summarize the impact of the invasion on legal education and scholarship in Ukraine?**

In general, I believe that legal education and science have retained their potential and continue the training of legal personnel in Ukraine and scientific research taking into account the martial law regime.

**PART III. Practice of Law**

**1. What are the requirements for practicing law in Ukraine?**

The task of the Bar Association of Ukraine<sup>8</sup> is to promote the practical implementation of the principle of the rule of law in Ukraine and ensure the right of everyone to receive professional legal assistance.

Lawyer activity is carried out based on the rule of law; integrity and professional dignity; independence; loyalty to the client's interests; avoidance of conflict of interest; respect for colleagues by profession; respect for the court and judicial rules; preservation of professional secrecy; compliance with the appropriate quality standards of legal aid.

<sup>7</sup> Editor's note: Professor Movchan has elected not to capitalize this word throughout his response to the questionnaire.

<sup>8</sup> For more on the Bar Association of Ukraine in English, see <https://uba.ua/eng/>.



A lawyer has the right to practice law throughout the territory of Ukraine. A lawyer has the right to practice law outside the territory of Ukraine unless otherwise stipulated by an international treaty, the binding consent of which has been given by the *Verkhovna Rada* of Ukraine, or by the legislation of a foreign state whose jurisdiction extends to the relevant territory.

A lawyer can practice law individually, in the organizational and legal forms of a lawyer's office or a lawyer's association (organizational forms of law practice).<sup>9</sup>

## 2. In general, how has the Russian invasion of Ukraine impacted the practice of law?

From the first days of armed aggression, many lawyers, including members of the self-government bodies of lawyers, joined the ranks of the Armed Forces of Ukraine, territorial defense and voluntarily went to defend the country with weapons in their hands. Those who remained behind are engaged in volunteering and also fulfill their constitutional obligations to provide professional legal assistance. During this time, the bar of Ukraine fully adapted to the new conditions, ensuring full observance of the constitutional guarantee of everyone's right to legal aid. In a short period, the work of the self-management bodies of lawyers was restored and the procedures of their activities were optimized. At the Ukrainian National Bar Association,<sup>10</sup> a fund was created from which the board of trustees regularly allocates aid at the request of lawyers and members of their families, and the "AdvoBat" project, which takes care of humanitarian aid, is also active.

### PART IV. Rule of Law

#### 1. Please describe Ukraine's legal system.

The legal system of Ukraine is integral, structurally ordered through sources of law and other legal means, and [has a] stable interaction of subjects of national law, which ensures the achievement of proper law and order as a necessary condition for the functioning and development of Ukrainian society.<sup>11</sup>

The most significant features of the legal system of Ukraine, which are characteristic of the Romano-Germanic legal family, in particular, are recognition of a normative legal act as the main source of law; all normative legal acts are subject to their legal force, thus forming a certain hierarchical system; according to Art. 8 of the Basic Law of Ukraine—the Constitution of Ukraine has the highest legal force. Laws and other normative legal acts are adopted based on the Constitution of Ukraine and must comply with it; Ukraine is a country of codified law, that is, norms that make up one branch of law are combined in large, internally systematized normative acts. In Ukraine, the Criminal, Land, Family and other codes have been adopted. There are specialized bodies of constitutional justice, in Ukraine the body of constitutional justice is the Constitutional Court of Ukraine. There is a division of law into private and public. Private law includes a set of branches of law, the subject of regulation of which is relations in the sphere of private, individual interests of legally equal subjects with the help of the dispositive method of regulation. Public law includes a set of branches of law, the subject of regulation of which is relations in the sphere of realization of public (state) interests with the help of the imperative method of regulation; assigning the role of the genetic source of the formation of principles of law to legal doctrine; has similar legal principles and concepts in the national legal systems of this type; the presence of clear and effective legal technology.<sup>12</sup>

#### 2. Are courts operating in the area where you live? If yes, are they operating at the same level as before the invasion, or are they only partially open (if at all)? What kinds of cases are being heard?

The judicial system of Ukraine in the conditions of martial law operates on the basis of the provisions of the Constitution of Ukraine and all those Laws and by-laws that existed before the start of

<sup>9</sup> See Law of Ukraine 5076-VI, "On the Bar and Legal Practice," accessed May 8, 2024, <https://zakon.rada.gov.ua/laws/show/5076-17?lang=en#Text>. (Ukrainian language).

<sup>10</sup> The Ukrainian National Bar Association's website includes information in English at <https://en.unba.org.ua/>.

<sup>11</sup> See European Commission, "Commission Staff Working Document: Ukraine 2023 Report," COM2023 final (Nov. 8, 2023), [https://neighbourhood-enlargement.ec.europa.eu/ukraine-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/ukraine-report-2023_en).

<sup>12</sup> *Ibid.*

military aggression. It should be noted that the establishment and operation of any extraordinary or special courts is inadmissible, and therefore the proceedings are carried out by the same courts as before. The peculiarity of the activity of the courts is that many of them were forced to suspend their activities due to the temporary occupation of the territories. According to the orders of the President of the Supreme Court, the jurisdiction of cases is constantly changing, the consideration of cases is transferred from one court to another, but in general, the judicial system continues to work in full without exceptions and administers justice. The category of cases considered by the courts has changed somewhat due to the addition of cases directly related to the conduct of military operations. These are cases directly related to russia's aggression and the crimes committed by them on the territory of Ukraine, as well as cases related to compensation for the damage caused, and some cases related to evasion of military service and those offences committed during military service.

### **3. In general, how has the Russian invasion impacted the rule of law in Ukraine?**

According to a 2023 EU Commission report on Ukraine,<sup>13</sup> Ukrainian institutions have demonstrated their resilience and have implemented the necessary legislative and organizational provisions that recognize the continuation of justice functions during the war. Overall, Ukraine has achieved some success in carrying out the reform of judicial authorities since 2021, the purpose of which is to ensure integrity and professionalism.

### **4. Other than the cases brought before the International Court of Justice, has Ukraine brought claims against the Russian Federation for breaches of international law, including crimes against humanity, in other international tribunals?**

1. Ukraine appealed to the International Court of Justice (ICJ) of the United Nations regarding russia's distortion of the concept of genocide to justify the war, as well as regarding the planning of genocide against Ukrainians (based on the Convention on the Prevention and Punishment of the Crime of Genocide of 1949).
2. The Prosecutor of the International Criminal Court (ICC), Karim Khan, independently initiated proceedings regarding war crimes by russian military personnel (based on appeal to the ICC in 2015 regarding the recognition of the jurisdiction of the Court).
3. On March 7, 2023, the International Criminal Court in The Hague issued an arrest warrant for russian president vladimir putin and russian commissioner for children's rights maria lyova-belova. Both are suspects in the illegal forced transfer of Ukrainian children from the occupied territories of Ukraine to russia during the full-scale invasion.
4. The ECtHR requires the russian government to refrain from attacks on civilians (based on Rule 39 of the Rules of Court).
5. Within the framework of universal jurisdiction, Ukraine is communicating with other countries that are already investigating russia's military aggression, such as Italy, Lithuania, Poland, and the prosecutors of England and Wales.
6. The Human Rights Council has established an Independent International Fact-Finding Mission to "investigate all alleged violations and abuses of human rights and violations of international humanitarian law and related crimes in the context of the russian federation's aggression against Ukraine."<sup>14</sup>
7. Ukraine is investigating war crimes and other crimes committed by combatants participating in the war on the part of russia at the national level.

### **V. Commentary: Do you have anything else you'd like to add?**

<sup>13</sup> Ibid.

<sup>14</sup> See "Request for the indication of provisional measures," Case no. 182, Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (*Ukraine v. Russian Federation*), 182-20220227-WRI-01-00-EN (Feb. 27, 2022), <https://www.icj-cij.org/index.php/node/106124>.