



—
Supreme
Court

Ecocide as a crime under Ukrainian law

Dr. Vitalii Urkevych

Judge of the Supreme Court, Secretary of the Grand Chamber
of the Supreme Court, Ukraine

ECD lunchtimes webinars
9 of December 2025

Destruction of the Kakhovka Hydroelectric Power Plant dam



1. ON DIRECTIVE (EU) 2024/1203

- Offenses that cause the destruction of, or widespread and substantial damage, either irreversible or long-lasting, to an ecosystem should constitute **qualified criminal offenses**.
- Such offenses should be **punishable by more severe penalties**.
- These qualified criminal offenses could cover **conduct comparable to “ecocide”**, which is already **enshrined in the law of Ukraine**.

2. UKRAINE ASPIRES TO EU MEMBERSHIP

- An **Association Agreement (2014)** brings Ukraine closer to the goal of the EU membership.
- One of its most important provisions – **adaptation of Ukrainian legislation to the EU *acquis communautaire*.**
- The European Council granted Ukraine the **status of a candidate for EU membership** in June 2022.
- Ukraine is implementing EU regulations and harmonizing with EU law its legislation, **including that related to ecocide.**

3. CRIME OF ECOCIDE IN CRIMINAL CODE OF UKRAINE

- In 2001, crimes against peace, security, mankind and international order were allocated in a separate section – Chapter XX of CCU.
- All articles therein introduce criminal liability for such **socially dangerous acts**.
- The crime of **ecocide** (Article 441 of Chapter XX).
- **Ecocide** is mass **destruction** of flora or fauna, **poisoning** of the atmosphere or water resources, as well as other actions that may cause an environmental disaster, and is punishable by **imprisonment for a term of eight to fifteen years**.

4. TEST FOR A CRIME IN UKRAINE

- In the theory of the Ukrainian criminal law the **elements of the test for a crime** are grouped into:
 - **object** of the crime;
 - **objective side** (*actus reus*);
 - **subject** of the crime;
 - **subjective side** (*mens rea*).

4.1. OBJECT OF CRIME OF ECOCIDE

- The **general object of ecocide** – public safety, environment, peace and security of mankind (Article 1 of CCU).
- The **immediate object of ecocide** is the ecological safety of humanity, *i.e.* such condition of the environment that prevents the deterioration of the ecological situation and the emergence of a danger to human health.
- The **material object of ecocide** is flora, fauna, atmosphere, water resources, as well as land, subsoil, other components of the ecosystem and outer space.

4.2. OBJECTIVE SIDE OF CRIME OF ECOCIDE

- The **objective side of ecocide**:
 - 1) **mass destruction** of flora or fauna;
 - 2) **poisoning** of the atmosphere or water resources;
 - 3) **other acts** that may cause an environmental disaster.

- In the **first two cases**, the *corpus delicti* of ecocide must show actual socially dangerous **material consequences**.

- In the **third case**, the *corpus delicti* must only show a **threat** of causing an environmental disaster, not a disaster *per se*.

4.3. SUBJECT OF CRIME OF ECOCIDE

- The **subject of crime of ecocide** is a sane **natural person** who has attained the **age of 16 years old**.
- Proposition **to introduce special subjects** with more severe liability:
 - **officials** of industrial enterprises;
 - other **public officials** whose activities are associated with the risk to the environment;
 - **military personnel** of the armed forces.

4.4. SUBJECTIVE SIDE OF CRIME OF ECOCIDE

- Some scholars believe that the **subjective side of ecocide is characterized by direct intent only.**
- Others believe that it is characterized by **both direct and indirect intent.**
- A third group of scholars note that **ecocide can only be committed intentionally, irrespective of the type of intent.**
- The third approach appears to be reasonable.

5. CORRELATION BETWEEN ECOCIDE AND OTHER CRIMINAL OFFENSES

- Ecocide **differs** from other offenses against the environment by the form of guilt (the subjective side).
- Ecocide **differs from** certain forms of **sabotage** (Article 113) by the **absence of a special purpose** (weakening of the state), and from **war crimes** (Article 438) by the **specific objective side** of a socially dangerous act.
- The **contextual element must be considered** in the qualification of crimes of ecocide.
- The contextual element: a **person held criminally liable was aware that they were acting in the context of an armed conflict.**

6. CRIME OF ECOCIDE IN THE DRAFT CRIMINAL CODE OF UKRAINE

- The draft CCU (2019) contains **ecocide** in Chapter «Crimes against International Security».
- **Ecocide is a crime** of the 5th degree committed by a person who, with the intent to cause long-term and widespread damage, has used any means to alter the dynamics, composition or structure of the environment, including the biosphere, lithosphere, hydrosphere and atmosphere, or to alter outer space.
- The draft CCU recognizes **ecocide as an intentional crime only**; in terms of the subjective side, it **differs from other criminal offenses against environmental safety**.

7. SIGNIFICANT ENVIROMENTAL DAMAGE IN UKRAINE

- Since 2014, the Russian-Ukrainian **war has caused significant environmental damage.**
- After the full-scale invasion on February 24, 2022, the **destructive impact** on the environment has **significantly increased.**
- According to the government agencies and experts, the **environmental damage is over 108 billion euros.**
- The aggressor state continues **committing crimes of ecocide.**

7.1. The Yuriev Plant Production Institute of the National Academy of Agrarian Sciences of Ukraine in Kharkiv



7.2. The Chernobyl Radiation Ecological Biosphere Reserve



7.3. The mass death of dolphins in the Black Sea



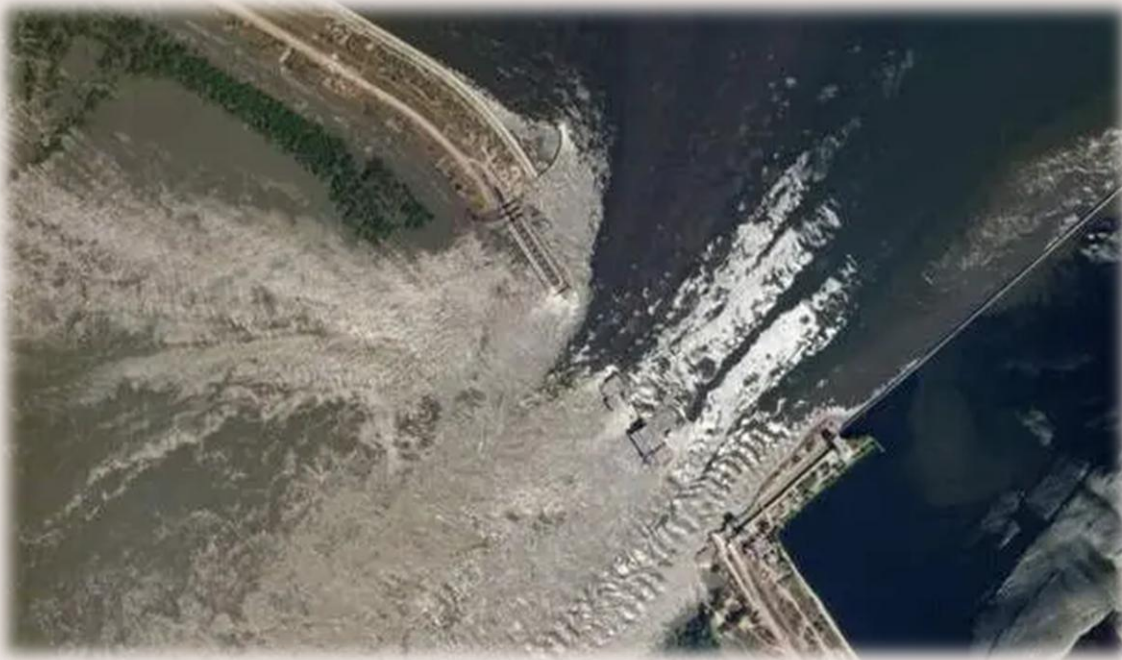
7.4. The National Science Centre “Kharkiv Institute of Physics and Technology”



7.5. Destruction of the Kakhovka Hydroelectric Power Plant dam (I)



7.5. Destruction of the Kakhovka Hydroelectric Power Plant dam (II)



7.5. Destruction of the Kakhovka Hydroelectric Power Plant dam (III)



7.5. Destruction of the Kakhovka Hydroelectric Power Plant dam (IV)



8. CONCLUSIONS

- The **total number of criminal proceedings regarding environmental damage** caused by the Russian armed aggression is **more than 200**.
- Russian aggression has proven that **ecocide is our terrible reality**.
- To protect future generations from environmental destruction or significant damage, it is necessary at the **international and national levels to establish responsibility, including criminal, for ecocide**.
- Ukraine is among the leading countries in **criminalizing ecocide**.
- Ukraine's experience is of **paramount importance for the environmental safety of all mankind**.

YOUR THOUGHTS ARE WELCOME TO

urkevych2014@supreme.court.gov.ua



Supreme
Court

Thank you for attention!