

# Protecting victims of international crimes in criminal proceedings in Ukraine: international experience and national priorities

# Protecting victims of international crimes in criminal proceedings in Ukraine: international experience and national priorities

Developed by the Ukrainian Legal Advisory Group (ULAG) – a Ukrainian NGO that works on Justice and Accountability in context of armed conflict. ULAG helps victims of grave crimes, society, and the state to overcome the aftermath of the war by crafting and promoting solutions that would ensure justice and accountability in Ukraine and globally.



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# Summary

After more than thirty years of independence and over eleven years of ongoing war, Ukraine still lacks adequate legislative regulation and effective procedures to ensure protection in criminal proceedings. The context of the ongoing armed conflict has demonstrated that those affected by it have an urgent need for justice for the grave international crimes committed against them. They also require comprehensive support measures, both within criminal proceedings and beyond, ensuring the protection of their personal information and, in exceptional circumstances, safeguarding their security.

The existing national practice of applying security measures, under the Law of Ukraine “On Ensuring the Security of Persons Participating in Criminal Proceedings”, is primarily focused on preserving testimony that may be vital to high-profile investigations. However, the approaches developed are largely oriented on witnesses – particularly insiders – who may appear in court, making it essential to protect their confidentiality and physical safety.

Although the above need is equally relevant for investigating alleged grave international crimes, implementation mechanisms here have certain characteristics, influenced by the international law standards, case law of various accountability mechanisms and the need to ensure cooperation at the international level (in particular with the International Criminal Court and other countries using the mechanism of universal jurisdiction). General approaches to criminal proceedings in such cases are not suitable, given the scale and specific nature of the trauma and the risks faced by victims. In practice, the situation already results in the application of security measures in such proceedings dependent on the human factor and causes retraumatisation of the victims.

The study identified numerous shortcomings in the national system for ensuring the protection and safety of victims of international crimes, reflecting the overall unsatisfactory state of the victim protection system within the criminal justice system. This situation calls for consistent and comprehensive reform, which would enhance both the quality of criminal investigations in general and the effectiveness and safety of those who work within the criminal justice system. This study highlights the following key areas and directions for change:

- The inability of current legislation to address existing challenges and account for the specific nature of international crimes;
- absence of a single body responsible for coordinating and overseeing the implementation of security measures;
- risks of retraumatisation of the victims;
- inadequate communication with and support for victims, including outside of criminal proceedings;
- challenges in the safety and capacity of criminal justice system personnel;
- the dependence of the implementation of security measures on international assistance, etc.

The legal framework for the protection and safety of witnesses and victims in criminal proceedings is critically outdated and requires substantial revision in accordance with European Union standards and the challenges of the ongoing war. Developing a comprehensive package of legislative and other reforms based on a comprehensive assessment of the risks and needs of victims is a necessary step for Ukraine on its path toward EU membership. Such reforms would not only enable Ukraine to meet its European integration commitments, but would also provide justice and security to the tens of thousands of citizens affected by the war. Despite numerous legislative initiatives, progress on this issue has stalled in parliament and there is likely no consolidated political position supporting a unified systemic solution.

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# List of abbreviations

AI	Artificial intelligence
Coordination Centre, Centre	Coordination Centre for Victim and Witness Support at the Office of the Prosecutor General
CCU	Criminal Code of Ukraine
CoE	Council of Europe
CPCU	<i>Criminal Procedure Code of Ukraine</i>
CRSV	conflict-related sexual violence
Directive 2012/29/EU	<i>Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA</i>
Eurojust	European Union Agency for Criminal Justice Cooperation
ESB	Economic Security Bureau of Ukraine
EU	European Union
ICC	International Criminal Court
ITN	individual tax number
MIA	Ministry of Internal Affairs of Ukraine
NABU	National Anti-Corruption Bureau
NPU	National Police of Ukraine
OPG	Office of the Prosecutor General
RORU	Rapid Operational Response Unit
SBI	State Bureau of Investigations
SSU	Security Service of Ukraine
Strategic Plan	Comprehensive strategic plan for reforming law enforcement agencies as part of Ukraine's security and defense sector for 2023-2027
UNGA	United Nations General Assembly
VRU	Verkhovna Rada of Ukraine

# Introduction

The international armed conflict that has been ongoing in Ukraine since the occupation of the Crimean peninsula in 2014, and escalated with the full-scale invasion of the Russian Federation in February 2022, has led to an unprecedented number of alleged grave international crimes throughout the country. In the context of massive human rights violations and war crimes, securing the rights, safety, and support of victims and witnesses has become critical for both the national justice system and international mechanisms that ensure accountability for these crimes.

## Context, purpose, and objectives of the study

The relevance of this study is determined not only by the need for effective documentation and investigation of international crimes resulting from Russian aggression, but also by the need to build a human-centered justice system as part of ensuring Ukraine's effective path to European integration. The protection of human rights is a fundamental obligation of the state, especially in times of war, despite Ukraine's declarations of derogation from certain obligations under international law. Ukraine declares and consistently implements: human-centered approaches; the principles of "do no harm"; and avoidance of retraumatisation in the processes of administration of justice, documentation, and investigation of war crimes.

At the same time, standards for protecting victims, particularly in cases related to war, are set not only by general EU directives, but also by transitional justice practices. In this context, the person and the restoration of their rights are the cornerstone of building peace, justice, and recovery from trauma. It is important to understand that transitional justice encompasses more than restorative justice, which is part of victim protection approaches in criminal proceedings. Ukraine's strategic course towards full membership in the European Union makes compliance with the *acquis communautaire* in the field of victim protection not just desirable, but a decisive criterion for the success of systemic reforms, emphasising the importance and necessity of bringing national legislation into line with EU standards and practices.

**Given the challenges posed by the ongoing armed conflict in Ukraine, the study focuses exclusively on criminal proceedings concerning alleged grave international crimes. The specifics of investigating these crimes, the relevant standards of international law, and the case law of justice mechanisms demonstrate that victims play an important role in ensuring justice for the consequences of war.**

The victims' demand for effective protection and security in the context of the ongoing war in Ukraine is indeed critical. The willingness of victims to actively and sometimes continuously participate in proceedings as victims and/or witnesses directly depends on their confidence in the effectiveness of the proceedings and their actual safety, especially when living in temporarily occupied or frontline territories. Therefore, building an effective protection and security system is one of the key factors influencing the number of people willing to contribute to documenting war events and, therefore, to building effective justice for international crimes.

However, despite this, Ukraine still lacks a state-level definition of the status of a person affected by war. There is also no effective and updated system for the protection and safety of victims and witnesses in criminal proceedings that would take into account, in particular, the challenges and consequences of international armed conflict. Currently, this issue is regulated only at the level of the Law of Ukraine “On Ensuring the Security of Persons Participating in Criminal Proceedings”, which was adopted back in 1993. Although some amendments to this law were made after the start of the full-scale invasion of Ukraine by the Russian Federation, it still has many shortcomings and does not take into account the standards and requirements of the relevant EU Directives. At the same time, the movement towards EU membership requires full implementation of the standards of the Directives, which is necessary for a positive assessment of compliance. The lack of proper regulation and practice in this area will hinder not only Ukraine’s European integration, but also the accountability of perpetrators of grave crimes committed during the war, which is an important component of the victims’ sense of justice.

**For the purposes of this study, the protection system is understood to be a set of measures that includes:**

- providing support to victims involved in criminal proceedings within the framework of relevant state guarantees and additional involvement of stakeholders;
- legal mechanisms applied in criminal proceedings and aimed at preventing retraumatisation of victims and witnesses;
- security measures that may be applied in exceptional cases and are dictated by the objectives of justice.

The aim of this study is to contribute to the development of an effective system for the protection of victims and witnesses in Ukraine in criminal proceedings concerning the most serious international crimes, by harmonising national legislation and practices with international standards and the requirements of EU Directive 2012/29/EU in the context of European integration.

**To achieve the aim of the study, the following objectives were formulated:**

- to analyze Ukraine’s national legislation (including relevant draft legislation in Parliament) and compare it with international standards (EU, ICC, experience of countries with transitional justice) regarding the rights and protection of victims of grave international crimes;
- to assess the main risks and challenges to the safety of victims of international crimes in Ukraine caused by the armed conflict, as well as the effectiveness of the existing system of security and support measures, including the infrastructure of the responsible authorities;
- outline possible national priorities and practical recommendations for reforming the protection system, preventing retraumatisation, and ensuring effective security measures for victims in Ukraine, in particular to ensure the state’s effective progress towards European integration.

## Structure of the study

This study consists of a methodology overview and four main chapters covering the following issues:

- challenges faced by victims of grave international crimes due to their participation in criminal proceedings;
- the impact of the armed conflict context on the safety of victims and on the working conditions of the authorities implementing security measures;
- the specifics of the work and infrastructure needs of the relevant authorities in Ukraine;
- the focus of planned reforms in the development of the victim protection system in criminal proceedings and the failure to take into account the challenges posed by the armed conflict.

The study also includes key findings and recommendations for authorities and international partners (regarding the adaptation of national legislation, the development of institutional infrastructure, the introduction of comprehensive approaches to protecting victims of grave international crimes, etc.). The study details the impact of information about criminal proceedings on the protection of victims, ways to prevent retraumatisation, and analyzes the ability of authorities to provide adequate protection.

# Methodology

This study is a comprehensive, interdisciplinary, and comparative legal analysis aimed at assessing the effectiveness of the national system for the protection of victims and witnesses of grave international crimes in Ukraine. It also seeks to develop approaches to strengthening Ukraine's capacity on its path towards accession to the European Union, in the context of ensuring and complying with standards for the protection of victims and witnesses in criminal proceedings, in particular in cases related to international crimes.

The study was conducted by an expert group composed of specialists in international law, criminal procedure, human rights, and transitional justice. The work was based on the **principles** of objectivity, independence, confidentiality of information sources, and a comprehensive analysis of facts.

The research **lasted** one year, from October 2024 to October 2025.

**The key phases** of the research included:

- analysis and systematisation of Ukraine's legal and regulatory framework;
- collection and analysis of international standards and best practices of other countries, as well as accountability mechanisms;
- analysis of Ukraine's commitments and standards within the framework of the European integration process;
- assessment of law enforcement practices and the institutional capacity of national law enforcement and justice authorities;
- development of recommendations and national priorities.

In the course of the study, relevant consultations and in-depth interviews were conducted with criminal justice experts and practitioners: a one-day meeting of a group of experts and criminal justice system representatives in November 2024; 10 in-depth interviews with Ukrainian judges, investigators, prosecutors, and lawyers from different regions, including those with experience in proceedings concerning grave international crimes<sup>1</sup>; an interview with an international expert on witness protection and security. In addition, reports relevant to the objectives of the study were separately collected and subjected to detailed analysis. These included analytical reports, reports by national human rights organisations and international organisations, as well as various findings from studies examining victims' perceptions of justice in relation to international crimes (a total of 10 documents, referenced throughout the text of this study).

The study is based on several working **hypotheses**, which were verified through comprehensive analysis and expert consultations:

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<sup>1</sup> The study contains selected quotes obtained during in-depth interviews conducted by ULAG experts with specialists in the field of criminal justice. All quotes are anonymous, with no mention of personal data or the position of the person concerned. The full data from the interviews are available to the Ukrainian Legal Advisory Group

- **Legislative inconsistency:** The current legislative framework of Ukraine, in particular the 1993 Law “On Ensuring the Security of Persons Participating in Criminal Proceedings”, is outdated, fragmented, and does not address the key challenges and specific needs of victims of the grave international crimes.
- **EU integration link:** The successful implementation of EU Directive 2012/29/EU and the harmonisation of national legislation and practice are critical for fulfilling European integration commitments and developing an effective national system for the protection of victims of grave international crimes, including ensuring meaningful international cooperation in their investigation.
- **Low institutional effectiveness:** The absence of a single coordinating body, insufficient funding for security measures, and the failure of individual agencies to take into account existing practices for ensuring the safety of victims and witnesses lead to a significant influence of the human factor, reduce the effectiveness of the protection measures applied, and increase the risks for vulnerable categories of victims.

To achieve the set aim and objectives of the study, a number of complementary **methods** were used: analytical and comparative legal method (analysis of legislation, international standards, transitional justice approaches, the case law of international tribunals and the legislation of other countries; and review of other studies on the subject); institutional and functional analysis method (assessment of the system capacity, particularly infrastructure; distribution of functional responsibilities and the level of interaction between authorities, etc.); and empirical method (experience of ULAG lawyers, other specialists, and civil society organisations working with victims of international crimes; in-depth interviews with representatives of the criminal justice system; expert discussions; direct and indirect study of the needs and requests of victims).

There were certain objective **limitations** in preparing the study.

The study focuses directly on the issue of protection and safety of victims and witnesses<sup>2</sup> in criminal proceedings. At the same time, the social, economic, psychological, and other needs of victims (which are obviously part of their request for state support) were partially covered, but were not the main subject of analysis in the study.

The study encompasses the analysis of data available during the period of its conduct and is limited by the availability of public and official information. The analysis was based primarily on public sources, regulatory acts, draft laws, and other publicly available data. There was no direct access to criminal proceedings, decisions on the application of specific security measures, and other sensitive information, in particular for security and confidentiality reasons.

The study also uses references to international documents and EU standards in their original language (mainly English) due to the lack of official translations or the poor quality of existing unofficial translations into Ukrainian.

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<sup>2</sup> Witness protection and security measures are not a separate focus of the study, but are considered together with the issue of such measures for victims in the context of reviewing and analyzing basic standards, as well as in the context of criminal proceedings concerning grave international crimes, in which victims may act as witnesses in various cases.

# Victims of grave international crimes and challenges arising from their participation in criminal proceedings

## 1.1 Categories of victims: Ukrainian legislation and international standards

A person who has suffered from a criminal offense must receive formal recognition of their legal status in the proceedings<sup>3</sup>. Accordingly, the role that such a person will play in the case directly affects their protection options. National legislation and international standards distinguish between different levels of guarantees for victims of crime. Accordingly:

- a victim is a person who has suffered harm (physical, material, psychological, etc.), files a complaint with the judicial authorities, and actively participates in the proceedings<sup>4</sup>;
- a witness is a person who can provide essential information for criminal proceedings and is involved in procedural actions<sup>5</sup>.

The Criminal Procedure Code of Ukraine enshrines the general rights of victims and witnesses in criminal proceedings. However, the Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings"<sup>6</sup> – essentially the key law regulating the protection of persons in criminal proceedings – establishes a list of categories of persons who are entitled to security measures. The two pieces of legislation take different approaches to understanding the capacity in which victims of the grave international crimes can act in the context of the application of security measures:

### 1. Persons who reported a crime or assisted in criminal proceedings<sup>7</sup>.

The CPC of Ukraine does not provide for the status of such persons. The closest equivalent is the applicant in criminal proceedings as a person who has information about the committed crime<sup>8</sup>.

<sup>3</sup> Victims are persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. // UN General Assembly Resolution No. 40/34, 29 November 1985: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>.

<sup>4</sup> Annex 1.

<sup>5</sup> Annex 1.

<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/3782-12#Text>

<sup>7</sup> Article 2(a) / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, No. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

<sup>8</sup> The applicant is a natural or legal person who has filed a statement or report of a criminal offense with a state authority authorised to initiate a pre-trial investigation and is not a victim. / Article 60 // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, No. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

However, they are not on a par with victims. The boundaries of this category remain unclear.

## 2. The victim and their representative<sup>9</sup>.

These are key categories in criminal proceedings, as their status is linked to the harm caused by the crime<sup>10</sup>. Relatives of the deceased may also be victims. In the context of security measures, representatives of victims<sup>11</sup> are singled out as separate subjects of protection, which emphasises their procedural importance, although it requires greater independence in the CPC of Ukraine.

## 3. Civil plaintiff and their representative<sup>12</sup>.

Their status is closely linked to that of the victim in criminal proceedings, as the basis for a damages claim is the harm caused to the person by the crime<sup>13</sup>.

## 4. Witness<sup>14</sup>.

The value and significance of a witness in the proceedings is determined by the information they can provide<sup>15</sup>. Their rights are limited compared to those of victims<sup>16</sup>. The participation of lawyers in proceedings concerning grave international crimes remains rare.

## 5. Family members and close relatives of participants in the proceedings<sup>17</sup>.

They may be subject to protection in the event of threats or pressure, but the definition of the category is quite broad under the CPC of Ukraine<sup>18</sup>. However, the law does not define clear criteria for evaluating their risks and the order of priority of their protection compared to participants in the proceedings.

If we look at the experience of other countries, national legislation defines the categories of participants in criminal proceedings who are entitled to protection, and the limits of such protection. At the same time, persons who have suffered harm as a result of a criminal offense and can provide information necessary for the case have priority guarantees. Given the context of the ongoing interna-

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9 Article 2(6) / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, No. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

10 Article 55 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

11 Articles 56, 58 // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

12 Article 2(r) / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

13 Articles 61-63 // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

14 Article 2(д) / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

15 Article 65 // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

16 Article 66 // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

17 Article 2(e) / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

18 Husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, grandson, granddaughter, great-grandson, great-granddaughter, adoptive parent or adopted child, guardian or custodian, a person under guardianship or custody, as well as persons who live together, are connected by common household and have mutual rights and obligations, including persons who live together but are not married / Article 3(1)(1) // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

tional armed conflict in Ukraine, it is important to pay special attention to the approaches of countries that have experience in finding effective solutions in similar situations.

According to **Croatia's** Witness Protection Act, the right to protection for a participant in criminal proceedings is directly linked to the value of the information that such a person can provide in the proceedings, as a result of which they are at greater risk<sup>19</sup>. The law defines a vulnerable person as a witness or other person whose inclusion in the Protection Program is justified by the likelihood of a significant threat to their life, health, physical integrity, freedom, or property, due to the importance of their information for criminal proceedings<sup>20</sup>. Along with them, vulnerable persons' next of kin – members of the vulnerable person's household – as well as other persons identified by the vulnerable person and for whom a request for inclusion in the Protection Program has been submitted, also have the right to protection<sup>21</sup>. In addition, an important feature of Croatian law is that a participant in criminal proceedings who is subject to security measures has the opportunity to independently determine the circle of close persons who may also be at risk.

Under Serbian law, protection by consent may be used by a participant in criminal proceedings – a suspect, accused, witness, victim, expert – and their next of kin, for whom the participant in criminal proceedings submits a request for inclusion in the Protection Program<sup>22</sup>. The condition for the application of protection programs is that the persons concerned are exposed to danger to their life, health, physical integrity, freedom, or property as a result of giving testimony or information that is important for proving a case in criminal proceedings<sup>23</sup>.

At the same time, specialised mechanisms of accountability offer specific approaches to victims of grave international crimes who are entitled to protection in criminal proceedings. In particular, Kosovo's legislation provides for a comprehensive approach to the protection of participants in criminal proceedings in war crimes cases heard by the **Kosovo Specialist Chambers**<sup>24</sup>. Thus, in criminal proceedings, protection applies to witnesses, victims who are involved in the proceedings as process, close relatives of witnesses or victims (if they are also in danger), and other persons who have valuable evidence and have agreed to cooperate<sup>25</sup>.

The investigation of grave international crimes is carried out within the general framework of criminal proceedings. Different justice mechanisms or country practices may provide for specific roles for victims of such crimes or additional guarantees for their protection, but within the legal status of a victim or witness. Notably, victims of grave international crimes may also act as witnesses in proceedings, particularly if they can provide information about violations committed against other persons or do not wish to be involved as victims. The direct protection of victims in criminal proceedings is closely linked not only to the application of security measures, but also to the effective implementa-

19 Zakon o zaštiti svjedoka, 3 August 2017: <https://www.zakon.hr/z/285/zakon-o-zastiti-svjedoka>.

20 Zakon o zaštiti svjedoka, 3 August 2017: <https://www.zakon.hr/z/285/zakon-o-zastiti-svjedoka>.

21 Zakon o zaštiti svjedoka, 3 August 2017: <https://www.zakon.hr/z/285/zakon-o-zastiti-svjedoka>.

22 Zakon O Programu zaštite ucesnika u krivicnom postupku, 1 January 2006: [https://www.paragraf.rs/propisi/zakon\\_o\\_programu\\_zastite\\_ucenika\\_u\\_krivicnom\\_postupku.html](https://www.paragraf.rs/propisi/zakon_o_programu_zastite_ucenika_u_krivicnom_postupku.html).

23 Zakon O Programu zaštite ucesnika u krivicnom postupku, 1 January 2006: [https://www.paragraf.rs/propisi/zakon\\_o\\_programu\\_zastite\\_ucenika\\_u\\_krivicnom\\_postupku.html](https://www.paragraf.rs/propisi/zakon_o_programu_zastite_ucenika_u_krivicnom_postupku.html).

24 The report examines the experience of the Republic of Kosovo in the context of the Kosovo Specialist Chambers – a justice mechanism for grave international crimes created with EU support.

25 Law "On Specialist Chambers and Specialist Prosecutor's Office", № 05/L-053, 3 August 2015: [https://www.scp-ks.org/sites/default/files/public/05-l-053\\_a.pdf](https://www.scp-ks.org/sites/default/files/public/05-l-053_a.pdf). Rules of Procedure and Evidence before the Kosovo Specialist Chambers including Rules of Procedure for the Specialist Chamber of the Constitutional Court, 5 May 2020: <https://www.scp-ks.org/en/documents/rules-procedure-and-evidence>. Kosovo Criminal Procedural Code, 14 July 2022: <https://md.rks-gov.net/wp-content/uploads/2024/07/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>.

tion of their other rights in the process. In particular, this includes the manner in which investigative actions are conducted, the provision of information on the results of the proceedings, the protection of the secrecy of the investigation, and restrictions on the dissemination of information, etc.

## 1.2 Informing victims and witnesses about their rights in criminal proceedings

Communication with victims in proceedings remains one of the biggest challenges in investigating the consequences of the international armed conflict in Ukraine. Insufficient attention is paid to informing victims about their rights and how to exercise them. As a result, such persons may not know that they have the opportunity to seek protection and assistance in the process.

The CPC of Ukraine takes a purely formal approach to informing participants in proceedings about their rights. The only requirement is that the investigator/prosecutor who accepted the crime report must provide the victim with a memo about their rights and obligations<sup>26</sup>. This document is a formal confirmation of the person's interaction with the investigating authority, but does not guarantee that their rights have been explained to them or that they understand how to exercise them. When it comes to witnesses, the only obligation of the investigator/prosecutor in the process is to explain their right to refuse to testify. The CPC of Ukraine does not require the pre-trial investigation body or the prosecutor's office to provide explanations of other guarantees available to them<sup>27</sup>.

Victims of armed conflict mostly try to obtain information about the assistance and guarantees available to them in criminal proceedings on their own. When surveyed, experts working with victims and the victims themselves indicated the following sources of such information: *«Mostly, it's the internet. Or, for example, if they come to some compact settlement, there are many business cards there, and a person who can tell them what foundations are available, what help they can get, and so on. Most of them, you know, use the internet, messengers, Telegram channels, and Instagram. A lot of people use them, even elderly women and men. It's all "Google to the rescue". There are also, by the way, very good chat rooms – for displaced persons, chat rooms by city, for example, "Displaced Persons – Dnipro." A lot of information is posted there as well.»*<sup>28</sup>

The development of a support infrastructure for victims at the level of the prosecutor's office includes informing victims and witnesses as one of its tasks. Thus, the coordinators of the Coordination Centre shall: inform victims and witnesses about available support measures; explain their rights in the proceedings; provide information on the status of the investigation; notify them of scheduled court hearings and their results; and inform them about what to expect from the criminal justice system<sup>29</sup>. It is also important to explain to victims the possible risks they face, how to identify them, and how to respond in a timely manner. It is important that victims and witnesses can trust investigators/prosecutors and coordinators when communicating with them and understand what assistance and security measures they can expect during the proceedings.

26 Article 55(2) / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

27 Article 65(4) / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

28 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>

29 Concept for the implementation of the Mechanism for the Support of Victims and Witnesses of War and Other International Crimes // Order of the Prosecutor General, No. 103, 11 April 2023: <https://zakon.rada.gov.ua/laws/show/v0103905-23#Text>.

However, a continuing challenge in practice is that the Center's coordinators do not have procedural status in criminal proceedings. Accordingly, information about the progress and outcome of specific criminal proceedings, procedural decisions, and scheduled court hearings is beyond their scope of competence. Although internal documents oblige prosecutors to cooperate with them<sup>30</sup>, such cooperation cannot go beyond the provisions of the CPC of Ukraine. Therefore, unless changes are made to criminal procedural legislation, it is impossible to say that the Coordination Centre can effectively inform victims in practice.

One of the key responsibilities of the state in relation to victims in criminal proceedings is to duly explain their procedural rights and the means of exercising them, as well as to inform them about the progress and results of the investigation. In particular, **EU standards** emphasise that judicial authorities should provide extensive information proactively on their own initiative, rather than placing the burden of finding such information on victims<sup>31</sup>. The individual needs and personal circumstances of victims must always be duly considered when providing information in each particular case. For example, it would not be enough to post information on websites without referring to such a website in an information leaflet. Alternatively, a reference to a website may not be appropriate for a person who does not own a computer<sup>32</sup>.

Victims of crime must have accessible ways to report offences committed against them. For example, under a directive from the Federal Government of **Germany**, any person who has witnessed or been a victim of war crimes (e.g., in Ukraine) can immediately contact any police station. The police conduct an initial interview, provide basic information, including in Ukrainian, and forward the data to the competent authorities<sup>33</sup>.

The informing mechanisms used in different countries include both offline and online tools. Many governments launch special information websites and hotlines for victims. Justice mechanisms provide information about the work of institutions in communities affected by the armed conflict and post general information for victims on their websites<sup>34</sup>. For example, the German Federal Criminal Police created a website with advice on how to report war crimes committed in Ukraine<sup>35</sup>. Such platforms conveniently complement traditional channels (search databases and official publications of investigation results).

An important aspect of ensuring the rights of victims in criminal proceedings is informing them about the support measures available to them during the process. In addition to demonstrating at-

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30 On the Organisation of the Activities of the Prosecution Authorities in Relation to Support for Victims and Witnesses // Order of the Prosecutor General, No. 263, 28 October 2024: <https://zakon.rada.gov.ua/laws/show/v0263905-24#Text>.

31 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 18-19 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf). Annex 2.

32 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 18-19 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

33 Information flyer for Ukrainian citizens in Germany: [https://www.bka.de/SharedDocs/Downloads/DE/IhreSicherheit/FlyerZeugengewinnung\\_Ukraine.pdf?\\_\\_blob=publicationFile&v=5](https://www.bka.de/SharedDocs/Downloads/DE/IhreSicherheit/FlyerZeugengewinnung_Ukraine.pdf?__blob=publicationFile&v=5)

34 Mission: Outreach. Engaging with people most affected by crimes // International Criminal Court: <https://www.icc-cpi.int/about/outreach/>

35 Report war crimes as a witness // Federal Office for Migration and Refugees: <https://www.germany4ukraine.de/SharedDocs/Meldungen/UA/2023/0217-kriegsverbrechen-melden.html>.

tention to the needs of victims in criminal proceedings, such measures also help build trust with the justice system. In particular, **EU instruments** stipulate that investigators must ensure that victims are informed about support available and that they ask victims how they would feel most comfortable communicating with the relevant services.<sup>36</sup> The effectiveness of informing victims about their rights and the available means of support directly depends not only on the level of cooperation between the authorised state bodies, but also on their interaction with international and national organisations working with victims<sup>37</sup>.

In addition, in order to comprehensively support victims (not only within the framework of criminal proceedings), states that have suffered the effects of large-scale international crimes adopt and implement appropriate nationwide programs, provide social protection to such persons, and implement comprehensive measures in the field of transitional justice. For example, after the 1994 genocide, the government of **Rwanda** established the National Unity and Reconciliation Commission (NURC) and a system of community courts called “Gacaca”, through which victims could personally share information about the deaths of their relatives. Although the Gacaca courts have faced criticism, these processes have given many victims the opportunity to learn about the fate of their loved ones and hear the confessions of the perpetrators<sup>38</sup>. The Rwandan government has also passed a law on victim assistance, which provides annual funding for a special fund for victims amounting to 5% of the budget<sup>39</sup>.

The results of the needs and risk assessment for victims in criminal proceedings determine, among other things, the support measures that such a person can count on during the process. Decisions on the application of these measures and the establishment of cooperation between judicial authorities and relevant organisations providing services can be based on an individual approach. **EU standards** stipulate that a more effective communication option is to create special platforms for interaction or responsible centers for coordinating activities between different stakeholders<sup>40</sup>. For example, one approach is to establish a single agency for victims, which will act as a contact point and be responsible for informing and liaising between victims and all involved authorities. However, simply posting information on the official website of the authority is not sufficient to ensure that victims receive the necessary information effectively.

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36 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 14 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

37 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 15-16 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

38 The Justice and Reconciliation Process in Rwanda: <https://www.un.org/en/preventgenocide/rwanda/assets/pdf/Backgrounder%20Justice%202014.pdf#:~:text=The%20Gacaca%20trials%20also%20served,their%20family%20members%20and>.

39 Rwanda: Law No. 11/1998 of 1998 Amending and Completing the Law No. 2/1998 of 22 January 1998 Establishing a National Assistance Fund for the Neediest Victims of Genocide and Massacres Committed in Rwanda Between 1 October 1990 and 31 December 1994: <https://www.refworld.org/legal/legislation/natlegbod/1998/fr/27352#:~:text=Article%20one%3A>.

40 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 15-16 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

## 1.3 The impact of the armed conflict in Ukraine on the protection of victims and witnesses

### Survey results: victims' expectations of the state

Since the start of the international armed conflict in Ukraine in 2014, law enforcement agencies have found it difficult to identify victims. It is particularly difficult to access those who are in the occupied territories and to create conditions for their safe participation in proceedings. After the full-scale invasion of Ukraine by the Russian Federation in 2022, the number of crimes committed increased tenfold, as did the number of victims in various regions. As of September 2025, more than 180,000 criminal proceedings have been registered under Article 438 of the Criminal Code of Ukraine<sup>41</sup>. This figure reflects the situation exclusively for the period starting from 24 February 2022. Although these statistics are regularly updated and published, there is no publicly available information on the number of persons recognised as victims in cases involving grave international crimes.

The results of a survey of victims of the armed conflict in Ukraine show that the vast majority of people (83%) consider access to justice to be extremely important<sup>42</sup>. However, the willingness of individuals to actively participate in the process is influenced by such factors as:

- victims are not confident about the effectiveness of criminal proceedings<sup>43</sup>;
- it is difficult for victims to be emotionally involved in the process and to be active participants in the proceedings<sup>44</sup>;
- victims do not feel that participation in the proceedings is justified compared to the risks that arise, in particular because the victims themselves or their relatives live in the occupied areas;
- previous negative experiences of interaction with representatives of the justice system<sup>45</sup>;
- low level of trust in representatives of the justice system<sup>46</sup>, etc.

As a result, survivors may remain passive participants in the process and are unwilling to exercise their rights as victims. In particular, 83% of respondents do not wish to participate in court

41 Office of the Prosecutor General: <https://www.gp.gov.ua/>.

42 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>

43 "Such sentences are simply ineffective. They are handed down and that's it. You know, just to put them to bed and that's it. And then nothing... No one will capture him, no one will catch him. No. It will not be effective. It will not come into effect." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

44 "It's not that there is a reluctance to accuse them. It's a reluctance... When it comes to the grave crimes, it's emotional. You have to listen to all these stories. And not everyone can handle that." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>

45 "If it's going to be our judicial system in Ukraine, then I probably wouldn't want to participate. Because we already have experience with years of legal wrangling. I wouldn't want to get involved with our courts again. Because I already know what our courts are like." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

46 "I don't trust the Kherson law enforcement agencies in particular. Everyone says that Kherson was conceded very quickly because everything was leaked to the Russians, and the Kherson SSU agents were searched for throughout the country. Therefore, at the time of the investigative experiment, I had a great distrust of them. It was easier for me to testify to a prosecutor from another region." / "Cooling Effect. Motivation of Victims to Participate in the Justice Process and Their Support along the Way" // MIHR, 2024: [https://mipl.org.ua/wp-content/uploads/2024/04/victims-3\\_en-1.pdf](https://mipl.org.ua/wp-content/uploads/2024/04/victims-3_en-1.pdf).

proceedings concerning grave international crimes<sup>47</sup>. Among those who indicated a willingness to be involved, the majority (72%) see themselves as witnesses, while 17% of respondents indicated that they would be victims<sup>48</sup>.

## Connection to the occupied territories

The connection of victims with the occupied territories poses a challenge to the effectiveness of cases. The very fact that they live in areas outside the control of the Ukrainian government makes it virtually impossible to obtain testimony, conduct investigative actions, and interact with pre-trial investigation authorities<sup>49</sup>. At the same time, those victims and witnesses who returned to the occupied territories or had relatives there<sup>50</sup>, perceived their active participation in criminal proceedings as a risk of possible persecution of them or their next of kin by the occupying authorities.<sup>51</sup>

“ We have cases where we find deported, expelled people (from the occupied territories). We start talking to them, the person confirms the fact of their deportation, but refuses to testify because they have relatives in the occupied territory and fear for their fate and for themselves if they were to return to this territory. For me, such victims [victims who are willing to testify] are worth their weight in gold, because people simply refuse to participate in proceedings<sup>52</sup>.

In general, experience in working with victims and witnesses from the occupied territories has only developed in certain regional pre-trial investigation and prosecution authorities, in particular those relocated from the Crimean peninsula or those with jurisdiction over the occupied parts of Donetsk and Luhansk regions, and that actually documented and investigated crimes in the occupied territories. At the same time, employees of these agencies indicate that the most common request from victims and witnesses from the temporarily occupied territories in proceedings is to conceal their personal data. However, in practice, there is still no regulation of this process<sup>53</sup>.

47 "It's a personal feeling, but I don't want to, I can't explain it. But I had a very close person, she was a victim, I testified with her, but I don't want to anymore, it's very difficult psychologically." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

48 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

49 "I think so. They are afraid. Not only are they afraid, that they know this, this information, and [but also] as witnesses, they know that some [Russian] authorities may be interested in them. Even we [Ukrainians] have people who will put information where it should not be. Who saw what. That means you can't even be sure of the people who are around you. So, yes, people are afraid. And some may not want to testify at some point, fearing for their lives. That can be. A person who has gone through whatever they went through during the occupation may not trust anyone today. Even if they were liberated from the occupation, or left the occupation on their own, it's 100% possible that they may not trust anyone. They may not even trust our authorities here. They may fear for their lives if someone finds out who they are. That is, all people are different and anything can be. Some people are not afraid of anything. Others believe that "I must. It is my civic duty to report everything." Others will say that they left the occupied territory and thank God for that. This is the human factor, so to speak." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

50 Interview conducted by ULAG experts with the prosecutor of the regional prosecutor's office on 9 July 2025. Interview conducted by ULAG experts with an investigator of a regional NPU department on 19 August 2025.

51 The systematic practice of detentions and enforced disappearances of persons in the occupied territories has been documented in reports by international organisations. In particular, Arbitrary Detentions, Torture, and Ill-Treatment in the Context of the Armed Conflict in Eastern Ukraine: 2014–2021 // Office of the United Nations High Commissioner for Human Rights (OHCHR), 2021: [https://www.ohchr.org/sites/default/files/Documents/Countries/UA/UkraineArbDetTorture\\_UA.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/UA/UkraineArbDetTorture_UA.pdf).

52 Interview conducted by ULAG experts with the prosecutor of the regional prosecutor's office on 9 July 2025.

53 Interview conducted by ULAG experts with the prosecutor of the regional prosecutor's office on 9 July 2025.

## Risk of prosecution for crimes against national security

After the full-scale invasion, the willingness of victims to actively participate in the justice process was also influenced by the development of the practice of prosecuting crimes against the foundations of Ukraine's national security. In March 2022, Article 111-1 was added to the Criminal Code of Ukraine, which provides for criminal liability for collaboration.<sup>54</sup> The article's wording is quite broad, leaving room for arbitrary interpretation of individuals' actions within this qualification<sup>55</sup>. In view of its application in practice, victims in regions liberated from Russian occupation, or where active hostilities continue and the risk of Russian occupation remains, are concerned that their actions may be perceived as offences. As a result, they may be reluctant to interact with the justice system.

Given the victims' demands in relation to the justice process, their safety in proceedings directly affects the number of people willing to actively participate and testify about grave international crimes. The willingness of victims to participate in justice processes also depends to a large extent on the state's ability to identify and meet their needs, not only in the legal sphere, but also in terms of social, medical, and psychological support.

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54 Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Establishment of Criminal Liability for Collaboration" // Verkhovna Rada of Ukraine, 03 March 2022: <https://zakon.rada.gov.ua/laws/show/2108-20#Text>.

55 Survival or crime: how Ukraine punishes collaborationism. Analytical report / Sinyuk O., Deputat D., Vyshnevskaya I., Volkovynska V., Chervonna V., Ielgulashvili M.; ed. Lunova A. – Kyiv, 2024: <https://zmina.ua/en/publication-en/survival-or-crime-how-ukraine-punishes-collaborationism/>. Responsibility for collaboration: how has judicial practice changed? Analytical report / Deputy D., Sinyuk O., edited by Lunova A., Pavliuk A., Kapalkina I. - Kyiv, 2025: <https://zmina.ua/en/publication-en/liability-for-collaborationism-how-has-judicial-practice-changed/>

## 2. Assessment of needs and risks for victims

### 2.1 Approaches by the EU, the ICC and Ukraine

International standards governing interaction with victims in criminal proceedings require an assessment of their individual needs and risks. In particular, this practice has been introduced in the work of the International Criminal Court and is provided for in EU Directive 2012/29/EU, which is to be implemented by Ukraine. The overall goal of such an assessment is to bring the justice process closer to the victim, while identifying specific measures that will help avoid vulnerability and reduce the risk of secondary victimisation, intimidation, and retaliation<sup>56</sup>.

In order for the results of the assessment to be used in practice for the effective realisation of victims' rights, they must:

- identify the needs of the victim taking into account their personal characteristics, the type and circumstances of the crime, and the relationship between the victim and the offender<sup>57</sup>. Accordingly, they may need legal advice or support (preparation of documents, representation of interests in the proceedings), assistance with accommodation and logistics, medical and psychological assistance, etc.<sup>58</sup>;
- determine whether the victim's security is at risk and what measures may be appropriate to protect them<sup>59</sup>. At the same time, in order to develop an effective protection program, an additional assessment of the situation may be required by the authorities responsible for implementing security measures.

**EU standards**, in particular, leave it to the discretion of the states to determine which authorities carry out such risk assessments. The responsible entities may vary depending on the stage of the criminal proceedings – pre-trial investigation or trial. Such an assessment may also be carried out

56 Article 22 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

57 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 44-45 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

58 Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony // ICC, 12 August 2011: [https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2011\\_12190.PDF](https://www.icc-cpi.int/sites/default/files/RelatedRecords/CR2011_12190.PDF).

59 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 44-45 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

repeatedly at different stages, if appropriate in a particular case<sup>60</sup>. At the same time, the practice of assessing needs and risks is generally introduced for all victims and witnesses in proceedings, which may vary depending on the category of victims (victims of war crimes, children, and other categories).

In addition, these approaches are part of the work of specialised victim units established within various justice mechanisms. In particular, this practice has also been introduced at the **International Criminal Court**. The ICC Registry has a specialised Victims and Witnesses Unit. Together with the Office of the Prosecutor of the ICC, it provides protective measures and security arrangements, counseling, and other appropriate assistance to witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses.<sup>61</sup> This unit within the ICC system serves as a model for mediation and interaction between victims, witnesses, and the Court.

Currently, **Ukrainian** legislation does not oblige investigators, prosecutors, and judges to assess the needs and risks for victims in criminal proceedings. Despite the lack of established procedures, a similar approach exists in various forms at the level of investigation. Investigators and prosecutors who decide on the application of security measures, particularly in criminal proceedings concerning grave international crimes, communicate with victims and witnesses and identify the risks to them in the process<sup>62</sup>. However, the approaches depend on the personal experience and vision of the investigator or prosecutor. There remains a need to develop consistent practices and take into account international standards that define the specifics of working with this category of victims. At the same time, the OPG Coordination Centre assesses the needs of victims of grave international crimes for the purposes of its work, focusing on the types of assistance that can be provided to them during the process<sup>63</sup>.

## 2.2 Steps towards strengthening the practice of needs and risk assessment for victims in Ukraine

Interaction between representatives of the Ukrainian justice system and victims of grave international crimes is fragmented. The search for effective solutions for assessing the needs of victims and witnesses continues. However, statistics demonstrate a risk that victims and witnesses will not receive the necessary support and that threats to their safety will not be met with a timely and effective response.

When developing further solutions for building an effective system for assessing the needs and security of victims and witnesses at the national level, the following should be taken into account:

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60 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, pp. 44-45 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_en.pdf)

61 Article 43 / Rome Statute of the International Criminal Court // ICC, 17 July 1998: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

62 Interview conducted by ULAG experts with an investigator from the regional department of the National Police of Ukraine on 19 August 2025. Interview conducted by ULAG experts with a prosecutor from the Office of the Prosecutor General on 9 July 2025.

63 Notes from a meeting with representatives of the national justice system, conducted by ULAG on 26 November 2024. Beneficiaries' Institutional Capacities And Needs In The Area Of Victim Support In War Crimes Cases In Ukraine // UNDP, 2024: [https://www.undp.org/sites/g/files/zskgke326/files/2024-08/access\\_to\\_justice\\_for\\_victims\\_of\\_war\\_crimes\\_in\\_ukraine\\_31\\_07\\_24.pdf#:~:text=2,fragmented%20and%20far%20from%20sufficient.](https://www.undp.org/sites/g/files/zskgke326/files/2024-08/access_to_justice_for_victims_of_war_crimes_in_ukraine_31_07_24.pdf#:~:text=2,fragmented%20and%20far%20from%20sufficient.)

- 1. Introduction of a comprehensive approach** – the assessment procedure should take into account the functions and powers of all responsible authorities in Ukraine. The assessment itself should include several stages, in particular, the initial identification of threats and further identification of the support needs; an ongoing risk assessment; and selection of appropriate security measures, etc. In addition, it can be helpful to introduce tools to systematise experience in different categories of cases, perform analysis, and forecast risks for victims.
- 2. Ensuring cross-sectoral cooperation** – the assessment procedure should provide for the exchange of information between the authorities involved. In particular, the authorities responsible for supporting victims can identify their needs, which should then be addressed by investigators or prosecutors. The relevant assessment results should be forwarded to the authorities authorised to decide on the application of security measures. During the assessment, the condition of the victims may also be evaluated, which should be taken into account when communicating with them, planning investigative actions, and involving victims and witnesses in court proceedings. In this regard, it is important to develop cooperation with both state agencies that provide support to victims and non-governmental organisations involved.
- 3. Need for specialised training** – working with vulnerable categories of victims in criminal proceedings requires specialised training for investigators, prosecutors, judges, lawyers, and others who are interacting with them. In particular, the training should cover the signs of psychological trauma, post-traumatic stress disorder, the impact of violent crimes on the individual, etc. Such programs should be part of systematic training and also provide an opportunity for the exchange of experience between the various agencies involved.
- 4. Identifying the real risks and needs of victims** – the assessment should not be formal. The authorities responsible for conducting it should be aware that the results of such an assessment affect the application of security measures and their effectiveness. They also affect the condition of the victim and their trust in the justice system. To ensure its effectiveness, the assessment procedure must be approved at the level of interdepartmental documents to ensure access to operational information about threats to protected persons. The assessment must include an analysis of the psychological state, previous trauma, and social context of the victim's life.
- 5. Protection of personal information** – the results of such an assessment must be presented in a separate document and made available to the competent authorities within the framework of criminal proceedings in a form that guarantees the protection of information about the victim. The use of digital systems for storing and disseminating the results of the assessment must provide for appropriate tools for the security of personal data.
- 6. Taking into account the specific characteristics of victims and the context of the crimes committed against them** – since the assessment of needs and risks is a general guarantee for victims of any crime, the procedure must include additional steps that take into account the specific nature of the crime. For instance, the nature of the consequences of armed conflict determines that the assessment must take into account, among others: the level of danger resulting from hostilities or occupation of the area where the victim lives; the extent of harm caused to such a person; the fact of conducting proceedings in the absence or presence of the suspect/accused, etc. The set of criteria for the assessment may vary depending on the risks to the victim. The assessment framework should also take into account that criminal proceedings related to the consequences of armed conflict may be lengthy. Accordingly, the risks to victims and their requests may change and require periodic review of their assessment.

3.

# The security of victims of grave international crimes in criminal proceedings as a guarantee of their legal status

## 3.1 How procedural protection measures affect victims of grave international crimes

### 3.1.1 Maintaining contact with victims and witnesses

Victims continue to face challenges in obtaining information about the security measures available to them. On the one hand, the quality of the explanation of the rights of victims and witnesses in proceedings directly determines their expectations. Ukrainian law enforcement agencies encourage victims to contact them and provide testimony. An example of this approach is an information campaign that explains in accessible language the various crimes committed in the occupied territory of the Crimean peninsula and emphasises the importance of information from victims for the effectiveness of the justice process<sup>64</sup>. At the same time, investigators and prosecutors do not usually take a proactive stance in explaining security measures and possible threats to victims<sup>65</sup>. It is therefore extremely important that victims understand what guarantees they can count on. In particular, changing personal data or conducting a closed trial are the most accessible security measures in terms of their implementation.

On the other hand, investigators/prosecutors are responsible for building a case to be presented in court and must be confident that the victim will be ready to actively participate in the process. Cases involving grave international crimes may in the future not only be considered within the national justice system, but also be part of the cases of international mechanisms or national systems in other jurisdictions. Therefore, it is important for law enforcement agencies to understand: the threats to victims and witnesses, the significance of the information they provide for the process, whether this information can be obtained without creating risks for the victims, and what security measures will be critically necessary and justified for them.

For victims of armed conflict, it is important to maintain regular contact with the investigator/prosecutor, so that they are able to respond quickly to threats to the victims' safety. In practice, the investigator or prosecutor interacts with the victim mainly when there is a need to conduct investigative

64 Media project "War Crimes in Crimea" / Office of the President of Ukraine in the Autonomous Republic of Crimea // Facebook: <https://www.facebook.com/reel/1078071344400200>.

65 Interview conducted by ULAG experts with an investigator of the Main Investigation Department of the National Police of Ukraine on 14 July 2025. Interview conducted by ULAG experts with a prosecutor of the Office of the Prosecutor General on 9 July 2025. Interview conducted by ULAG experts with an investigator of the regional department of the National Police of Ukraine on 19 August 2025.

actions and actively involve the person in the proceedings<sup>66</sup>. At the same time, in most cases, victims do not understand how the investigation is progressing and how the process is unfolding<sup>67</sup>.

At the same time, certain legal provisions that define the procedure of various stages of criminal proceedings impose additional obligations on investigators/prosecutors to inform victims. This applies, in particular, to decisions to close criminal proceedings<sup>68</sup>, disclose case files to the other party<sup>69</sup>, announce a court decision<sup>70</sup> etc. Meanwhile, the scope of information provided to witnesses in proceedings is limited exclusively to their testimony and the procedural actions in which they are involved<sup>71</sup>.

In criminal proceedings where the victim's interests are represented by a lawyer, in practice, they not only explain the victim's rights<sup>72</sup>, but also acts as an intermediary in communication between the judicial authorities and the victim and have the opportunity to assess and report on the actual threats to the victim<sup>73</sup>. Different countries have laws that provide for the involvement of a lawyer for this purpose or the appointment of a special assistant prosecutor. However, this does not prevent victims from remaining proactive in the process and acting independently to make statements and obtain information about the progress of the case, as is the **practice at the ICC**, for example<sup>74</sup>.

Due to the significant workload of the authorities, challenges in the process, and the conduct of proceedings in absentia,<sup>75</sup> victims of grave international crimes may not receive information about the progress of their cases for years. In particular, this situation occurs in criminal proceedings concerning violations committed during the period from 2014 until the full-scale invasion of Ukraine by the Russian Federation. As a result, victims refuse to engage with representatives of the justice

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66 "I have active communication with the prosecutor's office; they are more professional and respond faster, while the police only call when documents need to be signed and ask me to come to Mykolaiv. I am unable to do so." / "Cooling Effect. Motivation of Victims to Participate in the Justice Process and Their Support along the Way" // MIHR, 2024: [https://mipl.org.ua/wp-content/uploads/2024/04/victims-3\\_en-1.pdf](https://mipl.org.ua/wp-content/uploads/2024/04/victims-3_en-1.pdf).

67 Interview conducted by ULAG experts with an investigator from the Main Investigation Department of the National Police on 14 July 2025: "And the investigators are constantly changing. The investigator called me back several times. And it seems that it was a different one each time. So I didn't even try to find out, because there was no particular need, I know more [than them]." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

68 Article 284 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

69 Article 290 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

70 Article 376 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

71 Article 66 "Rights and obligations of a witness"

1. A witness has the right: 1) to know the reason for and the subject of the criminal proceeding in which they are being questioned;... 7) to familiarise themselves with the interview protocol and to request changes, additions, and comments to be made to it, as well as to make such additions and comments themselves;... / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

72 "At first, we didn't think we needed a lawyer. Because the prosecutor's office said that they would represent our interests, that they were on our side and against Russia. But when we arrived at the court, we saw that many of the victims in our case had lawyers. We didn't attend the second hearing, but after the third one, we realised that we needed a lawyer—someone who would explain what was happening and how to behave." / "Cooling Effect. Motivation of Victims to Participate in the Justice Process and Their Support along the Way" // MIHR, 2024: [https://mipl.org.ua/wp-content/uploads/2024/04/victims-3\\_en-1.pdf](https://mipl.org.ua/wp-content/uploads/2024/04/victims-3_en-1.pdf).

73 Interview conducted by ULAG experts on 21 August 2025. Interview conducted by ULAG experts with the prosecutor of the OPG on 9 July 2025.

74 Article 65 / Rome Statute of the International Criminal Court // ICC, 17 July 1998: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

75 Need's Assessment of Ukraine's Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict: <https://ulag.org.ua/reports-and-materials/needs-assessment-ukraines-justice-system/>.

system because they are disappointed with how ineffective it is<sup>76</sup>. At the same time, in proceedings concerning grave international crimes committed after 2022, the level of interaction with victims is influenced by whether the case has been prioritised and whether there has been progress in the investigation, which gives hope that the case will be brought to court<sup>77</sup>.

Specialised departments, created both within accountability mechanisms and national justice authorities, play a significant role in informing victims of grave international crimes about their rights, support options, and the application of security measures. In particular, the activities of the Witness Protection and Support Office, under the Registry of the **Kosovo Specialist Chambers**, include the implementation of protection programs that provide physical, procedural, psychological, and social support to witnesses<sup>78</sup>. The Office, inter alia, provides the necessary administrative and logistical assistance to witnesses involved in the proceedings before the Special Chambers. This also includes informing them about the security measures in place; the course of the courtroom proceedings; the placement of participants in the courtroom; and the role, rights, and obligations of witnesses in the proceedings<sup>79</sup>.

Despite the continued demand among victims of the armed conflict in Ukraine for information about the criminal process itself<sup>80</sup>, as well as the scope of their rights and available support measures, such communication still needs to be improved. Effective interaction with victims in criminal proceedings helps build trust and increases the chances of timely identification of risks to the safety of victims and witnesses.

Currently, trends toward digitisation of information and the search for technical solutions in criminal proceedings may, on the one hand, simplify communication between justice authorities and victims and witnesses, but on the other hand, only exacerbate challenges for certain categories (in particular, the elderly or residents of occupied territories). It is crucial that justice system approaches take into account the individual needs of victims of armed conflict, serve their interests, and have a wide range of tools and methods for informing. In particular, the use of AI technologies could facilitate this process, given the challenges for justice processes and the significant scale of requests. However, when implementing these technologies, it is necessary to take into account and immediately apply solutions for protecting the personal data of victims and preventing its disclosure to third parties.

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76 Meeting held by ULAG experts with investigators from regional departments of the National Police of Ukraine on 29 May 2025.

*"I am a little skeptical about this. Because if I believed that the guilty would be brought to justice, I would perhaps be more enthusiastic about this issue. But I don't see this mechanism. Well, we'll talk, sure, that's all. I want not only the process, but also the result. I don't see the point in the process itself. And I don't believe in the result because I don't understand the mechanism."* / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

77 Interview conducted by ULAG experts with an investigator from the Main Investigation Department of the National Police of Ukraine on 14 July 2025.

78 Article 23 / Law On Specialist Chambers And Specialist Prosecutor's Office, 3 August 2015: [https://www.scp-ks.org/sites/default/files/public/05-l-053\\_a.pdf](https://www.scp-ks.org/sites/default/files/public/05-l-053_a.pdf).

79 Rule 27 / Rules Of Procedure And Evidence Before The Kosovo Specialist Chambers, 2 June 2020: <https://www.scp-ks.org/sites/default/files/public/content/documents/ksc-bd-03-rev3-rulesofprocedureandevidence.pdf>.

80 *"And I receive a text message on my phone saying that the trial is taking place at such and such a time. So I arrive and ask for... what are they called... they're called... the assistant to this judge. We leave our phone number in case the trial doesn't happen, because I understand that sometimes someone doesn't show up, and it's very difficult for me to travel from Kyiv. And I say, 'I have two people with disabilities, so call me.' But they don't do that. They are probably very busy. I don't know how it is. But when I arrive, there is no trial. And even when I am with my lawyer, I called him, he took my case without any questions, and now he calls me when we have a trial. He has all the documents, all these things. It's much easier. And back then, you know, when I hadn't gone to a lawyer, no one even told me that I needed to... that I needed to. They don't explain it to people, and we are not educated on how to do it. Do I need it, or do I not need it?"* / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

### 3.1.2 Protection of victims from secondary victimisation in criminal proceedings

Interacting with victims of grave international crimes in criminal proceedings requires the introduction of approaches and procedural tools aimed at preventing their secondary victimisation<sup>81</sup>. **The Council of Europe recommendations** stipulate that secondary victimisation is not as a direct consequence of the criminal act, but is caused by the reaction of public and private institutions and individuals towards the victim. At the same time, it should be noted that the justice system needs to pay special attention to victims who have suffered repeat victimisation (a situation when the same person suffers from more than one criminal offense over a specific period of time, including situations where a person is a victim of criminal offenses committed by the same offender and situations where a person is a victim of criminal offenses of a similar nature committed by different offenders).<sup>82</sup>

Implementing this approach in practice requires paying special attention to the needs and risks for victims in the course of criminal proceedings. For example, **Directive 2012/29/EU** imposes an obligation on participants in criminal proceedings to ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during interviewing and when testifying<sup>83</sup>. The process itself should give the victim a sense of control. Thus, the victim may, at any stage of the proceedings, refuse to receive information about its progress or, conversely, have the opportunity to take a more active position in the proceedings<sup>84</sup>. Accordingly, the implementation of a victim-oriented approach requires the provision of additional mechanisms in criminal proceedings that will determine the specifics of investigative actions and the participation of victims and witnesses in the proceedings. Specifically, the proceedings must focus on protecting the dignity of the person who has suffered harm as a result of the offense committed against them.

This approach is based on the fact that any investigation of a crime can be equally traumatic for the person who has suffered harm, as they are forced to recount their experiences and go through a comprehensive formalised process, as well as having to meet with the perpetrator<sup>85</sup>. Although the CPC of Ukraine does not currently contain specific tools to be used in criminal proceedings to prevent the secondary victimisation of victims of grave international crimes, a number of security measures

81 Guidelines on Investigating Violations of International Humanitarian Law: Law, Policy, and Good Practice // Geneva Academy, 2019: <https://www.geneva-academy.ch/joomlatools-files/docman-files/Guidelines%20on%20Investigating%20Violations%20of%20IHL.pdf>. Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations // ICC, EuroJust, 2022: [https://www.icc-cpi.int/sites/default/files/2022-09/2\\_Eurojust\\_ICC\\_CSOs\\_Guidelines\\_2-EN.pdf](https://www.icc-cpi.int/sites/default/files/2022-09/2_Eurojust_ICC_CSOs_Guidelines_2-EN.pdf). Policy on a Victim-Centred Approach in UNHCR's response to Sexual Misconduct // UNHCR, 1 December 2020: [https://www.unhcr.org/media/policy-victim-centred-approach-unhcrs-response-sexual-misconduct#:~:text=This%20policy%20\(i\)%20clarifies%20what,spells%20out%20which%20entities%20are.](https://www.unhcr.org/media/policy-victim-centred-approach-unhcrs-response-sexual-misconduct#:~:text=This%20policy%20(i)%20clarifies%20what,spells%20out%20which%20entities%20are.)

82 Recommendation of the Committee of Ministers to member states on assistance to crime victims // Adopted by the Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies: <https://search.coe.int/cm/#{%22CoEIdentifier%22:%2209000016805afa5c%22,%22sort%22:%22CoEValidationDate%20Descending%22.> Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime // Adopted by the Committee of Ministers on 15 March 2023 at the 1460th meeting of the Ministers' Deputies: [https://rm.coe.int/cm-rec-2023-2e-eng-recommendation-trafficking/1680ab4922.](https://rm.coe.int/cm-rec-2023-2e-eng-recommendation-trafficking/1680ab4922)

83 Article 18 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029.](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

84 Article 6 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029.](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029)

85 Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations // ICC, EuroJust, 2022: [https://www.icc-cpi.int/sites/default/files/2022-09/2\\_Eurojust\\_ICC\\_CSOs\\_Guidelines\\_2-EN.pdf](https://www.icc-cpi.int/sites/default/files/2022-09/2_Eurojust_ICC_CSOs_Guidelines_2-EN.pdf).

under the 1993 Law are applicable for this purpose. These include ensuring the confidentiality of personal information and conducting closed court proceedings<sup>86</sup>.

There are increasing references in public discourse to the use of a human-centered approach in criminal proceedings concerning grave international crimes. For example, investigators<sup>87</sup>, prosecutors<sup>88</sup> and judges<sup>89</sup> pay attention to investigations of cases involving conflict-related sexual violence and emphasise the application of the principle of “do no harm,” avoidance of re-traumatisation, victim blaming, etc. Since 2022, training on the specifics of working with vulnerable categories of victims has been systematically conducted for representatives of the Ukrainian justice system. However, the experience of victims and witnesses in criminal proceedings shows that such training is often fragmented, focuses on individual aspects, and is not systematically implemented in practice.

Since most cases under Article 438 of the CCU are heard in the absence of the suspect/accused, notices of suspicion and indictments are publicly available on the OPG website, revealing the victims’ details or information that allows them to be identified<sup>90</sup>. In practice, to protect the confidentiality of victims, their data is concealed when documents are published<sup>91</sup>. However, a general description of the facts remains in the procedural documents, which often makes it possible to clearly identify the crime location or the victims themselves.

Cases involving CRSV introduced the practice of changing the personal data of victims as a security measure during the proceedings: *“One of the instructions/recommendations for the investigation was that we change the personal data of the victims. At that time, it was somewhat exaggerated, as it was applied automatically even when the person did not express a desire for it. It was also not taken into account whether the person would need to use this information in the future. Now the practice has changed and we offer the person this option, rather than applying it in all cases”*<sup>92</sup>. However, the court proceedings required the disclosure of the victim’s real identity, otherwise the victim would not have been able to file a civil claim for compensation for the damage caused.

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86 Law of Ukraine “On Ensuring the Security of Persons Participating in Criminal Proceedings” // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

87 Methodological recommendations on integrating a victim-centered approach into certain aspects of the pre-trial investigation of sexual violence crimes in the context of armed aggression // Serhii Cherniavskiy, Kateryna Levchenko, Yulia Chornous, Hanna Nikitina-Dudikova, Olha Perunova, Liubov Hordiienko, Vladyslav Ierusalymov, Oleksandr Ostapenko. Kyiv, 2023: <https://mvs.gov.ua/upload/1/5/3/6/6/9/document-19.pdf>.

88 16 Days of Activism Against Gender-Based Violence: Prosecutors Defending the Rights and Interests of Victims // Office of the Prosecutor General, 26 November 2023: <https://gp.gov.ua/ua/posts/16-dniv-aktivizmu-proti-genderno-zumovlenogo-nasilstva-prokurori-na-zaxisti-prav-ta-interesiv-postrazdalix>. Viktoriia Litvinova took part in a conference dedicated to the formation of unified approaches to responding to gender-based violence // Office of the Prosecutor General, 26 November 2024: <https://gp.gov.ua/ua/posts/viktoriya-litvinova-vzlyala-ucast-u-konferenciyi-prisvyaceni-formuvannnyu-jedinix-pidxodiv-shhodo-reaguvannya-na-genderno-zumovlene-nasilstvo>. Putting Survivors First: Ukraine’s Evolving Approach to Justice for Conflict-Related Sexual Violence // Ukrayinska Pravda, 19 June 2025: <https://www.pravda.com.ua/columns/2025/06/19/7517752/>.

89 When ruling on cases, courts must ensure that the rights of victims of sexual violence are upheld – Supreme Court Judge // Supreme Court, 7 October 2024: <https://supreme.court.gov.ua/supreme/pres-centr/news/1680258/>.

90 In preparing the study, experts reviewed approximately 100 notices of suspicion and indictments published on the website of the Office of the Prosecutor General. Article 297-5 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, No. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

91 For example, Notice of suspicion and summonses for S.F. Hasanhuliev on 13 October 2025, 14 October 2025, 15 October 2025 (with translation into Russian) // Office of the Prosecutor General, 27 September 2025: <https://www.gp.gov.ua/ua/posts/povidomlennya-pro-pidozru-ta-povistki-pro-vikliik-gasangulijeva-sf-na-13102025-1410102025-15102025>. Notices of suspicion and summonses for R.O. Syromiatnikov, O.D. Minaiev, M.V. Sarychev, and V.V. Siliev on 1 October 2025, 2 October 2025, and 3 October 2025 (with Russian translation) // Office of the Prosecutor General, 26 September 2025: <https://www.gp.gov.ua/ua/posts/povidomlennya-pro-pidozru-ta-povistki-pro-vikliik-siromyatnikovu-ro-minajevu-od-saricevu-mv-siljevu-vv-na-01102025-02102025-03102025>.

92 Interview conducted by ULAG experts with an investigator from the Main Investigation Department of the National Police of Ukraine on 14 July 2025.

At the same time, the high public interest in war crimes cases also creates a demand for monitoring and media coverage of court proceedings in such cases. Since there is currently no public access to broadcasts of hearings, monitors or journalists send requests to the courts, which are considered on a case-by-case basis<sup>93</sup>. The process of such monitoring, the presence of third parties in court hearings, and the dissemination of its results must strike a balance between public demand and the security of victims.

International standards emphasise that approved procedures for disclosure of information in proceedings must respect the victim's right to privacy, so only data relevant to the case may be disseminated<sup>94</sup>. For example, the rules of procedure of the **Extraordinary Chambers in the Courts of Cambodia** emphasise the importance of protecting sensitive information about victims and witnesses in proceedings to ensure their security during the process. Practical measures include the development of internal policies for information protection, the imposition of sanctions for disclosure, and the creation of appropriate infrastructure for data protection within the justice mechanism<sup>95</sup>.

It is worth noting certain practices that demonstrate attempts to institutionalise security guarantees and minimum standards for victims in criminal proceedings. Thus, on 11 November 2024, the Council of Judges of Ukraine<sup>96</sup> approved the use of the "Protocol for courts on working with vulnerable victims and witnesses" in pilot courts. It is intended to ensure safe, fair, and people-centered justice for every victim and witness in criminal proceedings during court hearings. In the future, based on the results of the pilot project, this experience may be scaled up and implemented in other courts in Ukraine. Currently, there is no publicly available information on whether there is systematic monitoring of the assessment and impact of the protocol's application in pilot courts.

The experience of criminal proceedings in Ukraine concerning grave international crimes shows that psychologists can play an important role in supporting victims and facilitating their interaction with investigators and prosecutors<sup>97</sup>. For example, they can help assess the condition of the victim and their readiness to participate in particular procedural actions. Or they can help formulate questions for victim interviews to avoid provoking a negative reaction. Victims themselves also note that interaction with a psychologist is necessary in the process: *"Even if a person comes to write a*

93 MIHR identified problems in Ukrainian courts in war-related cases: trials in absentia, delays, and refusal to broadcast // Media Initiative for Human Rights, 21 August 2025: <https://mipl.org.ua/mipl-nazvala-problemy-ukrayinskyh-sudiv-u-spravah-pro-vijnu-zaochni-proczesy-zatyaguvannya-i-vidmova-u-translyaciyah/>.

94 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 39-40 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf).

95 International Standards for the Treatment of Victims and Witnesses in Proceedings before the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea // Working Group on the Extraordinary Chambers and the Open Society Justice Initiative, 2004: <https://www.american.edu/wcl/impact/initiatives-programs/warcrimes/resource-court-information-and-external-links/resources/extraordinary-chambers-in-the-courts-of-cambodia/upload/international-standards-for-the-treatment-of-victims-and-witnesses-in-proceedings-before-the-extraordinary-chamb.pdf>.

96 Decision of the Council of Judges of Ukraine No. 38 of 11 November 2024: <https://zakon.rada.gov.ua/rada/show/v0038414-24#Text>  
*"The Protocol is intended to ensure that all victims and witnesses summoned to court appear in court on time, are properly informed in advance about the procedure for giving testimony, their rights and obligations, and receive the necessary practical and psychological support while giving testimony. In addition, this Protocol is intended to improve the personal space and privacy of victims and witnesses through organisational measures to limit their contact with the defense, media representatives, other participants in the proceedings, and court visitors".*

97 Interview conducted by ULAG experts with an investigator of the Main Investigation Department of the National Police of Ukraine on 14 July 2025. Interview conducted by ULAG experts with an investigator of the Regional Department of the National Police of Ukraine on 19 August 2025. Interview conducted by ULAG experts with a prosecutor of the Office of the Prosecutor General on 9 July 2025.

*statement or seeks help somewhere, a psychologist is needed. Because when a person starts to remember all these moments, they sometimes freeze up. They start to worry. They have difficulty going through these moments. You replay it all in your head, you remember everything. So I think a psychologist is necessary»<sup>98</sup>. At the same time, the qualifications of the psychologist involved are extremely important, as their work must take into account the specifics of the criminal proceedings and not jeopardise the quality of the information obtained from the victim.*

The interviewees from the justice system note that in cases involving survivors of CRSV<sup>99</sup>, as well as crimes committed in Bucha and nearby settlements in the Kyiv region<sup>100</sup>, they've had a positive experience interacting with the Coordination Centre. For example, investigators can directly contact the Center's coordinator, whose office is located next door, to involve them in communication with the victim or to forward requests from the victim. The only question that remains open is whether the Coordination Centre has sufficient resources to handle all requests from victims of grave international crimes in criminal proceedings.

Another challenge for victims and witnesses is the investigation of so-called master or systemic proceedings, which examine consolidated facts and events within particular regions or Ukraine as a whole. In such situations, proceedings against individual perpetrators of grave international crimes may be separated from the general investigation<sup>101</sup>. In practice, victims and witnesses are forced to participate in numerous investigative actions and court hearings, repeating their testimony each time<sup>102</sup>. In most cases this does not affect the quality of the investigation, but can obviously lead to retraumatisation and demotivation of such victims. In view of this, to limit the number of interviews, a more effective mechanism should be provided so that the statements obtained from victims and witnesses during the investigation stage can be used in court.

Standards for preventing secondary victimisation of victims in proceedings also apply to the specifics of conducting investigative actions. In particular, **EU approaches** require that during interviewing of victims, the number of personal questions be limited and that the testimony obtained relate only to the substance of the case. The total number of times a victim is interviewed during proceedings should also be limited, and the manner in which they are conducted, as well as the wording of questions, should ensure respect for victims<sup>103</sup>.

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98 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/uk/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

99 Interview conducted by ULAG experts with an investigator of the Main Investigation Department of the National Police of Ukraine on 14 July 2025. Interview conducted by ULAG experts with an investigator of the Regional Department of the National Police of Ukraine on 19 August 2025.

100 Interview conducted by ULAG experts with a prosecutor of the Office of the Prosecutor General on 9 July 2025.

101 Fragmented cases as a systemic problem. MIHR analysed the latest court rulings against Russians for war crimes // Media Initiative for Human Rights, 18 July 2024: <https://mipl.org.ua/rozdrobleni-sprav-yak-systemna-problema-mipl-proanalizuvala-ostanni-sudovi-vyroky-rosiyanam-za-voyenni-zlochyny/>

102 Needs Assessment of Ukraine's Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict // ULAG: <https://ulag.org.ua/reports-and-materials/needs-assessment-ukraines-justice-system/>

103 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 39 // European Commission, DG Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_en.pdf).

### 3.1.3 Balancing the interests of the parties in the proceedings

The anonymity of victims and witnesses in criminal proceedings remains one of the controversial issues related to the safety of participants in the process. On the one hand, pseudonymisation, changing personal information and concealing personal data is a guarantee that helps a person decide to testify in court. But on the other hand, the information obtained may be disclosed by the suspect/defendant to prove their position: *"In practice, when the pseudonymised data of witnesses is announced, the defendants always shout that it is not him [the witness/victim] and that he knows the real name of the witness/victim and names them in front of everyone"*<sup>104</sup>.

The provisions of the CPC of Ukraine do not create conditions that allow for the prevention of contact between victims, witnesses, and defendants during the proceedings. At the pre-trial investigation stage, investigators and prosecutors plan separate investigative actions with different participants in the proceedings, but court hearings become the platform that brings everyone together in one room. The court infrastructure does not have separate rooms for victims and witnesses, and opportunities for its development directly depend on available funding from both the state budget and international support programs. For example, USAID planned to implement a pilot project in four courts to create infrastructure for victims and witnesses, as well as separate departments for interacting with them<sup>105</sup>. However, the closure of the program in 2025 halted funding for this initiative.

International standards emphasise that measures to protect victims in criminal proceedings aimed at preventing their secondary victimisation must be balanced with respect for the right of the suspect/accused to a fair trial<sup>106</sup>. In particular, measures to anonymise victims and witnesses, such as concealing their faces, using pseudonyms instead of real personal data, altering their voices or images, and placing them in separate rooms during the proceedings to avoid contact with the accused, may be taken during the proceedings. These measures may also be applied within the framework of security programs. For example, the legislation of **Croatia**<sup>107</sup> and **Serbia**<sup>108</sup> provides that in order to preserve the anonymity of a person during the proceedings, their personal data may be changed in whole or in part. The internal rules of **Eurojust** also provide for the protection of the anonymity of witnesses as necessary, which allows for to protect them and not create additional risks<sup>109</sup>.

An important aspect is limiting contact between victims and witnesses and suspects/defendants during the proceedings at various stages. Most of the recommendations have to do with creating space for victims in the judicial infrastructure. For example, **EU standards** emphasise the importance of planning investigative actions and court hearing schedules, providing separate waiting areas for

104 Interview conducted by ULAG experts with a judge on 27 October 2025.

105 Protection of victims and witnesses of war crimes in court – meeting with USAID experts // Judiciary of Ukraine, 22 January 2024: <https://court.gov.ua/archive/1543625/>.

106 International Standards for the Treatment of Victims and Witnesses in Proceedings before the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea // Working Group on the Extraordinary Chambers and the Open Society Justice Initiative, 2004: <https://www.american.edu/wcl/impact/initiatives-programs/warcrimes/resource-court-information-and-external-links/resources/extraordinary-chambers-in-the-courts-of-cambodia/upload/international-standards-for-the-treatment-of-victims-and-witnesses-in-proceedings-before-the-extraordinary-chamb.pdf>.

107 Zakon o zaštiti svjedoka, 3 August 2017: <https://www.zakon.hr/z/285/zakon-o-zastiti-svjedoka>.

108 Zakon o Programu Zastite Ucesnika u Krivicnom Postupku, 2005: [https://www.paragraf.rs/propisi/zakon\\_o\\_programu\\_zastite\\_ucesnika\\_u\\_krivicnom\\_postupku.html](https://www.paragraf.rs/propisi/zakon_o_programu_zastite_ucesnika_u_krivicnom_postupku.html).

109 Rules Of Procedure College Decision 2020-04 of 15 July 2020 on internal rules concerning restrictions of certain data subject rights in relation to the processing of personal data in the framework of activities carried out by Eurojust: <https://www.eurojust.europa.eu/sites/default/files/Dataprotection/CELEX-32020Q0902-01-EN-TXT.pdf#:~:text=freedoms%20of%20witnesses%20as%20well,protect%20their%20rights%20and%20freedoms.>

victims and witnesses, and communicating with specialised units that support victims in case proceedings and can accompany them during various procedural actions<sup>110</sup>.

After 2022, the practice of assessing the consequences of the armed conflict in Ukraine showed that victims of grave international crimes could also be involved as witnesses in criminal proceedings against the foundations of Ukraine's national security<sup>111</sup> and in assessing the context of events in certain regions during the occupation<sup>112</sup>. The focus of such cases remains on the actions of individuals who assisted the Russian Federation or defected to its side during the armed conflict. This increases the procedural burden on victims and the expectations placed on them. Given that this category of proceedings is processed faster, it becomes difficult for victims to participate in proceedings concerning grave international crimes due to fatigue from the proceedings and excessive attention.

In addition, participation in cases involving crimes against national security may be perceived as a risk, causing additional stress and anxiety for victims. This feeling stems from the need to recall the events of the war, as well as the possible consequences for the victim due to the broad interpretation and application of legislation on collaboration<sup>113</sup>.

### 3.2 Making security measures in criminal proceedings effective for victims of grave international crimes

The risks for victims and witnesses in cases involving grave international crimes are directly related to their willingness to actively participate in the investigation process and testify in court. The experience of other countries shows that victims may refuse to testify or lose their memory of traumatic experiences until they feel safe<sup>114</sup>. Experts working with victims note that in the context of the ongoing armed conflict in Ukraine, people who could act as victims and witnesses in justice proceedings are afraid to provide information to investigators: *"...they are worried that it is unclear where this information will go. What if someone passes this information on to Russia? And it is also unclear whether the legal system will be able to protect them in all cases"*<sup>115</sup>.

The practice of applying security measures in criminal proceedings in Ukraine shows that witnesses in this context have priority over victims. This is due to the importance of the information they can provide for the proceedings. It is also because it is quite difficult to preserve the anonymity of the victim in the process: *"The security measures applied to the victim are not effective because all the information about the victim is available"*<sup>116</sup>.

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110 DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, p. 39-40 // European Commission, DG Justice, December 2013: <https://surl.li/pnkqye>.

111 Needs Assessment of Ukraine's Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict // ULAG: <https://www.justice-needs-ukraine.report/en>.

112 "Cooling Effect. Motivation of Victims to Participate in the Justice Process and Their Support along the Way" // MIHR, 2024: [https://mipl.org.ua/wp-content/uploads/2024/04/victims-3\\_en-1.pdf](https://mipl.org.ua/wp-content/uploads/2024/04/victims-3_en-1.pdf).

113 Human rights organisations have long complained about the quality of criminal legislation regarding collaboration and bringing perpetrators to justice for this offense. See: "Survival or Crime: How Ukraine Punishes Collaborationism. Analytical Report" / Syniuk O., Deputat D., Vyshnevskaya I., Volkovynska V., Chervonna V., Ielgulashvili M.; ed. Lunova A. — Kyiv, 2024. // <https://zmina.ua/en/publication-en/survival-or-crime-how-ukraine-punishes-collaborationism/>.

114 War Crimes Before Domestic Courts OSCE Monitoring and Empowering of the Domestic Courts to Deal with War Crimes // OSCE, 2003: <https://www.osce.org/files/f/documents/c/8/13494.pdf>.

115 Interview conducted by ULAG experts with the judge on 24 October 2025.

116 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024 <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

The main task of security programs applied to victims is to implement comprehensive protection measures (e.g., *changing personal data, psychological and material support, providing security, relocation, etc.*) for a limited period of time or throughout such person's life<sup>117</sup>. At the same time, the application of security programs is an exceptional step in criminal proceedings, necessitated by the real risk to the life and health of the person, their integrity, freedom, or property, and is also directly related to the importance of their knowledge for criminal proceedings<sup>118</sup>. For example, **ICC case law** identifies criteria that are examined when deciding whether to hold a trial in closed session when there is a need to protect witnesses<sup>119</sup>.

The types of protective measures available under these programs vary according to the national legislation of different countries and provisions on justice mechanisms<sup>120</sup>. However, the vast majority of regulations include measures such as physical protection of individuals, relocation, altering personal data, or concealing information about an individual. The composition and measures of the security program applied in criminal proceedings should be based on the results of a risk assessment for victims<sup>121</sup>. At the same time, during the implementation of such programs, an additional assessment of the person's needs may be carried out, and based on the results, mechanisms for their support may be applied<sup>122</sup>. The mechanism for implementing victim and witness security programs should also include accessible measures for their medical and psychological support<sup>123</sup>. For example, a comprehensive approach is applied in the practice of the Kosovo Specialist Chambers. Their victim and witness protection programs include measures for the physical, procedural, psychological, and social support of victims involved in the process<sup>124</sup>.

117 Recommendation CM/Rec(2022)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice / Adopted by the Committee of Ministers on 30 March 2022 at the 1430th meeting of the Ministers' Deputies: <https://surl.li/wfnflnx>.

118 Report of the United Nations High Commissioner for Human Rights on the Right to the truth // UNGA, 28 January 2010 <https://docs.un.org/en/A/HRC/15/33>.

119 Whether disclosure of the identity of the witness would cause danger and whether concealing their identity would reduce this danger.

Whether the non-disclosure of the identity of the witness is necessary, and whether it is possible to use other means of protection.

The proportionality of non-disclosure of the identity of the witness in relation to the rights of the accused and a fair and impartial trial. In addition, the decision not to disclose information must be duly justified.

Protection should, in principle, be provided to any person who is at risk as a result of an investigation conducted by the Prosecutor. The specific provisions of the Statute and Rules of Procedure, which apply not only to witnesses, victims, and their families, but also to other persons at risk in connection with the Court's activities, demonstrate the primary intent to ensure that individuals are not exposed to undue risk in the context of the Court's activities.

When deciding not to disclose witness information, the Pre-trial Chamber must assess the risks and weigh the following factors: whether the alleged danger actually poses a risk to the person's safety; whether the disclosure of specific information to the defense, as opposed to the disclosure of this information to the general public, is a source of risk. The Chamber must consider whether these risks can be avoided by concealing the information from the public and ensuring confidentiality between the parties themselves. In doing so, an assessment must be made of whether the suspect could pass on information about the witnesses to someone else or endanger them through other actions.

The Pre-trial Chamber must also consider a number of other issues, including the following: whether there are alternative protective measures; whether the information that is not to be disclosed is relevant to the defense and, in this regard, how to balance the interests of the defense and the person at risk; if non-disclosure of information would result in an unfair trial for the suspect, such non-disclosure cannot be authorised. / The Prosecutor v. Thomas Lubanga Dyilo (Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled "First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81") ICC-01/04-01/06-773, paras 21, 33 and 34 (14 December 2006): [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2007\\_01205.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2007_01205.PDF).

120 Annex 3. For example: Zakon o zaštiti svjedoka, 3 August 2017: <https://surl.li/qyonkc>.

121 For more details, see Chapter 1 – Assessment of risks and needs for victims.

122 Kosovo Criminal Procedural Code, 14 July 2022: <https://md.rks-gov.net/wp-content/uploads/2024/07/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>. Law On Specialist Chambers And Specialist Prosecutor's Office // Republika Kosovo, 03 August 2015: [https://www.scp-ks.org/sites/default/files/public/05-l-053\\_a.pdf](https://www.scp-ks.org/sites/default/files/public/05-l-053_a.pdf).

123 War Crimes Before Domestic Courts OSCE Monitoring and Empowering of the Domestic Courts to Deal With War Crimes // OSCE, 2003: <https://www.osce.org/files/f/documents/c/8/13494.pdf>.

124 Kosovo Criminal Procedural Code, 14 July 2022: <https://md.rks-gov.net/wp-content/uploads/2024/07/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>. Law On Specialist Chambers And Specialist Prosecutor's Office // Republika Kosovo, 03 August 2015: [https://www.scp-ks.org/sites/default/files/public/05-l-053\\_a.pdf](https://www.scp-ks.org/sites/default/files/public/05-l-053_a.pdf).

Currently, Ukrainian legislation offers a fairly wide range of security measures that can be applied in criminal proceedings<sup>125</sup>. The implementation of measures not directly related to procedural actions requires significant financial and other resources, which are necessary not only for the safety of the victim, but also for the safety of their family. For instance, relocation to another place of residence. Some of these measures require the adoption of separate regulatory acts. For example, changing a person's documents is not a well-established practice, as it is impossible to change a person's individual tax number used to identify them<sup>126</sup>.

International standards emphasise that legislative regulation should provide for mechanisms for the implementation of security programs for victims and witnesses both during the investigation and at the trial stage. In addition, the relevant program should include measures to protect victims, which should be applied to them after the completion of the trial.<sup>127</sup>

When assessing the existing system of security measures, prosecutors and investigators involved in the investigation of criminal proceedings related to the consequences of the armed conflict in Ukraine emphasise the need for the following changes to the current legislation and the overall practice of the authorities:

- the introduction of clear criteria to justify the choice of security measures, taking into account the available resources of the responsible authorities and the sources of funding for each component;
- the creation of an algorithm for systematic risk assessment for victims, which will help determine the relevance of certain protection mechanisms;
- the definition of clear and complementary criteria that indicate the degree of danger to the person, the importance of their information for the proceedings, and allow for the selection of appropriate security measures that can be applied within the framework of a comprehensive program for the victim or witness;
- the development of a mechanism for international cooperation in cases where other countries or justice mechanisms (e.g., the ICC) request the application of security measures;
- the establishment of procedures for interagency cooperation between institutions that hold personal data and other information within the framework of implementing security measures<sup>128</sup>

It is important for legislation to ensure the confidentiality of procedures applied within the framework of security programs and to establish liability for the disclosure of such information<sup>129</sup>. Special units responsible for implementing security programs for victims must be provided with adequate financial and human resources<sup>130</sup>. International standards emphasise the importance of the auto-

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125 Annex 3.

126 Notes from a meeting with representatives of the national justice system, held by ULAG on 26 November 2024.

127 War Crimes Before Domestic Courts OSCE Monitoring and Empowering of the Domestic Courts to Deal With War Crimes, p. 49-50 // OSCE, 2003: <https://www.osce.org/files/f/documents/c/8/13494.pdf>.

128 Notes from a meeting with representatives of the national justice system, held by ULAG on 26 November 2024.

129 Recommendation CM/Rec(2022)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice // Adopted by the Committee of Ministers on 30 March 2022 at the 1430th meeting of the Ministers' Deputies, Council of Europe: <https://rm.coe.int/0900001680a5fe33#:~:text=and%20financial%20protection%20and%20support,be%20applied%20to%20witnesses%20and.>

130 War Crimes Before Domestic Courts OSCE Monitoring And Empowering Of The Domestic Courts To Deal With War Crimes, p. 50 // OSCE, 2003: <https://www.osce.org/files/f/documents/c/8/13494.pdf>.

my of the bodies implementing security programs, as well as the maintenance of a high professional level of the employees involved<sup>131</sup>. Its activities should not be thwarted by formal reasons or financial and personnel-related problems<sup>132</sup>. At the same time, additional guarantees should be provided for employees of the responsible units to support their physical safety and psychological well-being.

Residing in the same region in which crimes were committed against them (for example, in areas that have been de-occupied) may pose a risk to victims of armed conflict. Victims and witnesses may experience pressure within their communities, a high level of interest in the proceedings and their outcomes, and difficulties in communication. If the victim lives in a small town or village, most people are aware of the crime, the victims and witnesses, whether the person is cooperating with law enforcement agencies, and other details surrounding the crime and its investigation<sup>133</sup>. If the settlement is close to the combat zone, victims may be concerned about their fate and the possible risks to their lives and health if the territory where they live falls under the control of the Russian armed forces again<sup>134</sup>.

Victims living in areas close to the combat zone or the border with the Russian Federation may request to be relocated to safer areas. The general procedure for evacuating civilians from these areas requires greater attention, particularly with regard to persons with special needs<sup>135</sup>. At the same time, in the context of security measures for victims and witnesses in criminal proceedings, the issue of requesting the relocation of such persons may be raised in view of the prospects of the proceedings, as well as the interests of other justice mechanisms. For example, it is important to take into account the progress of investigations by the International Criminal Court, as well as proceedings under universal jurisdiction, for which the involvement of victims will be important.

Experts implementing security measures note that relocation can be an effective measure in the context of risks to victims of the armed conflict in Ukraine<sup>136</sup>. However, it requires additional financial resources and effective cooperation with other countries if the relocation of victims or witnesses abroad is being considered. In the context of developing cooperation with EU countries, it is also important for Ukraine to implement relevant standards for the protection of victims into national legislation. Otherwise, such cooperation will be impossible.

The possibility of implementing individual security programs is closely linked to the effectiveness of cooperation between different states. This is particularly important for the investigation of cases involving grave international crimes. In particular, a common set of standards and their implemen-

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131 Recommendation CM/Rec(2022)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice // Adopted by the Committee of Ministers on 30 March 2022 at the 1430th meeting of the Ministers' Deputies, Council of Europe: <https://rm.coe.int/0900001680a5fe33#:~:text=and%20financial%20protection%20and%20support,be%20applied%20to%20witnesses%20and>.

132 War Crimes Before Domestic Courts OSCE Monitoring And Empowering Of The Domestic Courts To Deal With War Crimes, p. 50 // OSCE, 2003: <https://www.osce.org/files/f/documents/c/8/13494.pdf>.

133 When asked about the difficulties they face, victims of war crimes respond: *"What difficulties do I have? It's a small town. I try not to go into town very often. I don't know what to call this difficulty... It's human nature: 'Well, what's going on? Have you heard anything?' You understand, that's what's hardest. It's a village, everyone knows each other. If I start working somewhere, I come and the first question is: 'What's the news about your brother? Has he been found or not?'. And I have to go through all that." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.*

134 *"To be honest, they'll shoot me. So, let's just say I'm afraid for my life."* / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

135 The "invisible people" of Ukraine's Frontline Regions// East SOS, 2025: [https://east-sos.org/wp-content/uploads/2025/04/the-invisible-people\\_report-2.pdf](https://east-sos.org/wp-content/uploads/2025/04/the-invisible-people_report-2.pdf)

136 Interview conducted by ULAG experts 12 December 2024.

tation in the national legislation of countries, as is the case within the EU, provides the legal basis for such cooperation<sup>137</sup>. For example, **Eurojust** coordinates international cooperation in criminal proceedings, which also covers security programs for victims and witnesses. One of the guarantees of such cooperation is the preservation of the confidentiality of data on persons giving testimony if the disclosure of information could put them at risk<sup>138</sup>. For example, in a joint case between Bulgaria and Sweden, the victims were not prepared to testify in the presence of the defendants. With the mediation of Eurojust, it was decided to conduct the interview via videoconference: the defendants were removed from the courtroom and the hearing was broadcast via videoconference instead<sup>139</sup>.

Interaction with victims and witnesses located in the occupied territories remains a particular challenge for the justice authorities<sup>140</sup>. In criminal proceedings concerning the consequences of the armed conflict in Ukraine since 2014, the practice of applying security measures aimed at victims in the occupied territories has not been widely developed. Although such persons may be valuable to the justice process, the problem is ensuring safe communication with them and applying effective long-term security measures in to protect them. For the most part, the practice of applying such measures to persons from the occupied territories has been concentrated in the work of judicial authorities with jurisdiction over the occupied territories of the Crimean peninsula (for example, the Prosecutor's Office of the Autonomous Republic of Crimea and the city of Sevastopol, located in Kyiv) and parts of the Donetsk and Luhansk regions. This practice needs to be preserved, expanded, and scaled up, as well as reinforced by appropriate amendments to regulatory and legal acts.

The practice of prosecuting citizens for crimes against national security, which has developed in Ukraine since 2022, and numerous complaints from human rights defenders about the quality of this legislation also affect the safety of victims and their willingness to participate in the justice process<sup>141</sup>. Accordingly, such victims from the occupied territories fear possible persecution if they testify in court. One guarantee for them could be a pledge not to prosecute them for collaboration or treason, provided that their actions did not cause significant harm and that they testify in proceedings concerning grave international crimes. In particular, they can provide information about the top leadership of the occupation structures or the Russian Federation, under whose coercion and instructions they were forced to act in the territories controlled by Russia.

137 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

138 Rules Of Procedure College Decision 2020-04 of 15 July 2020 on internal rules concerning restrictions of certain data subject rights in relation to the processing of personal data in the framework of activities carried out by Eurojust: <https://www.eurojust.europa.eu/sites/default/files/Dataprotection/CELEX-32020Q0902-01-EN-TXT.pdf#:~:text=freedoms%20of%20witnesses%20as%20well,protect%20their%20rights%20and%20freedoms>.

139 Report on Eurojust's casework on victims' rights / A contribution to the European Commission Coordinator for Victims' Rights mapping exercise February 2021, p. 28: [https://www.eurojust.europa.eu/sites/default/files/assets/2021\\_02\\_16\\_thb\\_casework\\_report.pdf#:~:text=4.identity%2C%20with%20the%20aim%20of](https://www.eurojust.europa.eu/sites/default/files/assets/2021_02_16_thb_casework_report.pdf#:~:text=4.identity%2C%20with%20the%20aim%20of).

140 Experts working with victims of war crimes and victims of war crimes themselves, when asked whether victims feel unsafe because they participated in or witnessed certain events during the war, responded as follows: "I think so. They are afraid. Not only are they afraid, that they know this, this information, and [but also] as witnesses, they know that some [Russian] authorities may be interested in them. Even we [Ukrainians] have people who will put information where it should not be. Who saw what. That means you can't even be sure of the people who are around you. So, yes, people are afraid. And some may not want to testify at some point, fearing for their lives. That can be. A person who has gone through whatever they went through during the occupation may not trust anyone today. Even if they were liberated from the occupation, or left the occupation on their own, it's 100% possible that they may not trust anyone. They may not even trust our authorities here. They may fear for their lives if someone finds out who they are. That is, all people are different and anything can be. Some people are not afraid of anything. Others believe that "I must. It is my civic duty to report everything." Others will say that they left the occupied territory and thank God for that. This is the human factor, so to speak." / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

141 Survival or crime: how Ukraine punishes collaborationism // Zmina, 2024: <https://zmina.ua/en/publication-en/survival-or-crime-how-ukraine-punishes-collaborationism/>.

## 4. The capacity of Ukrainian authorities to protect victims of grave international crimes

### 4.1 Authorities responsible for security measures

The system of state authorities responsible for implementing security measures for participants in criminal proceedings was established after the adoption of the relevant law in 1993<sup>142</sup> and has not undergone any significant changes over the years. In 2012, after the adoption of the CPC of Ukraine, the SBI and NABU were added to the list of authorities responsible for implementing security measures. Currently, there are three categories of authorities with powers in the field of security measures in criminal proceedings:

**1. Authorities that take decisions on their application** – investigators, inquiry officers, prosecutors, courts, and operational-search units in criminal proceedings<sup>143</sup>. In addition, prosecutors and judges may be independently responsible for the implementation of certain security measures. The prosecutor may initiate closed court hearings<sup>144</sup> or ensure the anonymity of a person in criminal proceedings<sup>145</sup>. At the same time, the prosecutor grants sanction in cases where the person under protection refuses the measures applied (in particular, when protecting property, changing appearance, or relocating<sup>146</sup>). Only courts may decide to hold closed proceedings<sup>147</sup>. The court is also authorised to consider motions and make decisions on changing a person's personal data (pseudonymisation), non-disclosure of information, and conducting identification without visual or audio surveillance<sup>148</sup>.

**2. Authorities that implement measures** – as a general rule, the authority in charge of criminal proceedings implements the designated security measures. The relevant units have been set up within the SSU, the Ministry of Internal Affairs, the NPU, the SBI, and the NABU. At the same time, there are no specialised units within the structure of the courts or the ESB. Therefore, if these au-

142 Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

143 Article 3 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

144 Article 16 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

145 Article 15 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

146 Article 13 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

147 Article 16 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>. Article 27 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

148 Article 15 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>. Article 232 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

thorities decide to apply security measures, their implementation is entrusted to other authorised institutions<sup>149</sup>.

The SSU implements a significant part of the security measures, in particular personal security, protection of housing and property, provision of special means of individual protection, use of technical means of control, and modification of the appearance or documents of persons taken under protection. Security Service units may also be involved in escorting persons during relocation or transfer to other institutions, and in some cases, ensuring anonymity<sup>150</sup>.

National Police units implement measures related to physical protection, notification of danger, relocation, transfer, change of places of work or study, and participate in the confidential escort of witnesses<sup>151</sup>. Providing personal security for persons under protection is one of the tasks assigned specifically to the Rapid Operational Response Unit (RORU)<sup>152</sup>. The unit may be involved in ensuring the physical safety of witnesses, victims, or whistleblowers on the basis of decisions by the NPU leadership<sup>153</sup> or the prosecutor<sup>154</sup> in cases of high-level threats. This may involve escorting, evacuating, or accompanying a witness in the face of an immediate threat. Due to the specific nature of RORU training, their involvement allows for a rapid response to threats to participants in criminal proceedings. However the nature of their functions allows to involve them only in those cases where the threat is immediate, confirmed, and other authorities cannot effectively ensure safety.

National experts involved in the implementation of security measures note that the practice of the SSU units in this area is more comprehensive than that of specialised units within the police structure<sup>155</sup>. At the same time, NPU units, in cooperation with the authorised structures of the Ministry of Internal Affairs, are able to implement the security measures more fully as they are administering state registers (e.g., replacement of documents, etc.).

**3. Involved entities** – other bodies involved in the implementation of security measures and performing auxiliary functions. In particular, if a person is held in a penal institution or a pre-trial detention center, their security is ensured by the relevant unit of such an institution<sup>156</sup>. Other bodies – in particular, the State Migration Service, civil registry offices, the Pension Fund, social security bodies, and local councils – are involved in changing documents, resettlement, employment, and the implemen-

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149 Article 3 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

150 Regulatory acts governing the powers of the relevant departments of the authority and determining the procedure for their work are available exclusively for internal use, due to the nature of their activities and the need to ensure confidentiality.

151 On Approval of the Procedure for Implementing Security Measures for Personal Protection and Protection of the Home and Property of Persons Involved in Criminal Proceedings, Court and Law Enforcement Officials, Their Family Members and Close Relatives // Order of the Ministry of Internal Affairs of Ukraine, No. 752, 12 October 2021: <https://zakon.rada.gov.ua/laws/show/z1398-21#Text>.

152 Part 5 of paragraph 1 of Section II / On Approval of the Regulations on Special Police Units "Rapid Response Corps" // Order of the Ministry of Internal Affairs of Ukraine, No. 958, 26 November 2018: <https://zakon.rada.gov.ua/laws/show/z1436-18#Text>.

153 Part 2 of Section II / On approval of the Procedure for Implementing Security Measures for Personal Protection and Protection of the Home and Property of Persons Involved in Criminal Proceedings, Court and Law Enforcement Officials, Their Family Members and Close Relatives // Order of the Ministry of Internal Affairs of Ukraine, No. 752, 12 October 2021: <https://zakon.rada.gov.ua/laws/show/z1398-21#Text>.

154 Article 3 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

155 Interview conducted by ULAG experts on 12 December 2024.

156 Article 3 / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>. Article 10 / Criminal Enforcement Code of Ukraine // Verkhovna Rada of Ukraine, No. 1129-IV, 11 July 2023: <https://zakon.rada.gov.ua/laws/show/1129-15#Text>.

tation of social guarantees. However, the relevant legislation defining the powers of these bodies<sup>157</sup> and the protection of personal data<sup>158</sup>, needs to be substantially updated in view of the challenges and consequences of full-scale war.

Since the SSU has jurisdiction over grave international crimes<sup>159</sup>, its units are responsible for implementing security measures for victims and witnesses in such cases. In practice, however, cases involving war crimes are also referred for investigation to the National Police and the SBI<sup>160</sup>, making these bodies responsible for implementing security measures related to these particular cases. Therefore, in terms of investigating the consequences of the armed conflict, the workload on the investigative bodies will directly affect their capacity and effectiveness in implementing security measures.

In 2022, amendments to the CPC of Ukraine defined the context of cooperation with the International Criminal Court. The provisions do not explicitly provide for the possibility of security measures being applied by Ukrainian authorities at the request of the Court, but contain an open list of obligations for the Office of the Prosecutor General, among others<sup>161</sup>. At the same time, it is specified that the OPG requests the implementation of measures necessary to ensure the protection of officials, civil servants, and other official representatives of Ukraine in connection with proceedings before the ICC<sup>162</sup>.

The experience of other countries shows that, regardless of the approach chosen to ensure security at the institutional level, an important element of such infrastructure is the existence of a single body responsible for overall coordination. For example, in **Bosnia and Herzegovina**, a unit within the police structure is responsible for implementing security programs. Meanwhile a specialised commission is responsible for cooperation with other countries and making decisions on the implementation of such programs upon request<sup>163</sup>. The **United States** is considered to be the country with the most developed witness protection system. There, relevant programs are implemented by the US Marshals Service, which has been operating since 1971.<sup>164</sup> The systems of responsible authorities in **Canada**<sup>165</sup> and **the United Kingdom** are structured in a similar way<sup>166</sup>.

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157 On Approval of the Procedure for Implementing Measures to Ensure the Safety of Persons Held in Penal Institutions and Pre-trial Detention Centers // Order of the Ministry of Justice of Ukraine, No. 1408/5, 25 April 2017: <https://zakon.rada.gov.ua/laws/show/z0550-17#Text>.

158 On the Procedure for Resolving Issues of Relocation to Another Place of Residence, Provision of Housing, Material Assistance, and Employment of Persons Taken Under State Protection // Resolution of the Cabinet of Ministers of Ukraine, No. 457, 26 June 1995: <https://zakon.rada.gov.ua/laws/show/457-95-%D0%BF#Text>.

159 Article 216(2) / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

160 Needs Assessment of Ukraine's Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict // ULAG: <https://www.justice-needs-ukraine.report/en>.

161 Article 618(2) / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

162 Article 618(2)(9) / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

163 Interview conducted by ULAG experts with an expert from Bosnia and Herzegovina, 12 August 2025.

164 Witness Security // US Marshal Service: <https://www.usmarshals.gov/what-we-do/witness-security>.

165 Witness Protection Program // Royal Canadian Mounted Police: <https://rcmp.ca/en/federal-policing/witness-protection-program>.

166 Protected persons // National Crime Agency: <https://www.nationalcrimeagency.gov.uk/what-we-do/how-we-work/providing-specialist-capabilities-for-law-enforcement/protected-persons>.

## 4.2 Authorities responsible for interacting with victims in criminal proceedings (Ukrainian and international experience)

International experience in the application of protective measures shows that victims often need psychological and social support, including during the implementation of security programs. These elements can be provided by separate state programs or relevant support units<sup>167</sup>. Currently, there is no specialised infrastructure in the Ukrainian justice system to support victims and witnesses in criminal proceedings. At the same time, the regulations on the Coordination Centre state that its activities are guided, among other things, by the Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings"<sup>168</sup>. Accordingly, the role of the Center should be defined within the infrastructure of the authorities responsible for implementing security measures.

The powers vested in the Coordination Centre go beyond the functions of the prosecutor's office as provided for by the Constitution of Ukraine<sup>169</sup> and the Law of Ukraine "On the Prosecutor's Office"<sup>170</sup>. In particular, regarding informing victims and witnesses in proceedings about their progress and results, as well as explaining their rights in the process<sup>171</sup>. The fact that the Coordination Centre of the OGP is subordinate to the prosecutor's office as a structural unit makes its activities dependent on the prosecutor's office system and decisions within the institution.<sup>172</sup> At the same time, the needs of victims and witnesses require broader integration of work with pre-trial investigation bodies, courts, the free legal aid system, and social services.

For two years, the conditions of the Center's activities have largely depended on practical decisions and the general framework of approved approaches to working with victims of the armed conflict in Ukraine<sup>173</sup>. The approaches approved by Ukraine for the development of law enforcement and the

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167 Interview conducted by ULAG experts with an expert from Bosnia and Herzegovina, 12 August 2025.

168 Regulations on the Coordination Centre for Victim and Witness Support of the Office of the Prosecutor General // approved by Order of the Prosecutor General, No. 210, 24 July 2025.

169 Article 131(1). Ukraine has a prosecutor's office, which performs the following functions: 1) prosecution by the prosecutor in court on behalf of the State; 2) the organisation and procedural management of pre-trial investigation, solving of other issues in the course of criminal proceedings in accordance with the law, control over covert and other investigative and search actions of law enforcement agencies; 3) representation of the interests of the State in court in exceptional cases and in the manner prescribed by law. / Constitution of Ukraine // Verkhovna Rada of Ukraine, 28 June 1996: <https://zakon.rada.gov.ua/laws/show/en/254%D0%BA/96-%D0%B2%D1%80#Text>.

170 Article 2(1). The prosecutor's office shall have the following functions: 1) prosecution by the prosecutor in court on behalf of the State; 2) representation of the interests of citizens or the State in court in cases specified by this Law and Chapter 12 of Section III of the Civil Procedure Code of Ukraine; 3) supervision of compliance with the law by bodies conducting operational-investigative activities, inquiries, and pre-trial investigations; 4) supervision of compliance with the law in the enforcement of court decisions in criminal cases, as well as in the application of other coercive measures related to the restriction of personal freedom of citizens. / Law of Ukraine "On the Prosecutor's Office" // Verkhovna Rada of Ukraine, No. 1697-VII, 14 October 2014: <https://zakon.rada.gov.ua/laws/show/1697-18#Text>.

171 Para. 4 / On the organisation of the activities of the prosecution authorities in relation to support for victims and witnesses // Order of the Prosecutor General, No. 263, 28 October 2024: <https://zakon.rada.gov.ua/laws/show/v0263905-24#Text>.

172 On the approval of the Regulations on the Coordination Centre for Victim and Witness Support (as an independent body) at the Office of the Prosecutor General // Order of the Prosecutor General, No. 210, 24 July 2025.

173 Although the Coordination Centre was actually established in 2023 and its activities were expanded at the regional level in 2024, it was not until 24 July 2025, that its regulations were approved, defining the scope of the unit's powers within the OPG. / Become part of the Coordination Centre for Victim and Witness Support team: recruitment for vacant positions announced // Office of the Prosecutor General, 27 June 2023: <https://www.gp.gov.ua/ua/posts/stan-castinoyu-komandi-koordinaciinogo-centru-pidtrimki-poterpilih-i-svidkiv-ogoloseno-nabir-na-vakantni-posadi>. Join the development of the victim and witness support system: recruitment for regional departments announced // Office of the Prosecutor General, 22 August 2024: <https://surl.li/jvinnz>. On the organisation of the work of the prosecution authorities on issues of support for victims and witnesses of war crimes and other international crimes // Order of the Prosecutor General, No. 103, 11 April 2023: <https://zakon.rada.gov.ua/laws/show/v0103905-23#Text>. On the approval of the Regulations on the Coordination Centre for Victim and Witness Support (as an independent body) of the Office of the Prosecutor General // Order of the Prosecutor General, No. 210, 24 July 2025.

justice system stipulate that the Coordination Centre should focus not only on victims of grave international crimes, but also on all victims of violent acts in general criminal proceedings<sup>174</sup>. Therefore, it is expected that the development of its work will require an expansion of staff, as well as the creation of an appropriate infrastructure of support units at the level of courts and investigative bodies.

The experience of other countries shows that the availability of a specialised infrastructure to support victims and witnesses has a positive impact on the effectiveness of justice processes. For example, in **Bosnia and Herzegovina**, Witness Support Offices based in courts and prosecutor's offices provide information on the progress of proceedings, resolve logistical issues related to transportation to court, and provide psychological and social assistance or refer victims to specialised organisations that support victims of war crimes<sup>175</sup>. In **Croatia**, a Department for Support to Witnesses and Other Participants in War Crimes Trials has been established within the Ministry of Justice. The department is responsible for providing legal and physical protection as well as psychological assistance to victims of war crimes who are participating in war crimes trials both in Croatia and abroad<sup>176</sup>.

A similar practice has also been introduced in the work of the **International Criminal Court**. The ICC Registry has a special Victims and Witnesses Unit. Together with the Office of the Prosecutor of the ICC, it provides protective measures and security arrangements, counseling, and other relevant assistance to witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses<sup>177</sup>. This unit within the ICC system serves as a model for mediation and interaction between victims, witnesses, and the Court.

## 4.2 Challenges in the work of the responsible authorities

The effectiveness of security measures is determined, among other things, by the ability of the responsible authorities to implement them fully. In addition, since 2014, the conditions of armed conflict in Ukraine have directly affected the overall security situation within the country. Therefore, the safety of persons involved in criminal proceedings related to the consequences of war is a guarantee that justice processes, both within the national system and other mechanisms, can be effective. Accordingly, changes in the infrastructure of national bodies responsible for security measures must take into account the following factors:

### Insufficient funding for the activities of departments

The state budget of Ukraine does not provide for special funds and programs for financing security measures<sup>178</sup>. The publicly available budget of the responsible authorities only reflects their total

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174 Section II / On the Comprehensive Strategic Plan for Reforming Law Enforcement Agencies as Part of Ukraine's Security and Defense Sector for 2023-2027 // Decree of the President of Ukraine, No. 273/2023, 11 May 2023: <https://zakon.rada.gov.ua/laws/show/273/2023#n29>.

175 Interview conducted by ULAG experts with an expert from Bosnia and Herzegovina, 25 June 2025.

176 Development of a Witness and Victim Support System. Croatian experience: good practices and lessons learned // UNDP, 2014: <https://www.undp.org/sites/g/files/zskgke326/files/migration/eurasia/UNDP-CROATIA---Witness-and-Victim.pdf>.

177 Article 43 / Rome Statute of the International Criminal Court // ICC, 17 July 1998: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

178 Law of Ukraine "On the State Budget for 2025" // Verkhovna Rada of Ukraine, No. 4059-IX, 19 November 2024: <https://zakon.rada.gov.ua/laws/show/4059-20#Text>.

funding and does not allow for an assessment of the planned expenditures for individual units<sup>179</sup>. The number of full-time employees, the current needs of the institution, and the priorities of its activities allow us to conclude what place units implementing security measures occupy in the distribution of internal resources.

National experts directly involved in the implementation of security measures indicate that «on average, 6 people are needed to provide security for 1 witness (3 people per shift with the possibility of rotation). The cost of protecting 1 witness per year is approximately UAH 1.5 million. And a special unit with 100 personnel can work with 15 witnesses simultaneously»<sup>180</sup>. In practice, law enforcement agencies use all available methods to find funding for the implementation of measures, including within other budget items of their own agencies, in particular those provided for operational and investigative activities. This approach creates risks for the functioning of the agency in the performance of its tasks<sup>181</sup>. For example, when implementing security measures, the RORU uses the general expenses allocated to the unit, as well as the resources provided to the unit within the framework of international technical assistance<sup>182</sup>.

The funding of the relevant units determines the number of employees available to implement security measures. Thus, the availability of human resources must be taken into account when assessing the workload of the relevant unit in order to determine how many security measures of a particular type the agency will be able to implement during the year. Based on these indicators, it is possible to determine whether it is realistic to meet the needs of participants in the proceedings, taking into account the consequences of the armed conflict in Ukraine. In addition, departments must have financial resources at their disposal to pay for technical equipment and solutions for victims and witnesses. These include, for example, panic buttons, video surveillance systems, payment for relocation accommodation, and so on.

The possibility of cooperation with other countries in the implementation of security measures for specific individuals also depends on the budgets available to the state for relevant programs. For example, Bosnia and Herzegovina is one of the most active countries within the Eurojust system, which can host witnesses under resettlement programs. At the same time, the costs of implementing measures related to witness protection are borne by the state that initiated the protection<sup>183</sup>.

One of the available ways for authorities to attract additional financial resources is through international assistance. However, the requirements of such programs mainly provide for the targeted use of funds and do not cover the financing of the work of units implementing security measures. In particular, it is possible to purchase technical equipment, conduct training and organise

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179 The procedure, approved back in 1996 by Order of the Ministry of Finance, Ministry of Internal Affairs, and Security Service of Ukraine No. 5/25/21/33/20, is not publicly available. The only document that allows one to familiarise oneself with at least an excerpt from the procedure is Order No. 354 of the Administration of the State Border Service of Ukraine dated 28 April 2004. Thus, according to its requirements, the financing of measures that must be implemented to ensure the safety of military personnel and law enforcement officers, as well as persons involved in criminal proceedings, is carried out by the body that made the decision to apply such security measures. / Clause 3.4 / On approval of the Instructions on the procedure for organising and implementing personal security measures for military personnel and employees of the State Border Service of Ukraine and their close relatives // Order of the Administration of the State Border Guard Service of Ukraine, No. 354, 28 April 2004: <https://zakon.rada.gov.ua/laws/show/z0637-04#Text>.

180 Interview conducted by ULAG experts on 12 December 2024.

181 Interview conducted by ULAG experts on 12 December 2024.

182 Law of Ukraine "On the State Budget for 2025" // Verkhovna Rada of Ukraine, No. 4059-IX, 19 November 2024: <https://zakon.rada.gov.ua/laws/show/4059-20#Text>. 35 police officers received RORU fighter certificates // Korrespondent.NET, 28 October 2016: <https://ua.korrespondent.net/ukraine/3764173-35-politseyskykh-otrymaly-sertyfikaty-biitsiv-kord>.

183 Interview conducted by ULAG experts on 12 August 2025.

visits to exchange experience, and support services that can be provided to victims and witnesses. For example, the training of RORU police instructors was supported by US funds<sup>184</sup> in accordance with US standards<sup>185</sup>. At the time of the study, the Coordination Centre's work was also supported by international partners such as USAID, UNDP, UNFPA, and others<sup>186</sup>. However, the significant dependence of state structures on such support carries substantial risks and becomes a negative factor, for example, when the conditions of such funding change or donor programs are completely closed<sup>187</sup>.

European experts note that witness protection programs are not necessarily very costly and can save the state money by preventing serious crimes<sup>188</sup>. At the same time, the lack of stable funding, especially in the context of war and system reform, reduces the state's ability to implement security measures to protect victims.

## The need to coordinate the activities of specialised units

The provisions of the specialised law<sup>189</sup> provide for a fairly broad list of law enforcement agencies responsible for implementing security measures. However, the regulation does not contain a mechanism for their coordination and exchange of experience<sup>190</sup>. For example, after 2022, one of the measures actively applied in criminal proceedings related to the consequences of armed conflict is ensuring the confidentiality of personal information. Since there is no clear mechanism for implementing this measure, the responsible authorities take different approaches to its implementation in practice. Documents containing the victim's personal data may be stored as information constituting a state secret. Alternatively, such procedural documents may be recognised as information for official use, stored separately from the materials of the criminal proceedings by the investigator and/or prosecutor in a safe<sup>191</sup>.

Participants in criminal proceedings emphasise that the implementation of security measures depends primarily on the decision of the person who orders them: *"In practice, quite a lot of people are*

184 35 police officers received RORU fighter certificates // Korrespondent.NET, 28 October 2016:

<https://ua.korrespondent.net/ukraine/3764173-35-politseiskykh-otrymaly-sertyfikaty-biitsiv-kord>

185 RORU special forces instructors receive American certificates // LB.UA, 1 April 2016:

[https://lb.ua/society/2016/04/01/331816\\_instruktori\\_spetsnaza\\_kord.html](https://lb.ua/society/2016/04/01/331816_instruktori_spetsnaza_kord.html)

186 Results of the work of the Coordination Centre for Victim and Witness Support for 2024 // Office of the Prosecutor General, 18 January 2025: <https://gp.gov.ua/ua/posts/pidsumki-roboti-koordinacii-nogo-centru-pidtrimki-poterpilix-i-svidkiv-za-2024-rik>.

187 *"We inform people that they can contact the Coordination Centre and we use its services. Of course, interaction with them was much better when they had stable funding, but now that it has been cut, their capabilities are significantly limited. For example, one victim was an important witness who also needed help with her vision due to the consequences of a blast trauma, and the Coordination Centre provided her with full medical assistance, took her to the doctor, and after this interaction, the victim was as open as possible to cooperation and found other witnesses. Although at the time when we were looking for her, she refused to make contact about 10 times. For another man, the Coordination Centre found funding for surgery. In another story, when we had to remove bullets from the wall in an apartment, they financed the person's apartment repairs. The Coordination Centre has its own protocols for interacting with victims, where they provide psychological, legal, medical, and financial assistance. Currently, it is somewhat worse in practice due to a lack of funding."* // Interview conducted by ULAG experts with an NPU investigator on 14 July 2025.

188 Witness protection: a valuable tool in the fight against organised crime // EUAM, 25 April 2017: <https://www.euam-ukraine.eu/news/opinion/witness-protection-a-valuable-tool-to-combat-serious-organised-crime/>.

189 Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

190 *"The problem is that the procedure is not regulated at all. Even the practice varies: some prosecutors classify this information as confidential, which means that there is a separate storage procedure and the court must be notified of the existence of such materials, and when distributing cases, it must be taken into account that the judge needs to be able to access such information; while other prosecutors choose to store this information separately, so they lock these documents in a safe and that is the end of the protection."* // Interview conducted by ULAG experts with the prosecutor of the OPG on 9 July 2025.

191 Notes from a meeting with representatives of the national justice system, conducted by ULAG on 26 November 2024.

*involved in implementing these measures. Investigators, prosecutors, individual defense units – and each of them has their own practice. Our system depends more on the willingness of an individual investigator or prosecutor who may be aware of specific victim support procedures and may apply them, rather than on established general practice*<sup>192</sup>.

Current regulations contain only examples of coordination between different units within agencies, taking into account their tasks in implementing security measures. For example, Order No. 752 of the Ministry of Internal Affairs regulates the general rules for interaction between NPU units in the field of process participant security.<sup>193</sup> However, overall coordination between different agencies can only take place within the framework of criminal proceedings where a decision has been made to apply security measures. This function is entrusted to the prosecutor in the proceedings, who can act as a supervisory authority<sup>194</sup>.

Since the issue of the NPU's jurisdiction in criminal proceedings concerning grave international crimes remains unresolved in practice, there is a risk of duplication of functions between the NPU and the SSU when applying security measures<sup>195</sup>. Thus, the application of a set of security measures (for example, when a person needs physical protection, a name change, and relocation at the same time), a change in the jurisdiction of the proceedings, or inadequate coordination on the part of the prosecutor in the proceedings may create additional challenges and risks for victims and witnesses.

## Workload of authorities

The specialised law establishes a fairly broad list of persons who are entitled to apply security measures. In particular, it includes an expert, a specialist, a translator, and a witness in a criminal proceeding<sup>196</sup>. National experts who directly implement security measures note that such a broad list affects the effectiveness of the agency's work and the sufficiency of the unit's resources to implement all designated security measures within a single proceeding<sup>197</sup>.

One possible solution to this problem is to conduct a risk assessment for participants in the proceedings. Although Ukrainian legislation does not provide for such a stage, some departments, in particular the SSU, have introduced an internal practice of implementing it, which allows for minimis-

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192 Interview conducted by ULAG experts with the prosecutor of the regional prosecutor's office on 9 July 2025.

193 "On approval of the Procedure for implementing security measures for the personal protection, protection of the home and property of persons involved in criminal proceedings, court and law enforcement officials, their family members and close relatives" // Order of the Ministry of Internal Affairs of Ukraine, No. 752, 12 October 2021: <https://zakon.rada.gov.ua/laws/show/z1398-21#Text>.

194 Among others, the public prosecutor, has the right to:

2) have full access to the records, documents, and other data related to pre-trial investigation;

7) overturn illegitimate and ungrounded rulings of investigators;

8) initiate with the chief officer of the pre-trial investigative agency the issue of suspending the investigator from pre-trial investigation and the appointment of another investigator where grounds specified in this Code are present for his disqualification or where pre-trial investigation was inefficient;

9) take procedural decisions in cases stipulated by this Code, including with regard to termination of a criminal proceeding and to extending the terms for the pre-trial investigation where grounds as prescribed in this Code are present;" / Part 2 of Article 36 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, No. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>

195 Needs Assessment of Ukraine's Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict// ULAG: <https://www.justice-needs-ukraine.report/en>.

196 Article 2(1)(e) / Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

197 Interview conducted by ULAG experts on 12 December 2024.

ing the overload of the department<sup>198</sup>. Meanwhile, according to EU standards, the risk assessment stage for participants in proceedings is necessary to ensure the effective protection of victims and witnesses in the process<sup>199</sup>.

At the same time, the armed conflict itself creates additional specific risks for those affected by its consequences. For example, victims may identify the proximity of the combat zone to their place of residence, ongoing shelling, etc. as a risk to themselves. As a result, the demand for security measures in criminal proceedings can only increase. The participants in criminal proceedings note that they do not have sufficient information about what protection they can receive from the state (87% of the victims surveyed said that state representatives did not offer them protection<sup>200</sup>). The results of the victim survey show that 26% of people need physical protection from the state, and 9% need relocation to safer areas<sup>201</sup>. There were cases where a victim who had left the country required security during her interview in Ukraine, as she felt that returning to Ukraine would put her life in danger due to the ongoing war<sup>202</sup>.

Given the significant number of reported cases of grave international crimes, it is reasonable to expect that the demand for security measures for victims and witnesses in such proceedings will only increase. Ukraine's experience prior to the full-scale invasion by the Russian Federation in 2022<sup>203</sup> and the cases recorded since then<sup>204</sup> have demonstrated that one of the key challenges in this context is the physical safety of individuals. Since grave international crimes are only one of the categories within the scope of work of the national infrastructure of bodies responsible for implementing security measures, it is necessary to create conditions that will allow such requests from victims to be effectively implemented.

## Level of trust in the justice system among victims and witnesses

The quality of interaction between the responsible authorities and the person subject to security measures is also influenced by the overall level of trust in law enforcement and the justice system<sup>205</sup>. In addition to general societal trends<sup>206</sup>, victims of war react to how law enforcement agencies

198 Interview conducted by ULAG experts on 12 December 2024.

199 Article 22 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

200 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

201 Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.

202 Interview conducted by ULAG experts with an investigator from the Main Investigation Department of the National Police of Ukraine on 14 July 2025.

203 "Former State Duma deputy who fled Russia shot dead in downtown Kyiv" // *LB.ua*, 23 March 2017: [https://lb.ua/society/2017/03/23/361969\\_tsentre\\_kieva\\_zastrelili\\_beglogo.html](https://lb.ua/society/2017/03/23/361969_tsentre_kieva_zastrelili_beglogo.html). Developing an effective witness protection program in criminal proceedings related to armed conflict // ULAG, 2021: <https://ulag.org.ua/uk/reports-and-materials/pobudova-efektyvnoi-prohramy-zakhystu-svidkiv/>.

204 A Russian Defector's Killing Raises Specter of Hit Squads // *The New York Times*, 31 March 2024: <https://www.nytimes.com/2024/03/31/world/europe/russian-defector-murder-spain.html>.

205 Interview conducted by ULAG experts on 12 December 2024.

206 Dynamics of trust in social institutions in 2021–2024 // *Kyiv International Institute of Sociology*, 9 January 2025: <https://kiis.com.ua/?lang=ukr&cat=reports&id=1467&page=1>. Assessment of the situation in the country, the activities of the authorities, and trust in social institutions, politicians, officials, and public figures, faith in victory (September 2024) / Razumkov centre, 15 October 2024: <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-sytuatsii-v-kraini-ta-diiialnosti-vlady-dovira-do-sotsialnykh-instytutiv-politykiv-posadovtsiv-ta-gromadskykh-diiachiv-vira-v-peremogu-veresen-2024r>. Assessment of the situation in the country, trust in social institutions, politicians, officials, and public figures, attitudes toward elections during wartime, faith in victory (February–March 2025) // Razumkov centre, 24 March 2025: <https://surl.li/btezrt>.

communicate with them during the process, whether they pay attention to their needs, how criminal proceedings are conducted, and whether it is possible to bring the perpetrators to justice based on the results<sup>207</sup>. For example, victims may voice their requests for assistance and support to the investigator during interviewing. If the investigator responds to these requests and forwards them to the Coordination Centre or other organisations, then in the proceedings, “the person has more trust in interacting with the investigator”<sup>208</sup>. However, the investigator’s actual ability and authority to respond to such requests are limited for objective reasons.

Another factor that often leads to victims’ disillusionment is the large number of proceedings in the absence of suspects/defendants, which leaves victims with only the opportunity to share their stories during the process<sup>209</sup>. The enforcement of the decision remains the biggest challenge for these cases. Therefore, victims and witnesses may consider it a risk to themselves that, despite the court’s verdict, the convicted person remains at large. As a result, there is a growing question as to whether the system is capable of satisfying the demand for justice of those affected by the war and, accordingly, whether it can expect active participation of victims in proceedings<sup>210</sup>.

A separate challenge in the context of the ongoing war is the prolonged occupation of part of Ukrainian territory, the dynamic changes in the front line, and so-called collaborationist activities. Victims often distrust the justice system and law enforcement agencies, given the risks associated with the broad interpretation of forms of cooperation with the occupying authorities, the disclosure of their personal data in the media, and the protection of confidential data about victims by the justice system, etc<sup>211</sup>. This affects their willingness to cooperate. It is also worth noting similar challenges within the law enforcement system in the context of implementing measures to protect employees of services dealing with international or other complex and high-risk cases.

## Safety of unit employees

The protection of employees of agencies implementing security measures is no less important a factor affecting the effectiveness of their work. Given the context of the armed conflict, not only

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207 *“What kind of trust can there be, if a case like this... In one day, I was redirected to the SSU 23 times. In one day, I spoke to probably 23 different people. 23 different numbers. All at once. And the last number, the last person – they just told me: ‘If you find someone similar on the websites, send it to us. And only then will we see what can be done.’ That’s it. What kind of trust can there be towards... Unfortunately, there isn’t”. / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>*

208 Interview conducted by ULAG experts with an investigator from the Main Investigation Department of the National Police of Ukraine on 14 July 2025.

209 Needs Assessment of Ukraine’s Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict // ULAG: <https://www.justice-needs-ukraine.report/en> Yuriy Belousov: “We Can’t Lose Ukraine’s Legal Battle” // JusticeInfo.Net, 11 July 2023: <https://www.justiceinfo.net/en/119268-yuriy-belousov-we-cant-lose-ukraine-legal-battle.html>

210 *“Well, look, I’ll tell you this, the trial has been going on for over a year now. I understand that this is a trial in absentia. How effective or ineffective it may be, I don’t know. Probably, it’s difficult to gather all those people, all those courts. Although it’s not progressing well, it is progressing, probably effectively. In such times of war, it’s difficult, it’s difficult. But, still, there probably is some kind of result”. / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.*

211 Respondents in response to the question of whether there are many victims and witnesses willing to participate in court proceedings concerning these international crimes in Ukrainian or international courts indicate: *“If I take my beneficiaries who have gone through me [worked with me], there are 100 people, and 10 of them are definitely willing to speak. But there would be 20. Another 10 are willing to speak if they do not have to reveal their faces, surnames, first names, or patronymics out of fear. They are concerned about corruption and are worried that it is unclear where this information will go. What if someone passes this information on to Russia? And it is still unclear whether the legal system will be able to protect them in any case”. / Public attitudes towards international war crimes in Ukraine. Research report // Kharkiv Institute for Social Research, 2024: <https://ulag.org.ua/reports-and-materials/public-attitudes-towards-international-war-crimes-in-ukraine/>.*

the physical safety of such employees<sup>212</sup>, but also the preservation of their confidentiality<sup>213</sup> is of particular importance. In addition, national experts in the field of security measures emphasise that the implementation of physical security measures by units also poses a risk to the life, physical, and mental health of employees of responsible authorities<sup>214</sup>.

At the same time, in the context of the ongoing armed conflict, law enforcement buildings are likely targets for attacks by the Russian Federation and also suffer collateral damage as a result of shelling<sup>215</sup>. This creates an additional risk to the safety of employees and to the infrastructure of the responsible authorities. At the same time, despite the high level of risk, a significant number of these agencies are located in administrative or educational premises that are directly adjacent to critical infrastructure facilities or are themselves included in the list of facilities in the potential danger zone<sup>216</sup>. This poses a direct threat to the employees of the relevant institutions, as well as to the people who turn to them for help.

Such institutions, by their very nature, must ensure confidentiality, safety, and psychological security when interacting with victims in need of assistance. However, proximity to potentially vulnerable facilities (security agency buildings, military facilities, etc.) not only contradicts the principles of physical security, but also effectively deprives victims of real access to protection without additional risks to life and health. Aside from the direct threat of attack, additional danger is posed by the absence of systematic procedures and protocols for responding to emergencies: occupation of territories, evacuation of persons, protection of personal data, evacuation and preservation of information, etc.

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212 Post on the *Suspilne News* channel // Telegram, 10 July 2025: <https://t.me/suspilnenews/53012>. Ukrainian Intelligence Officer Is Shot to Death in Kyiv Parking Lot // *The New York Times*, 10 July 2025: <https://www.nytimes.com/2025/07/10/world/europe/ukraine-intelligence-officer-shooting-sbu.html>.

213 Former police officer suspected of treason for passing on personal data of SSU employees to Russian special services // Office of the Prosecutor General, 12 September 2022: <https://www.gp.gov.ua/ua/posts/peredavav-specsluzbam-rf-personalni-dani-spivrobotnikiv-sbu-ekspoliceiskogo-pidozryuyut-u-derzhradji>. In Kupiansk raion, a former law enforcement officer was sentenced to 15 years for leaking information about the ATO and the SSU // 057, 29 November 2024: <https://www.057.ua/news/3866361/na-kupansini-kolisnomu-pravoohoroncu-dali-15-rokiv-za-zliv-danih-pro-ato-ta-sbu>. The number of cyberattacks on Ukraine has increased by 70% over the year: the main targets of hackers // *Economichna Pravda*, 9 January 2025: <https://pravda.com.ua/tehnologiji/kilkist-kiberatak-na-ukrajinu-zrosla-na-70-za-rik-golovni-misheni-hakeriv-801807/>. Almost 4,000 cyberattacks by Russia recorded in Ukraine // *Suspilne News*, 18 November 2023: <https://suspilne.media/619941-v-ukraini-zafiksuvali-majze-4-000-kiberatak-z-boku-rf/>. Russia's war against Ukraine: chronology of cyberattacks // European Parliament: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733549/EPRS\\_BRI\(2022\)733549\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733549/EPRS_BRI(2022)733549_EN.pdf). Cyberattack on Ukraine: How Were Government Websites Hacked? // *BBC Ukraine*, 19 January 2022: <https://www.bbc.com/ukrainian/news-60050149>. Cyberattack on Ukraine – Not the First and Not the Last? Who Is Fighting Back and How // *Radio Svoboda*, 16 January 2022: <https://www.radiosvoboda.org/a/kiberataka-na-ukrajynu-khto-ta-yak-protydiye/31655457.html>.

214 Interview conducted by ULAG experts on 12 December 2024.

215 Needs Assessment of Ukraine's Justice System: Delivering Meaningful Justice to the Victims and Survivors of the Armed Conflict // ULAG: <https://www.justice-needs-ukraine.report/en>.

216 An example of this is the location of certain coordination structures working with victims and witnesses near critical infrastructure clusters. In the summer of 2025, an enemy kamikaze drone strike was recorded near one of these locations.

## 5. National priorities and prospects for the development of a system to protect victims of international crimes

### 5.1 Approaches to victim protection to be taken into account in the process of European integration

Ukraine's European integration entails not only the harmonisation of legislation, but also adherence to the key legal principles enshrined in the fundamental documents of the European Union and the Council of Europe. Access to justice and fair trial are fundamental rights under the EU Charter<sup>217</sup>, and the ECtHR case law<sup>218</sup> affirms victims' right to a full investigation and compensation for damages. All implementing legislation must comply with the general principles of EU law and the European Convention on Human Rights.

Within the framework of its transitional justice policy, the EU emphasises that victims have a right to truth, justice, and rehabilitation, and that the process of restoring justice must provide effective legal remedies for them.<sup>219</sup> At the same time, the strategic goal is to avoid re-victimisation in the process of investigation or restoration of justice. The EU general guarantees consist in recognising victims as full participants in criminal proceedings with the right to be informed, receive assistance and protection, as well as material compensation. The EU insists that all entities that come into contact with victims must be trained in victim protection standards in order to avoid their re-victimisation.

The key document for harmonising legislation is Directive 2012/29/EU<sup>220</sup>, which establishes minimum standards for the rights, support and protection of all victims of crime. It focuses on conducting individual needs assessments and applying special protection measures (informing on the progress of proceedings, free legal aid, psychological support, special protection measures). This Directive is supplemented by a number of other regulations and strategic initiatives that address the following important aspects:

217 Charter Of Fundamental Rights Of The European Union 2012/C 326/02: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>

218 DG Justice Guidance Document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA // European Commission, DJ Justice, December 2013: [https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3\\_en?filename=13\\_12\\_19\\_3763804\\_guidance\\_victims\\_rights\\_directive\\_eu\\_en.pdf](https://commission.europa.eu/document/download/238cafb6-d5cd-4d1a-8624-a0bafb2cdfa3_en?filename=13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf)

219 The EU's Policy Framework on support to transitional justice / [https://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/dand/dv/40\\_eupolicy\\_frmwrk\\_suptrans\\_justice\\_/40\\_eupolicy\\_frmwrk\\_suptrans\\_justice\\_en.pdf#:~:text=b.traumatised](https://www.europarl.europa.eu/meetdocs/2014_2019/documents/dand/dv/40_eupolicy_frmwrk_suptrans_justice_/40_eupolicy_frmwrk_suptrans_justice_en.pdf#:~:text=b.traumatised)

220 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

- guaranteeing compensation to victims for damage caused by intentional violent crimes<sup>221</sup>;
- ensuring cooperation between EU countries in the application of protection measures for victims and witnesses in criminal proceedings, allowing for their continued implementation when such persons cross borders<sup>222</sup>;
- providing special support to victims of trafficking in human beings<sup>223</sup>;
- establishing specific standards for interviewing and providing psychological support to child victims, particularly those who have suffered sexual violence<sup>224</sup>;
- providing specific rights and support mechanisms for victims of terrorist acts, including emergency assistance, long-term support, and access to information<sup>225</sup>;
- regulating the protection of personal data in the context of communication and cooperation between different judicial authorities, including the protection of the confidentiality of information about victims and witnesses in proceedings<sup>226</sup>;
- ensuring countermeasures against the intimidation of witnesses in criminal proceedings and mechanisms for the exercise of the rights of defence in proceedings<sup>227</sup>;
- the specifics of protecting the rights of women victims of various forms of violence, including in the context of war crimes;<sup>228</sup>
- ensuring effective communication with victims in proceedings and support for the most vulnerable groups (in particular, children and survivors)<sup>229</sup>.

A general overview of international and European standards shows that a comprehensive system of victim protection is a key element of victim-oriented justice. The European Commission and the Council of Europe call for a victim-oriented approach, which recognises victims as full participants in criminal proceedings, rather than merely as sources of information. Therefore, in its efforts to join the

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221 Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0080>.

222 Directive 2011/99/EU of The European Parliament and of The Council of 13 December 2011 on the European protection order: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0099>. 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States – Statements made by certain Member States on the adoption of the Framework Decision Official Journal L 190, 18 July 2002 P. 0001 0020: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32002F0584>.

223 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0036>.

224 Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0093>.

225 Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017L0541>.

226 Council Framework Decision 2008/977/JHA of 27 November 2008 on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008f0977>.

227 Recommendation No. R (97) 13 of the Committee of Ministers to Member States Concerning Intimidation of Witnesses and the Rights of the Defence (Adopted by the Committee of Ministers on 10 September 1997 at the 600th meeting of the Ministers' Deputies): <https://rm.coe.int/16804c4a0f>.

228 The Council of Europe Convention on preventing and combating violence against women and domestic violence (“the Istanbul Convention”): <https://rm.coe.int/168008482e>.

229 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Strategy On Victims' Rights (2020-2025): <https://eur-lex.europa.eu/legal-content/EN/Txt/HTML/?uri=CELEX:52020dc0258>.

EU, Ukraine must not only formally implement the directives, but also ensure that these approaches are put into practice<sup>230</sup>. The adoption of relevant legislative and governmental documents is an important step along this path, requiring elaboration and concrete action in national legislation and law enforcement practice.

## 5.2 Ukraine's Roadmap and implementation priorities

Ukraine's aspiration for EU membership is reflected in specific government documents. The Cabinet of Ministers of Ukraine has approved a "Rule of Law Roadmap"<sup>231</sup>, providing for the alignment of Ukrainian legislation with EU accession criteria. Among the strategic objectives is ensuring effective protection of the rights of victims of crime, in particular victims of war and international crimes. The priority measures identified in this document include:

- aligning legislation with Directive 2012/29/EU, which provides for the development and adoption of laws that improve the methodology for conducting individual assessments of vulnerability and risks of secondary victimisation, intimidation, and retaliation, and identifying the need for security measures, including for child victims of crime;
- systemic training of criminal justice officials, prosecutors, and judges on a victim-oriented approach in criminal proceedings in accordance with Directive 2012/29/EU;
- establishment of a register of victims of war crimes and development of a Communication Strategy for working with victims and witnesses of war crimes and other international crimes;
- expansion of the network of victim support units based in regional prosecutor's offices, with the Coordination Centre for Victim and Witness Support playing a leading role;
- use of the Green Room methodology and the Barnahus approach for the interviewing of victims of sexual violence, abuse, and all types of violence; child victims; and witnesses, ensuring child-friendly justice, etc.

These measures have specific implementation deadlines (by 2026–2027) and responsible executors, which implies Ukraine's systematic approach to the implementation of these European standards. Accordingly, there are sufficient indicators to monitor the implementation of the commitments undertaken by the state. Therefore, the document serves not only as a declaration of intent, but also as a roadmap for systemic changes, particularly in the area of protecting the rights of victims of crime.

The Rule of Law Roadmap, as a strategic document, particularly within the framework of negotiation Chapters 23 (Justice and Fundamental Rights) and 24 (Justice, Freedom, and Security), is a critically important tool in the context of this study. Thus, the consistent implementation of the Roadmap measures will ensure not only formal compliance with EU commitments and a positive assessment in the screening process, but also the creation of an organizationally and financially sus-

230 Ukraine – Amnesty International Submission for the European Union Enlargement Package 2024 // Amnesty International, 12 April 2024: [https://www.amnesty.eu/wp-content/uploads/2024/05/Ukraine\\_AI-Submission-to-Enlargement-Package.pdf#:~:text=1%20UKRAINE%20,2024%20Brussels%2C%2012%20April%202024.](https://www.amnesty.eu/wp-content/uploads/2024/05/Ukraine_AI-Submission-to-Enlargement-Package.pdf#:~:text=1%20UKRAINE%20,2024%20Brussels%2C%2012%20April%202024.)

231 Order "Some Issues of Ensuring the Negotiation Process on Ukraine's Accession to the European Union under Cluster 1 'Fundamentals of the EU accession process'" // Cabinet of Ministers of Ukraine, No. 475-r, 14 May 2025: <https://zakon.rada.gov.ua/laws/show/475-2025-%D1%80#Text>. The Rule of Law Roadmap: [https://eu-ua.kmu.gov.ua/wp-content/uploads/UA\\_Dorozhnyia\\_karta\\_z\\_pytan\\_verhovenstva\\_prava\\_2.pdf](https://eu-ua.kmu.gov.ua/wp-content/uploads/UA_Dorozhnyia_karta_z_pytan_verhovenstva_prava_2.pdf).

tainable mechanism for protecting the rights of victims, their safe involvement and participation in the process of administering justice for international crimes. In this regard, the state will need to pay particular attention to the integration of measures such as ensuring a human-centered approach in criminal proceedings, mandatory individual needs and risks assessment, active outreach, and minimisation of secondary victimisation.

### 5.3 Ukraine's strategic initiatives and legislative proposals

Ukraine has several key legislative initiatives and general approaches to reforming the victim protection system, particularly in criminal proceedings.

**Draft Law No. 5751**<sup>232</sup>, registered in 2021, provides for a comprehensive reform of the system for ensuring the security of participants in criminal proceedings through the creation of a two-tier system. The first tier consists of special law enforcement units that apply security measures. The second level consists of the National Agency for the Security of Participants in Criminal Proceedings, which will develop a strategy, analyse practices, and evaluate effectiveness.

Key proposals include comprehensive protection measures, including physical security, the use of technical means, and even relocation. The draft also provides for the possibility of applying measures after the proceedings have been completed if the threat persists, and establishes liability for failure to take measures<sup>233</sup>.

At the same time, the draft has problematic provisions: it requires significant funding, creates additional bureaucracy, and does not take into account the principles of a victim-oriented approach and the context of armed conflict. The text has been added to the agenda of the Verkhovna Rada of Ukraine<sup>234</sup>, but there are currently no updates regarding its possible consideration.

**Draft Law No. 9351**<sup>235</sup>, registered in 2023, aims to support victims of conflict-related sexual violence. Its provisions expand opportunities to protect the rights of such victims at various stages of criminal proceedings. It provides for:

1. confidentiality protection: closed court hearings and restriction of access to victims' personal data to avoid public disclosure;
2. procedural guarantees: the possibility of remote participation in court hearings, which is critically important for victims who are abroad or in temporarily occupied territories;
3. a specialised approach: ensuring special procedures for interviewing and support, taking into account the specific nature of trauma associated with CRSV.

232 Draft Law on Ensuring the Security of Participants in Criminal Proceedings and Other Persons in the Interests of Justice // Verkhovna Rada of Ukraine, No. 5751, 12 July 2021: <https://itd.rada.gov.ua/billInfo/Bills/Card/27335>.

233 Draft Law on Amendments to Certain Legislative Acts of Ukraine Regarding Ensuring the Security of Participants in Criminal Proceedings and Other Persons in the Interests of Justice // Verkhovna Rada of Ukraine, No. 5752, 12 July 2021: <https://itd.rada.gov.ua/billInfo/Bills/Card/27336>.

234 On the Agenda of the Thirteenth Session of the Verkhovna Rada of Ukraine of the Ninth Convocation // Resolution of the Verkhovna Rada of Ukraine, No. 4229-IX, 11 February 2025: <https://zakon.rada.gov.ua/laws/show/4229-IX#Text>.

235 Draft Law on Amendments to the Criminal Procedure Code of Ukraine Regarding the Improvement of the Procedure for Conducting Pre-trial Investigations and Court Proceedings in Criminal Proceedings for Crimes Related to Sexual Violence Committed in the Context of Armed Conflict // Verkhovna Rada of Ukraine, No. 9351, 5 June 2023: <https://itd.rada.gov.ua/billInfo/Bills/Card/41960>.

However, its provisions do not apply to victims of other war crimes for whom similar protection instruments are also relevant. Draft Law No. 9351 has been included in the parliament's agenda<sup>236</sup>, but there is currently no information on the prospects for its consideration.

**Draft Law No. 9655**<sup>237</sup>, registered in 2023, focuses on measures to ensure the safety of convicted persons. It provides for the immediate registration of reports of crimes committed against such persons, as well as instruments for their protection in places of detention. On 16 April 2025, the law was adopted in its entirety, but instead of being signed by the President of Ukraine, proposals were made to the text, which are currently being reviewed<sup>238</sup>.

**The Overarching Strategy for the Reform of Entire Law Enforcement Sector (2023–2027)**<sup>239</sup> (and its Action Plan<sup>240</sup>) provides for the improvement of mechanisms and the development of interagency coordination in the field of criminal justice. Among the key measures is the creation of a Coordination Centre for Victim and Witness Support at the OPG. In addition, among the identified priorities is the need to further develop the institution for ensuring the safety of participants in criminal proceedings, primarily complainants, whistleblowers, victims, and witnesses.

The plan also provides for the development and adoption of a draft law to strengthen guarantees of support for victims, complainants, whistleblowers, and witnesses, especially those from vulnerable groups. Plans are in place to develop and adopt departmental documents on assessing the risk of secondary victimisation and traumatisation (by the fourth quarter of 2025)<sup>241</sup>, as well as to create specialised services and involve public associations to provide them with appropriate assistance (by the fourth quarter of 2026).

In addition, the plan provides for a comprehensive reform of the system for ensuring the security of participants in criminal proceedings, which will reflect the Recommendations of the Committee of Ministers of the Council of Europe (CM/Rec (2022)9) to member states on the protection of witnesses and collaborators of justice<sup>242</sup>. The measures include the creation of a national service for ensuring the security of participants in proceedings concerning grave and special grave offences (by the fourth quarter of 2027 or within a year after the termination or cancellation of martial law)<sup>243</sup>. At the same time, the approved Strategy and its approaches receive additional attention, as they are

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236 On the Agenda of the Thirteenth Session of the Verkhovna Rada of Ukraine of the Ninth Convocation // Resolution of the Verkhovna Rada of Ukraine, No. 4229-IX, 11 February 2025: <https://zakon.rada.gov.ua/laws/show/4229-IX#Text>.

237 Draft Law on Amendments to Article 196 of the Criminal Procedure Code of Ukraine and Certain Laws of Ukraine Regarding the Improvement of Procedures for Ensuring the Security of Persons Participating in Criminal Proceedings // Verkhovna Rada of Ukraine, No. 9655, 28 August 2023: <https://itd.rada.gov.ua/billInfo/Bills/Card/42626>.

238 Draft Law on Amendments to Article 196 of the Criminal Procedure Code of Ukraine and Certain Laws of Ukraine Regarding the Improvement of Procedures for Ensuring the Security of Persons Participating in Criminal Proceedings // Verkhovna Rada of Ukraine, No. 9655, 28 August 2023: <https://itd.rada.gov.ua/billInfo/Bills/Card/42626>.

239 On the Overarching Strategy for the Reform of Entire Law Enforcement Sector between 2023–2027 // Decree of the President of Ukraine, No. 273/2023, 11 May 2023: <https://zakon.rada.gov.ua/laws/show/273/2023#Text>.

240 On approval of the Action Plan aimed at implementing the Overarching Strategy for the Reform of Entire Law Enforcement Sector as Part of Ukraine's Security and Defense Sector between 2023–2027 // Order of the Cabinet of Ministers of Ukraine, No. 792-r, 23 August 2024: <https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text>.

241 Paragraph 3.6.4. / On approval of the Action Plan aimed at implementing the Overarching Strategy for the Reform of Entire Law Enforcement Sector as Part of Ukraine's Security and Defense Sector between 2023–2027 // Order of the Cabinet of Ministers of Ukraine, No. 792-r, 23 August 2024: <https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text>.

242 Paragraph 3.6.1. / On approval of the Action Plan aimed at implementing the Overarching Strategy for the Reform of Entire Law Enforcement Sector as Part of Ukraine's Security and Defense Sector between 2023–2027 // Order of the Cabinet of Ministers of Ukraine, No. 792-r, 23 August 2024: <https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text>.

243 Paragraph 3.6.2. / On approval of the Action Plan aimed at implementing the Overarching Strategy for the Reform of Entire Law Enforcement Sector as Part of Ukraine's Security and Defense Sector between 2023–2027 // Order of the Cabinet of Ministers of Ukraine, No. 792-r, 23 August 2024: <https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text>.

supported by measures that Ukraine has planned as part of its European integration processes. The issue of protecting victims of grave international crimes committed on the territory of Ukraine within the framework of criminal proceedings will remain part of the overall infrastructure of this system.

At present, the registered draft laws and discussions surrounding them do not provide a complete picture of how the updated system for ensuring the security of victims and witnesses in criminal proceedings will be structured. At the same time, the general trends and focus of current initiatives within the framework of European integration may indicate that there is still not enough attention being paid to the needs of victims of grave international crimes.

## 5.4 Challenges and directions for reform

Despite the overall process of attempting to adapt and update the system for protecting victims and witnesses, particularly in criminal proceedings, Ukraine faces a number of challenges that require comprehensive reform:

**Outdated legislative framework** – the key Law of Ukraine “On Ensuring the Security of Persons Participating in Criminal Proceedings”<sup>244</sup> does not correspond to modern realities, in particular, it does not take into account digital threats and the specific challenges and needs of victims of international crimes. «*The provision of Part 2 of Article 17 of the Law is quite controversial in practice. It provides that certain measures may be applied to a person without their consent, in particular the use of technical means of control and wiretapping of telephone and other communications. If such a decision is made, the person will not even be aware that such measures are being applied to them,*» note some experts interviewed during the preparation of the study.

**The absence of a specialised body for the protection of victims and witnesses** – measures are applied in a decentralised manner, which leads to a lack of uniform practice and dependence on the human factor. The EU Advisory Mission (EUAM)<sup>245</sup> has criticised this model for its inefficiency.

**Lack of awareness among victims** – victims and witnesses are often unaware of their rights in proceedings and the possibilities for their protection. According to surveys, prosecutors and investigators do not always provide comprehensive information. This is felt particularly acutely in the context of the ongoing war, where victims may be residing in temporarily occupied territories and simply not have access to any legal instruments, and are limited in their channels of communication with the Ukrainian authorities.

**Inadequate infrastructure of the authorities responsible for security measures** – court and law enforcement premises lack dedicated rooms, halls, and entrances for communicating with victims and preventing their contact with suspects/defendants.

**Ineffectiveness of the established security measures** – in practice, measures such as personal guards, changing (anonymising) personal data, and closed-door interviews are predominantly used. The assessment of victims’ needs is either not carried out or conducted on an ad hoc basis and depends on subjective factors and the decisions of those involved in the proceedings: “*It is mainly*

244 Law of Ukraine “On Ensuring the Security of Persons Participating in Criminal Proceedings” // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

245 EUAM proposes independent witness protection agency // EUAM, 25 April 2017: <https://www.euam-ukraine.eu/news/latest-news/euam-proposes-independent-witness-protection-agency/>.

*the witnesses who talk about protection. It is easier with victims, especially when they come to the territory controlled by Ukraine. The most common request is to change personal data*<sup>246</sup>.

**Lack of comprehensive support for victims** – the Coordination Centre’s powers are limited, and it does not have the procedural status to fully interact with victims and witnesses in the process. The protection of victims and the effectiveness of the Coordination Centre itself often depend on the capacity and cooperation of civil society and volunteer organisations, which often compensate for gaps in the state system.

**Insufficient funding** – national witness protection programs and support measures do not have stable funding, given the limited resources of the state budget. This creates additional demand and dependence on international assistance.

Thus, despite legislative initiatives and strategic plans on the part of state authorities, the current victim protection system in Ukraine still faces fundamental challenges. This situation, in turn, creates significant risks for the effective prosecution of international crimes. The lack of a uniform practice, subjective factors in the assessment and application of protection measures, low level of trust in state authorities, and outdated infrastructure indicate that legislative changes alone are not enough to achieve European standards and an adequate protection system. There is a need for a significant transformation of approaches to developing a system for protection and security of victims, which should include staff training, the creation of specialised bodies, and the provision of adequate funding.

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246 Interview conducted by ULAG experts with the prosecutor of the OPG on 9 July 2025.

# Conclusions

The consequences of Russia's armed aggression have led to staggering challenges for the country as a whole and the justice system in particular. One of these challenges, which has so far remained largely overlooked when it comes to systemic solutions, is the development of an effective system for the protection and security of witnesses and victims of international crimes. At the same time, the role of victims and witnesses who appear in court is extremely important, both for the effective investigation and obtaining of proper evidence of the crime, and for the individuals themselves. Victims and witnesses may repeatedly relive the trauma of the past crime, have legitimate concerns about their safety, or an acute need to be heard. The very fact of interacting with law enforcement and the justice system can be extremely stressful for anyone. Therefore, an adequate, people-centered system of support and protection of victims and witnesses contributes to ensuring fair justice and restoring the rights of these individuals. This is a system in which victims play a fully informed and active role.

The results of the study currently show that the existing victim and witness protection system is largely failing to cope with these tasks. The legislative framework for the protection and safety of witnesses and victims in criminal proceedings is critically outdated and needs to be significantly revised in line with EU standards and the challenges of the ongoing war. Despite the existence of a large number of legislative initiatives, this issue is not moving forward in parliament and probably lacks a consolidated political position for a unified systemic solution.

The objective of this study was to test three main hypotheses through comprehensive analysis and expert consultations regarding:

1. the insufficiency of Ukraine's current legislative framework to address wartime challenges and the specific needs of victims of international crimes;
2. the importance of implementing EU Directive 2012/29/EU for developing an effective national system for protecting victims of core international crimes;
3. the low institutional effectiveness and limited capacity of the state to ensure the safety of victims and witnesses in practice.

While researching the international standards for developing a system for the protection and security of witnesses and victims in criminal proceedings, the system's current state, and in particular the above hypotheses, the following key conclusions were reached.

## Conclusion 1.

**The study confirmed that the current legislative framework is critically outdated, decentralised, and ineffective. The 1993 Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" does not correspond to either the scale of crimes committed or the modern challenges arising from the international armed conflict. This directly impedes the implementation of key provisions of Directive 2012/29/EU.**

The significant scale of grave international crimes documented at the national level as well as the attention of international justice mechanisms to the situation in Ukraine requires meaningful and safe engagement of victims in investigative processes. However, given the negative trends in the interaction with victims in the proceedings since 2014, there is a clear need for urgent systemic changes in approaches to victim engagement and protection.

### **Lack of individual risk assessment:**

- There is no obligation or unified methodology at the legislative level to conduct an individual assessment of the victims' needs and risks (signs of psychological trauma, prior victimisation, social context, connection to occupied territories, etc.). Under Directive 2012/29/EU, such an assessment is mandatory to determine the need for special protection measures and to prevent retraumatisation.
- The practice of applying security measures is fragmented and unsystematic, and fully dependent on the human factor – the will and discretion of the individual official responsible for assigning them. As experts noted in the study: “Our system depends more on the wishes of an individual investigator or prosecutor... rather than being a general established practice”. At the same time, the development of a clear procedure for conducting such an assessment is critically necessary for the formation of a unified and effective protection practice.

### **Risk of secondary victimisation and procedural gaps:**

- Despite eleven years of ongoing armed conflict and the consequences of Russian aggression, victims in legal proceedings are still not viewed as full and active participants, but rather as a source of information. For example, in proceedings in absentia under Article 438 of the Criminal Code of Ukraine, the declared approach is that the primary task is to enable victims to share their statements, while keeping them informed about the progress of the case is not treated as an essential obligation.
- Ukraine's criminal procedural legislation does not contain sufficient mechanisms to protect victims from secondary victimisation. This is reflected in the need for multiple interviews and the lack of tools to guarantee that the victim will not come in contact with the suspect/accused.
- In the context of investigations into international crimes, criminal justice experts and specialists claim that perhaps the greatest request from victims and witnesses, particularly those from temporarily occupied territories, is that their personal details be redacted in case files. Most often this request comes from witnesses. At the same time, no procedural provisions are made for the pseudonymisation of witnesses and their protection from disclosure of their identity during court proceedings. Moreover, measures such as changing individual tax identification numbers or documents are practically unachievable in practice due to gaps in inter-agency cooperation and outdated registries.

### **Inadequate informing and access to rights:**

- There is a general lack of adequate informing of victims about their rights, the course of proceedings, and available safety or support measures. According to certain studies on justice for international crimes, 87% of surveyed victims said that state officials did not offer them

protection. Victims are often forced to seek information independently, mainly through social media, Telegram, etc. This indicates serious shortcomings in the state's fulfillment of its duty to ensure the right to information from the first point of contact. Individual positive cases of support and proactive communication demonstrated in the study (due to the active position of justice system staff, the work of victim representatives, or the Coordination Centre) appear to be exceptions rather than indicators of an effective informing system.

### Conclusion 2.

**The effectiveness of victim and witness protection measures in practice is shaped by outdated legislation, low institutional capacity of the relevant authorities, and financial constraints. The assessment of victims' needs, decisions on the application of security measures, and informing victims and witnesses about the possibility of such measures are in fact influenced by the human factor and take place amid poor coordination between various actors in the justice system. To date, there is no single body responsible for implementing such security measures, and individual officials within the justice system lack authority to assess the need for protection or to provide victims with information and/or support they expect and require.**

The fragmentation of responsibility and coordination of security measures stems from the outdated Law "On Ensuring the Security of Persons Participating in Criminal Proceedings", which fails to comply with international standards, as well as from the lack of political will to make timely decisions and adopt legislative initiatives. The absence of a central body responsible for coordinating comprehensive security measures results in either duplication of functions across institutions or the failure to take necessary action. Ukraine's priorities within the framework of European integration underscore the need to establish such a body. Its effectiveness will directly depend on cooperation with other entities, workload distribution, available resources (human, financial, technical), monitoring of results, and flexibility of solutions.

The full-scale Russian invasion has influenced the focus of proceedings concerning the consequences of the war, revealing the need to develop a support system for victims. Thus, in 2023, the Coordination Centre for Victim and Witness Support was established within the Office of the Prosecutor General. Its practical support is currently focused on referring requests from victims to relevant organisations (mainly non-governmental). In effect, the scope of its work extends beyond the operational capacities of the prosecutor's office. Given the scale of grave international crimes and the number of victims, their needs, and the Coordination Centre's limited human and financial resources, the results of its work often depend on international technical assistance and support from civil society organisations. The Coordination Centre has had some positive cases (like in Bucha, Kyiv region), but still has a limited procedural status in terms of its ability to interact with victims in proceedings. Overall, the infrastructure for victim support needs to be comprehensively developed, not only by creating separate units within other justice agencies, but also by ensuring appropriate conditions for victims at all stages of criminal proceedings.

Security measures in criminal proceedings generally lack stable, dedicated funding from the state budget. As a result the system remains heavily dependent on international technical assistance which threatens its long-term sustainability. Notably, according to some interviewed specialists in the field of criminal justice, the protection of one witness per year can cost the state around UAH 1.5 million (approx EUR 31 000), while a specialised unit with 100 staff can concurrently protect up to

15 witnesses. Therefore, the application of security programs for victims and witnesses in practice should be reserved for exceptional cases based on a comprehensive assessment of the risks and the priorities of the justice process related to the consequences of war. In particular, this approach should allow for an adequate distribution of the workload among authorised bodies.

The level of distrust among victims and witnesses toward law enforcement and judicial authorities remains a particular challenge for the state. The effects of the ongoing war (dynamic changes in the front line, the occupied territories factor), the low number of perpetrators actually detained, the vague system for protecting victims' and witnesses' personal data, and the widespread practice of persecuting citizens for activities in the occupied territories or ties to them all lead to witnesses often reporting feelings of insecurity and reluctance to participate in criminal proceedings.

### Conclusion 3.

**The research confirmed one of the core hypotheses: that the full and effective implementation of EU Directive 2012/29/EU – along with the necessary harmonisation of national legislation and practices to ensure the safety and protection of witnesses and victims in criminal proceedings – is essential for Ukraine's successful European integration.**

- Public demand for fair justice regarding war-related crimes combined with the responsibility of national institutions to deliver such justice contributes to the search for new approaches to ensure the safe participation and support of victims and witnesses in criminal proceedings. As a result, human-centered approaches which place victims' needs and interests at the forefront are increasingly applied in practice for certain categories of grave international crimes. The heads of the relevant justice bodies responsible for investigating international crimes have publicly emphasised their commitment to such approaches. However, the full implementation of human-centered approaches requires amendments to Ukraine's criminal procedural legislation and their corresponding implementation in practice. In this regard, the standards set forth in the EU Directive 2012/29/EU can and should serve as a key reference point.
- The quality of implementation of EU standards for the protection of victims and witnesses in criminal proceedings will directly affect Ukraine's ability to cooperate internationally in investigating grave international crimes. Failure to properly integrate key elements of the relevant EU directives into legislative reforms may hinder cooperation with EU Member States on security measures in criminal proceedings. Moreover, neglecting to consider the context of the armed conflict when shaping national decisions poses a significant risk to the rights and safety of victims.

The current state of the system for protecting victims of grave international crimes in Ukraine poses significant risks to the security of criminal proceedings, which in turn will hinder the effective prosecution of these crimes. The inconsistency of national mechanisms with the minimum standards set by Directive 2012/29/EU, the obsolescence of existing legislation, decentralisation, the limited application of security measures and their dependence on the human factor, as well as other gaps identified during the study signal systemic problems. The Overarching Strategy for the Reform of Entire Law Enforcement Sector and the Rule of Law Roadmap in the EU Accession Process outline the directions for change, but their implementation requires urgent, systemic, and financially secure legislative and structural changes. Harmonization with EU standards and institutionalization of

a human-centered approach in developing a system for protecting victims in criminal proceedings, particularly victims of international crimes, is not just a matter of European integration. It is also a requirement for justice, security, and public trust in the national justice system in conditions of war and recovery.

The following section of the report offers a number of recommendations on possible steps and solutions for adapting national legislation, developing and strengthening infrastructure capacity, and implementing comprehensive approaches to the protection of victims and witnesses in criminal proceedings, taking into account the specificities and challenges of armed aggression and international crimes.

# Recommendations

## Adaptation of national legislation and practices for the protection of victims of grave international crimes

### **Develop and adopt a new law on security measures for participants in criminal proceedings.**

The current 1993 law is outdated and no longer meets international standards or responds to modern challenges, including those related to the armed aggression, digital threats, and all forms of online persecution. The government should develop and propose to Parliament a draft law that would take into account relevant international standards, in particular Recommendation CM/Rec(2022)9 of the Committee of Ministers of the Council of Europe on the Protection of Witnesses and Collaborators of Justice and Directive 2012/29/EU. When developing national standards and infrastructure, it would be useful to draw on the experience of other post-conflict countries, such as Bosnia and Herzegovina, as one of the more successful examples. When drafting the bill, the specific needs of victims of international crimes and other categories of victims, such as victims of gender-based violence, hate crimes, human trafficking, child victims, etc., should be taken into account<sup>247</sup>.

**Introduce a comprehensive assessment of the risks and needs of victims in criminal proceedings.** The law should establish the powers of investigators, prosecutors, and judges to conduct individual assessments of the risks and needs of victims, particularly victims of international crimes. Where appropriate, such power should be assigned to the Coordination Centre, that engages with victims at various stages of criminal proceedings. The results of the assessment should promptly be accessible to those entities responsible for deciding and applying security measures. The assessment should not be a mere formality: it should examine the victims' psychological condition, prior trauma, social context (including ties to the occupied territories), the need to protect privacy and personal data, the risk of retraumatisation, the need to avoid contact with the accused, physical threats to life and health, the need for relocation and other relevant factors. There should also be a possibility to engage relevant specialists to conduct such an assessment (medical workers, psychologists, forensic experts, etc.). Develop protocols and mechanisms for conducting such assessments, including specific sections addressing the risks and needs of different vulnerable groups of victims.

### **Amend the Criminal Procedure Code of Ukraine to protect victims of grave international crimes from secondary victimisation:**

Ensure a direct guarantee of avoiding physical contact between victims and defendants in proceedings concerning international crimes, and provide practical tools for its implementation.

Introduce mechanisms for anonymising victims and witnesses in proceedings concerning grave international crimes, applicable during court hearings and usable independently from security measures. In particular, create procedural options for witness pseudonymisation and preventing disclosure of their identity during court proceedings, when necessary for security and obtaining quality information needed to prove a crime.

<sup>247</sup> These are consistent with the conclusions of experts in the Shadow Report on Chapter 23 "Justice and Fundamental Rights" and Chapter 24 "Justice, Freedom and Security" of the European Commission Report on Ukraine's Progress within the 2024 Enlargement Package // Shadow Report of the Civil Society Coalition Led by the Agency for Legislative Initiatives, 2025: <https://parlament.org.ua/wp-content/uploads/2025/10/shadow-report-2025-ua.pdf><https://parlament.org.ua/wp-content/uploads/2025/10/shadow-report-2025-ua.pdf>

Introduce provisions to protect victims and witnesses of grave international crimes from secondary victimisation during the proceedings. In particular, limit the number of witnesses' and victims' interviews to ensure respectful treatment throughout investigation and trial. Provide for video/audio recording of interviews in order to avoid repeated questioning. Establish that interviews with victims and witnesses conducted during their pre-trial proceedings in criminal cases involving grave international crimes may be admitted as evidence in court.

Regulate the status of the Coordination Centre for Victim and Witness Support at the Office of the Prosecutor General, granting it procedural powers to access information on the progress of proceedings enabling it to provide limited, clearly defined forms of support to victims.

## Development of infrastructure of agencies that protect victims of grave international crimes

**Establish a single body (agency) responsible for implementing security measures for participants in criminal proceedings.** Develop and formalise an appropriate model, and, subsequently establish a single body (agency) responsible for implementing security measures for participants in criminal proceedings, including victims and witnesses. This body should also serve as a contact point for victims and coordinate interaction with all agencies involved in deciding on and applying security measures.

**Pending the establishment of a relevant body (agency), ensure coordination among the authorities involved in the protection of victims of grave international crimes.** There should be a clear procedure for interagency cooperation between judicial bodies, units, and services providing victim support measures, and agencies responsible for implementing security measures in criminal proceedings. The results of the victims' needs and risk assessment should be shared with the relevant authorities to avoid placing an excessive burden on victims of grave international crimes.

**Address funding issues.** Conduct a forecasting analysis of the actual condition and financial needs of national programs for victim and witness protection in criminal proceedings. The government should support the involvement of international technical assistance to ensure the functioning of the relevant body (agency) and the implementation of security measures for victims and witnesses in criminal proceedings. Gradually introduce dedicated programs within the State Budget of Ukraine to finance programs for the protection of participants in criminal proceedings to gradually reduce the dependence on international assistance and ensure stable long-term operation.

**Ensure the development of infrastructure for victim and witness support units.** Assess feasibility of expanding the infrastructure of victim support units building on the work initiated by the creation of the Coordination Centre, through the establishment of relevant units at the level of investigative bodies and/or courts. Such expansion should consider the scale of open criminal investigations in certain regions. Provide for mechanisms for interagency cooperation with units responsible for supporting victims and witnesses in criminal proceedings within their mandate.

**Ensure safeguards for judicial and law enforcement officials.** Given the risks arising from the ongoing armed conflict in Ukraine, develop and implement physical and psychological safety guarantees for the justice system and law enforcement officials working with victims and witnesses of international crimes. These measures should take into account the area of operation, procedural

workload and other relevant factors; assess the need and, if necessary, ensure the confidentiality of their work.

**Improve infrastructure for judicial and law enforcement agencies.** Ensure that separate premises are available in investigative agencies, prosecutors' offices, and courts for safe interaction with victims and witnesses of grave international crimes, and for avoiding contact between victims and the defendants. Support and develop the use of technical means in criminal proceedings for grave international crimes to ensure the anonymity of victims and witnesses during interviews and court hearings.

**Ensure regular professional development for staff involved in support and security measures, as well as representatives of the justice system working with victims of grave international crimes.** Continue and maintain training programs and regular exchanges of experience for investigators, prosecutors, judges, and lawyers on working with vulnerable categories of victims and witnesses, particularly victims of grave international crimes. Such training should include victim-centered approaches and the specifics of working with signs of psychological trauma and post-traumatic stress disorder.

### Implementation of comprehensive approaches to protecting victims of international crimes

**Systematically inform victims and witnesses in criminal proceedings for international crimes about their rights:**

Initiate changes to criminal procedural legislation to ensure unhindered access for victims to sufficient and timely information about the content and outcome of criminal proceedings for grave international crimes. Such access can be organised through DIIA service and/or the SMEREKA investigation management, control, and analysis system of the Office of the Prosecutor General. Provide sufficient protection against unlawful interference and violation of the confidentiality of pre-trial investigations. Access should include proper user verification and be in compliance with personal data protection requirements.

Develop standard practices/internal work protocols for investigators, prosecutors, defense lawyers, and courts, to ensure that every victim and witness of an international crime immediately receives clear explanations on how to exercise their right to obtain information about the relevant criminal proceedings.

Introduce standardised, accessible and adapted information materials (booklets, videos, etc.) outlining the rights of victims and witnesses, as well as accessible support programs. Information should be timely, comprehensive, and easily understandable, taking into account the individual needs and circumstances of victims.

Inform victims and witnesses in proceedings about the importance of reporting threats to their safety to investigators/prosecutors/judges. Judicial authorities should ensure a prompt response, conduct a timely risk assessment and be able to apply effective security measures.

**Strengthen legal support for victims of grave international crimes.** The government should consider providing free legal aid to victims of international crimes based on individual needs assessments, including through appropriate legislative changes. International technical assistance programs and civil society organisations should emphasise the importance of offering free legal aid and

involving victims' representatives in such cases. Additionally ensure that victims receive sufficient support during interviews by a trusted person or lawyer representing their interests. Such support can significantly improve victims' sense of security, their understanding of the process and their role in it, communication with the prosecutor, courts, and the defence, and ultimately the quality of the relevant criminal proceedings.

**Ensure a comprehensive approach to victims of grave international crimes within the framework of security measures.** Mechanisms for implementing security measures should include the possibility of providing victims and witnesses with psychological, medical, and social assistance in forms and scope compatible with the conditions of the applied security measures.

**Strengthen support programs for victims of grave international crimes.** The Government (in particular, the Ministries of Social Policy, Family, and Unity) should prioritise support for victims of the armed conflict in Ukraine. Efforts should focus on the development of state programs and support services available to victims within criminal proceedings (recovery, one-time financial support, psychological and medical assistance, including dental services, etc.). Strengthen and develop public-private partnerships to support victims of international crimes, particularly with emergency services and social assistance. Ensure effective interaction with the Coordination Centre for Victim and Witness Support at the Office of the Prosecutor General where necessary.

### Supporting and strengthening Ukraine's international cooperation in protecting victims of international crimes

**Expand cooperation with international partners.** Actively utilise international assistance and expertise, in particular from Eurojust, to strengthen the protection of witnesses and victims in cross-border investigations, investigations by the Office of the Prosecutor of the International Criminal Court, and the future Special Tribunal for the Crime of Aggression against Ukraine. This includes implementation of effective witness protection programs, organising joint investigation teams, etc.

**Ensure the effective implementation of international technical assistance programs.** When engaging with stakeholders in the implementation of international technical assistance programs, consider the needs and current capacity of the authorities responsible for supporting and protecting victims in criminal proceedings.

## Annex 1: Definitions of the terms "victim" and "witness"

	Victim	Witness
<i>Criminal Procedure Code of Ukraine</i>	<p>A victim in criminal proceedings may be a natural person who has suffered moral, physical, or property damage as a result of a criminal offense, a legal entity that has suffered property damage as a result of a criminal offense, as well as a bond issue administrator who, in accordance with the provisions of the Law of Ukraine "On Capital Markets and Organised Commodity Markets," acts in the interests of bondholders who have suffered property damage as a result of a criminal offense<sup>248</sup>.</p> <p>If, as a result of a criminal offense, a person has died or is in a condition that makes it impossible for them to file a report, the provisions shall apply to the close relatives or family members of such person<sup>249</sup>.</p>	<p>A witness is a natural person who has knowledge or may have knowledge of circumstances that are subject to proof in criminal proceedings and who is summoned to give testimony<sup>250</sup>.</p>
<i>UN standards</i>	<p>"Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power<sup>251</sup>.</p>	<p>"Witness" means a person who:</p> <ul style="list-style-type: none"> <li>(i) has made a statement, or who has given or agreed to give evidence in relation to the commission or possible commission of a serious offence;</li> <li>(ii) because of his or her relationship to or association with a person referred to in subsection (i), may require protection or other assistance;</li> <li>(iii) or for any other reason, may require protection or other assistance.<sup>252</sup></li> </ul>
<i>EU Standards</i>	<p>"Victim" means :</p> <ul style="list-style-type: none"> <li>(i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;</li> <li>(ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.<sup>253</sup></li> </ul>	
<i>Council of Europe standards</i>	<p>"Victim" means:</p> <ul style="list-style-type: none"> <li>(i) a natural person who has suffered harm, including physical, mental, emotional or economic harm, directly caused by a criminal offence;</li> <li>(ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.<sup>254</sup></li> </ul>	<p>"Witness" means any person who possesses information relevant to criminal proceedings about which he or she has given and/or is able to give testimony (irrespective of his or her status and of the direct or indirect, oral or written form of the testimony, in accordance with national law) and who is not included in the definition of "collaborator of justice".<sup>255</sup></p>

248 Article 55(1) // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

249 Article 55(6) // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

250 Article 65(1) // Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

251 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power // UN GA Resolution 40/34, 29 November 1985: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>.

252 UNDCP Model Witness Protection Bill, 2000: [https://www.unodc.org/pdf/lap\\_witness-protection\\_2000.pdf](https://www.unodc.org/pdf/lap_witness-protection_2000.pdf).

253 Article 2 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

254 Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime // Adopted by the Committee of Ministers on 15 March 2023 at the 1460th meeting of the Ministers' Deputies: <https://rm.coe.int/cm-rec-2023-2e-eng-recommendation-trafficking/1680ab4922>.

255 Recommendation CM/Rec(2022)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice // Adopted by the Committee of Ministers on 30 March 2022 at the 1430th meeting of the Ministers' Deputies: <https://rm.coe.int/0900001680a5fe33>.

<i>International Criminal Court</i>	"Victims" means natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court. Victims may include organisations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes. <sup>256</sup>	The Statute and Rules of Procedure of the ICC do not provide a separate formal definition of a "witness." A witness is considered to be any person who has relevant information and is involved in the judicial process to provide such information. In practice, a distinction is made between factual witnesses (eyewitnesses to events) and experts (specialists who can assess evidence or circumstances), as well as persons directly involved in the case.
<i>Kosovo Specialist Chambers</i>	Injured party or victim – a person who has suffered harm, including physical, mental or emotional harm or economic loss which was caused by a criminal offense, and family members of a person whose death was directly caused by a criminal offense and who have suffered harm as a result of that person's death. <sup>257</sup>	The legislation does not explicitly define the term "witness", but links its legal status to the information that a person can provide in proceedings. There is also a separate category of expert witnesses and witnesses who cooperate with the prosecution.
<i>Croatia</i>	The victim of the criminal offence means the person who, due to the criminal offence committed, suffers physical and mental consequences, property damages or substantial violation of the basic rights and liberties. The injured person means, in addition to the victim, any other person whose any personal or property right is violated or endangered by a criminal offence, and who participates in the status of the injured person in criminal proceedings. <sup>258</sup>	Persons who are likely to provide information regarding the criminal offence, the perpetrator and other relevant circumstances shall be summoned as witnesses. <sup>259</sup>
<i>The United Kingdom</i>	A "victim" is: <ul style="list-style-type: none"> <li>- a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;</li> <li>- a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.<sup>260</sup></li> </ul>	A witness is a person who can provide relevant information about a case in court.

<sup>256</sup> Rule 85 / Rules of Procedure and Evidence // International Criminal Court, 2022: <https://www.icc-cpi.int/sites/default/files/RulesProcedureEvidenceEng.pdf>.

<sup>257</sup> Article 19 / Kosovo Criminal Procedural Code, 14 July 2022: <https://md.rks-gov.net/wp-content/uploads/2024/07/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>.

<sup>258</sup> Article 202 / Criminal Procedural Code of Croatia, 2009: [https://legislationline.org/sites/default/files/documents/05/Croatia\\_Criminal\\_proc\\_code\\_am2009\\_en.pdf](https://legislationline.org/sites/default/files/documents/05/Croatia_Criminal_proc_code_am2009_en.pdf).

<sup>259</sup> Article 283 / Criminal Procedural Code of Croatia, 2009: [https://legislationline.org/sites/default/files/documents/05/Croatia\\_Criminal\\_proc\\_code\\_am2009\\_en.pdf](https://legislationline.org/sites/default/files/documents/05/Croatia_Criminal_proc_code_am2009_en.pdf).

<sup>260</sup> Code of Practice for Victims of Crime in England and Wales (Victims' Code): <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>.

**Annex 2: Analysis of Ukraine's compliance with the minimum standards on the rights, support, and protection of victims of crime in accordance with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012**

Content of the standard	Regulation under Ukrainian law	Gaps	Need for changes
<b>Informing victims</b>			
Victims have the right to understand the processes in which they are involved during interaction with competent authorities, which includes establishing communication using simple and accessible language, and the possibility of being accompanied by a person of their choice in the first contact with a competent authority, unless contrary to the interests of the victim or unless the course of proceedings would be prejudiced. <sup>261</sup>	Article 56 "Rights of the victim" of the Criminal Procedure Code of Ukraine 1. Throughout the entire criminal proceedings, a victim shall have the right to: 1) be notified of his/her rights and obligations under this Law; 2) know the substance of suspicion and charges, be informed on imposition, change or revocation of measures taken in respect of the suspect or accused to make criminal proceedings possible and pre-trial investigation terminated; 11) view case records related to the criminal offence committed in their respect, according to the procedure established by this Code, including their disclosure under Article 290 hereof, as well as view records of criminal proceedings directly related to the criminal offence committed in their respect, in case the proceeding has been closed; 13) obtain copies of procedural documents and receive written notifications in cases specified by this Code;	- Challenges in enforcing victims' rights to information in criminal proceedings remain at the level of implementing the provisions of the Criminal Procedure Code of Ukraine. In particular, the issuance of a memo on the rights and obligations of victims should be accompanied by an explanation in a form that is accessible to the person. - The Coordination Centre for Victim and Witness Support at the Office of the Prosecutor General should be systematically engaged in providing information to victims in criminal proceedings concerning grave international crimes in order to explain the stages of the proceedings and legal processes, in accordance with Order No. 103 of the Prosecutor General dated 11 April 2023. - The active involvement of lawyers to represent the interests of victims in criminal proceedings concerning grave international crimes helps to inform them about both their rights in the proceedings and the results thereof. However, the practice of engaging such lawyers from the free legal aid system is not widespread. Furthermore, the possibility of seeking assistance from non-governmental organisations may be limited by their focus, overall capacity, and the scope of international assistance projects.	- Enshrine in the CPC of Ukraine general guarantees to inform victims about their rights in criminal proceedings. - Provide for the possibility of using electronic criminal proceedings tools and other relevant state services in the CPC of Ukraine to ensure that victims are informed about the results and progress of criminal proceedings. - Provide appropriate status for consultants of the Coordination Centre in criminal proceedings, which will allow them to carry out their functions of informing victims and witnesses about their procedural rights. - Ensure the development of infrastructure for support of victims and witnesses by creating appropriate units at the level of judicial authorities.
Victims have the right to receive information from the first contact with a competent authority, including information on the type of support they can obtain; the procedures for making complaints with regard to a criminal offence; available protection, including protection measures; access to legal aid; the contact details of the relevant authority for communications about their case etc. <sup>263</sup>	2. During pre-trial proceedings, the victim shall have the right to: 5) after the completion of pre-trial investigation, obtain copies of records which directly relate to the criminal offence which has been committed against him/her. 3. During judicial proceedings by court of any instance, the victim shall have the right to: 1) be timely informed on the time and place of court hearing; 6) view the decision made by the court, journal of the court session and the technical recording of criminal proceedings in court... <sup>262</sup>		
Victims have the right to receive information about their case <sup>264</sup> .			
The victim's right to the respect of their wish as to whether or not to receive information and to modify their wish at any moment <sup>265</sup> .			

261 Article 3 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

262 Article 56 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

263 Article 4 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

264 Article 6 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

265 Article 6 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

<p>Receiving information and access to support for victims (e.g., medical, legal, psychological support; procedures for making complaints in the process; conditions for obtaining protection; conditions for accessing compensation; conditions for accessing interpretation and translation; available restorative justice services, etc.).<sup>266</sup></p>	<p>- Currently, the Criminal Procedure Code of Ukraine does not provide for the obligation to inform victims about the support services available to them.</p> <p>- The Order of the Prosecutor General "On the organisation of the activities of prosecution authorities regarding the support of victims and witnesses of war crimes and other international crimes" provides for the following tasks for the coordinators of the Coordination Centre:</p>	<p>- The practice of informing victims about the services and support measures available to them, as well as their implementation, only began to take shape after the creation of the Coordination Centre at the Office of the Prosecutor General. At present, there are no comprehensive victim support programs, and the implementation of individual measures depends on international aid programs and the activities of non-governmental organisations.</p>	<p>- Ensure the development of infrastructure for units that provide support to victims of grave international crimes within the framework of criminal proceedings.</p> <p>- Strengthen programs supporting victims of grave international crimes.</p>
<p>Victim support services shall, as a minimum, provide: (information, advice and psychological support; preparation for attendance at the trial; advice relating to financial and practical issues arising from the crime; advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation; shelters or any other appropriate interim accommodation for victims in need of a safe place).<sup>269</sup></p>	<p>8. Referring victims and witnesses to the appropriate services for psychological, medical, and social assistance.</p> <p>11. Assistance with travel and accommodation for witnesses from other localities; assistance with temporary accommodation for those who need a safe place due to the imminent risk of secondary and repeated victimisation, intimidation, and retaliation.</p> <p>12. Enhanced services for victims of serious or particularly serious crimes, victims who are subject to criminal offenses on a regular basis, vulnerable victims, or victims who have been threatened or intimidated.</p> <p>14. Assistance in filing applications for compensation to victims and witnesses who need urgent financial assistance, if a relevant mechanism is developed by the competent state authorities.<sup>267</sup></p> <p>- The Law of Ukraine "On Social Services" provides for the provision of psychological support and social assistance to persons in difficult life circumstances (including victims of war).<sup>268</sup></p>		

#### Preventing secondary victimisation

<p>Conducting interviews of victims without unjustified delay after the complaint with regard to a criminal offence has been made.<sup>270</sup></p>	<p>Article 56 of the Criminal Procedure Code of Ukraine "Rights of the victim"</p> <p>1. During criminal proceedings, the victim has the right to:</p> <p>6) give explanations, testimonies or refuse to do so.<sup>271</sup></p> <p>Article 225 of the CPC establishes the grounds for conducting an interview at the pre-trial investigation stage before an investigating judge.<sup>272</sup></p>	<p>- The legislation does not contain any obligations regarding the deadlines for conducting interviews.</p> <p>- In practice, approaches depend on: which law enforcement agency is conducting the investigation; the workload of the investigator/prosecutor; the number of victims in the proceedings; and whether there is contact with the victim.</p> <p>- The implementation of this standard in practice must take into account the psychological state of the victim.</p>	<p>Amendments to Part 1 of Article 56 of the Criminal Procedure Code of Ukraine regarding the immediate interview of the victim after receiving a report of a crime.</p>
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266 Article 4 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

267 On the organisation of the work of the prosecution authorities on issues of support for victims and witnesses of war crimes and other international crimes // Order of the Prosecutor General, No. 103, 11 April 2023: <https://zakon.rada.gov.ua/laws/show/v0103905-23#Text>.

268 Law of Ukraine "On Social Services" // Verkhovna Rada of Ukraine, No. 2671-VIII, 17 January 2019: <https://zakon.rada.gov.ua/laws/show/2671-19#Text>.

269 Article 9 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

270 Article 20 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

271 Article 56 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

272 Article 225 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

<p>Minimising the number of interviews and medical examinations of victims during criminal investigations<sup>273</sup></p>	<p>The CPC of Ukraine establishes only the general procedure for conducting investigative actions, in particular an interview (Article 224), an investigative experiment (Article 240), and an examination of an individual (Article 241)<sup>274</sup>.</p>	<ul style="list-style-type: none"> <li>- Depends on the practical approach and workload of the investigative authorities and the prosecutor's office.</li> <li>- The multiplicity of criminal proceedings involving victims and witnesses contributes to the fact that victims may be interviewed many times.</li> <li>- In practice, the victim is interviewed at least twice: during the pre-trial investigation and during the court proceedings, as the judge must directly examine the evidence obtained and interview the victim accordingly.</li> <li>- Investigators argue that multiple interviews are necessary to clarify the information established during the investigation.</li> <li>- Medical examinations, which are usually conducted by doctors after the crime, outside the proceedings, are not usually included as independent evidence. A forensic medical examination is conducted to formally establish the injuries, even if a significant amount of time has passed since the crime.</li> </ul>	<ul style="list-style-type: none"> <li>- With regard to the general procedure for conducting investigative actions provided for in Article 223 of the Criminal Procedure Code of Ukraine, it is necessary to establish a number of principles aimed at preventing secondary victimisation of the victim.</li> <li>- Provide for the possibility of using in court the results of interviews of victims and witnesses from vulnerable categories conducted during the pre-trial investigation and recorded on video by an investigator or prosecutor, similarly to part 11 of Article 615 of the Code of Criminal Procedure of Ukraine.</li> <li>- Provide for the admissibility as evidence of information obtained from doctors or medical specialists confirming the condition of victims belonging to vulnerable categories.</li> </ul>
<p>The right to be accompanied by a person of their choice<sup>275</sup> and a legal representative<sup>276</sup>.</p>	<p>- Article 56 of the Criminal Procedure Code of Ukraine "Rights of the victim"</p> <p>1. During criminal proceedings, the victim has the right to:</p> <p>8) have an authorised representative and at any time during criminal proceedings waive his/her services;<sup>277</sup></p> <p>- Law of Ukraine "On Free Legal Aid":</p> <p>Article 14. Persons entitled to free secondary legal aid:..</p> <p>23) victims of criminal offenses against sexual freedom and sexual integrity, victims of torture or cruel treatment during military operations or armed conflict in criminal proceedings initiated on the basis of such criminal offenses;</p> <p>28) persons who, in accordance with the Law of Ukraine "On Social and Legal Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine, and Members of Their Families," have been deprived of personal liberty as a result of armed aggression against Ukraine, during the period of deprivation of personal liberty and after release in connection with the protection of rights and legitimate interests violated due to deprivation of personal liberty as a result of armed aggression against Ukraine.<sup>278</sup></p>	<ul style="list-style-type: none"> <li>- A limited list of victims of grave international crimes entitled to free legal representation in proceedings.</li> <li>- Victims are not adequately informed of their right to have a representative in criminal proceedings.</li> <li>- In practice, in proceedings concerning grave international crimes, the presence of a psychologist is permitted during certain investigative actions and in court hearings.</li> </ul>	<p>Enshrine in the Criminal Procedure Code of Ukraine the possibility for psychologists to accompany vulnerable victims during investigative actions involving them and to participate in court hearings.</p>

273 Article 20 //Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

274 Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

275 Article 20 //Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

276 Article 13 //Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

277 Article 225 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

278 Law of Ukraine "On Free Legal Aid" // Verkhovna Rada of Ukraine, No. 3460-VI, 2 June 2011: <https://surl.lu/xqgvwc>.

**Security measures**

<p>Security measures are part of the guaranteed protection of victims from repeat and secondary victimisation in criminal proceedings<sup>279</sup>. These include: physical protection and protection from intimidation; avoiding contact between the victim and the offender; protection during the investigation; protection of confidentiality.</p>	<p>- The Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" provides a list of security measures that may be applied to victims and witnesses.<sup>280</sup></p> <p>- Article 56 "Rights of the victim" of the Criminal Procedure Code of Ukraine</p> <p>1. During criminal proceedings, the victim has the right to:</p> <p>5) in the presence of legitimate grounds, to ensuring of security in respect of himself/herself, his close relatives or family members, property and home;<sup>281</sup></p>	<p>There are systemic problems in the implementation of security measures, in particular related to the wide range of measures provided for and participants in criminal proceedings who are entitled to their application; the lack of a systematic practice for their implementation; problems in coordinating the entities responsible for their implementation; insufficient funding, etc.</p>	<p>- The current law must be amended in accordance with international standards.</p> <p>- Specific measures related to the protection of the confidentiality of victims and witnesses in proceedings and the prevention of contact between the victim and the suspect/accused must be enshrined in the Criminal Procedure Code of Ukraine.</p>
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279 Article 18 // Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>.

280 Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, no. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

281 Article 56 / Criminal Procedure Code of Ukraine // Verkhovna Rada of Ukraine, no. 4651-VI, 13 April 2012: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>.

## Annex 3: Comparative analysis of security measures

Country	Persons subject to protection	Types of security measures
Ukraine <sup>282</sup>	<p>The following persons have the right to protection if there are relevant grounds:</p> <p>a) the person who has reported a criminal offense to a law enforcement agency or who has otherwise participated in or contributed to the detection, prevention, suppression, or investigation of criminal offenses;</p> <p>b) the victim and their representative in criminal proceedings;</p> <p>c) the suspect, the accused, defense attorneys, and legal representatives;</p> <p>d) the civil plaintiff, the civil defendant, and their representatives in a case concerning compensation for damage caused by a criminal offense;</p> <p>d<sup>-1</sup>) the representative of a legal entity against which proceedings are being conducted;</p> <p>d<sup>-2</sup>) probation service staff;</p> <p>e) a witness;</p> <p>e<sup>-1</sup>) the whistleblower;</p> <p>f) an expert, specialist, interpreter, and witness;</p> <p>g) family members and close relatives of persons listed in paragraphs "a" to "e" of this article, if threats or other unlawful actions are used against them in an attempt to influence participants in criminal proceedings.</p>	<p>Security measures include:</p> <p>a) personal security, protection of home and property;</p> <p>b) issuance of special means of individual protection and notification of danger;</p> <p>c) the use of technical means of control and interception of telephone and other communications, visual surveillance;</p> <p>d) replacement of documents and change of appearance;</p> <p>e) change of place of work or study;</p> <p>f) relocation to another place of residence;</p> <p>f) placement in a preschool educational institution or social protection institution;</p> <p>g) ensuring the confidentiality of personal information;</p> <p>h) closed court proceedings.</p>
Croatia <sup>283</sup>	<p>A person at risk is a witness or other person whose inclusion in the Protection Program is justified due to the likelihood of a threat to their life, health, physical integrity, freedom, or property to a greater extent, due to the importance of their knowledge for criminal proceedings.</p> <p>A close person is a member of the same household as the person at risk, as well as another person designated by them and requiring inclusion in the Protection Program.</p> <p>An important aspect is that the circle of close persons is defined both by law (a member of the same household) and by the participant in the criminal case (the person subject to protection) as a close person.</p>	<ol style="list-style-type: none"> <li>1. Physical and technical protection.</li> <li>2. Relocation (temporary or permanent relocation of a vulnerable person from their place of residence or stay to another location determined by the protection unit. Relocation is possible within the territory of the Republic of Croatia or outside its borders in accordance with international agreements).</li> <li>3. Measures to conceal a person and property (preparation and use of identity documents in which personal data has been temporarily changed, as well as preparation and use of documents relating to the property of the vulnerable person).</li> <li>4. Change of identity (a change of some or all of the personal data of a person included in the Program).</li> </ol>
Serbia <sup>284</sup>	<p>A participant in criminal proceedings is a suspect, accused, attesting witness, witness, victim, or expert.</p> <p>A close person is a person for whom a participant in a criminal proceeding submits a request for inclusion in the protection program.</p>	<ol style="list-style-type: none"> <li>1. Physical protection of persons and property.</li> <li>2. Change of place of residence or transfer to another institution.</li> <li>3. Concealment of personal data and property rights.</li> <li>4. Change of identity (applies only when the objectives of the Protection Program cannot be achieved by other measures).</li> </ol>

282 Law of Ukraine "On Ensuring the Security of Persons Participating in Criminal Proceedings" // Verkhovna Rada of Ukraine, No. 3782-XII, 23 December 1993: <https://zakon.rada.gov.ua/laws/show/3782-12#Text>.

283 Zakon o zaštiti svjedoka, 3 August 2017: <https://www.zakon.hr/z/285/zakon-o-zastiti-svjedoka>.

284 Zakon o Programu Zastite Ucesnika u Krivicnom Postupku, 2005: [https://www.paragraf.rs/propisi/zakon\\_o\\_programu\\_zastite\\_ucenika\\_u\\_krivicnom\\_postupku.html](https://www.paragraf.rs/propisi/zakon_o_programu_zastite_ucenika_u_krivicnom_postupku.html).

Bosnia and Herzegovina	The law covers only the protection of witnesses and does not include the protection of other participants in criminal proceedings.	<ol style="list-style-type: none"> <li>1. Testimony using technical means that transmit images and sound.</li> <li>2. Removal of the accused from the courtroom.</li> <li>3. Exclusion of direct contact between the accused and the victim.</li> <li>4. Restriction of the rights of the accused and their defense counsel to access materials and documentation.</li> <li>5. Additional measures to ensure the anonymity of the witness (in exceptional circumstances where there are reasonable grounds to fear that the personal safety of the witness or their family will be seriously compromised if some or all of the witness's personal data is disclosed, and this danger persists even after the witness has given testimony, the court may, on its own initiative or at the request of the parties or the defense counsel, decide that the witness's personal data shall remain confidential for a specified period, but not longer than 30 years after the decision becomes final).</li> </ol>
Kosovo Specialist Chambers <sup>285</sup>	<ul style="list-style-type: none"> <li>- Witnesses.</li> <li>- Victims who are involved in the proceedings as participants in the process.</li> <li>- Close relatives of witnesses or victims, if they are also at risk.</li> <li>- Other persons who have valuable evidence and have agreed to cooperate.</li> </ul>	<ol style="list-style-type: none"> <li>1. Anonymity of witnesses (use of pseudonyms, concealment of names, blurring of faces, and voice alteration).</li> <li>2. Holding closed court hearings or parts thereof.</li> <li>3. Removal of the defendant from the courtroom during witness interview.</li> <li>4. Change of place of residence or stay.</li> <li>5. Psychological, social, and legal support.</li> <li>6. Change of personal data in exceptional cases.</li> </ol>

285 Kosovo Criminal Procedural Code, 14 July 2022: <https://md.rks-gov.net/wp-content/uploads/2024/07/8750FE73-BA51-463C-BA88-31D0B8865840.pdf>. Rules Of Procedure And Evidence Before The Kosovo Specialist Chambers (adopted on 17 March 2017, revised on 29 May 2017, amended on 29 and 30 April 2020): <https://www.scp-ks.org/sites/default/files/public/content/documents/ksc-bd-03-rev3-rulesofprocedureandevidence.pdf>.

