



Верховний
Суд



Supreme
Court

The Operation of Justice Under Martial Law

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«The enemy who pretends to be your friend is much more dangerous».

«How can a person who does not realize what black is talk about white?».

Skovoroda Hryhorii, Ukrainian philosopher.



«The famous 'to be or not to be' has often been used during wartime, because the nation has decided 'to be' since the very first day of full-scale invasion».

Prof Nataliya Torkut, head of the Ukrainian Shakespeare Centre.

On July 9, 2025, the ECHR issued a judgment in the case of Ukraine and the Netherlands v. Russia (Nos. 8019/16, 43800/14, 28525/20 and 11055/22).

Thus, the ECHR noted:

- events in Ukraine are unprecedented in the history of the Council of Europe. The nature and scale of the violence as well as the ominous statements concerning Ukraine's statehood, its independence and its very right to exist represent a threat to the peaceful co-existence that Europe has long taken for granted;
- the dangerous rhetoric has also on occasion been extended to encompass other Council of Europe member States, including Poland, Moldova and the Baltic countries;
- these actions seek to undermine the very fabric of the democracy on which the Council of Europe and its member States are founded by their destruction of individual freedoms, their suppression of political liberties and their blatant disregard for the rule of law;
- in none of the conflicts previously before the Court has there been such near universal condemnation of the "flagrant" disregard by the respondent State for the foundations of the international legal order established after the Second World War and such clear measures taken by the Council of Europe to sanction the respondent State's disrespect for the fundamental values of the Council of Europe: peace, human life, human dignity and the individual rights guaranteed by the Convention.

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Russian objectives were no less than the destruction of Ukraine as an independent sovereign State through the annexation of Ukrainian territory and the subjugation of the rest of Ukraine to Russian influence and control (paragraph 174). These objectives are wholly at odds with the Council of Europe peace project based on democracy, human rights and the rule of law (paragraph 177 above).

Justice in martial law

- Justice in the territory where martial law has been implemented is carried out only by courts.
- Justice is administered by courts established in accordance with the Constitution of Ukraine.
- Reduction or acceleration of any forms of judicial proceedings is prohibited.
- In case of impossibility to administer justice by courts operating in the territory where martial law has been enacted, the territorial jurisdiction of court cases or the location of the courts can be changed according to the procedure established by law.
- Establishing of extraordinary or special courts is not allowed.

The current situation of the judiciary and its functioning under martial law

- 80 courts of appeal and local courts do not operate justice
- 148 court buildings are damaged or completely destroyed
 - 132 premises sustained damage
 - 16 premises are completely destroyed



The premises of the Vugledar City Court of Donetsk Oblast were completely destroyed due to massive enemy shelling

During the first attack, a shell hit the second floor of the courthouse, destroying an offices, a corridor, and a courtroom. The roof and all the windows in the building were broken, but the first floor was still largely intact. The first floor of the courthouse was the most modern, thanks to the implementation of an access to justice project in cooperation with the United Nations Development Program in Ukraine.

The next rocket attack turned the courthouse into ruins. Even the trees around it were knocked down, and later the locals began burying the dead in the courthouse yard.

According to preliminary calculations, approximately over 40 million euros are needed to restore the operation of courts in the specified premises, including comprehensive repair work and the purchase of the necessary equipment and furniture.

Justice in martial law

- Ukrainian courts have to postpone hearings because of air alerts, lack of electricity, heating, Internet connections.
- Quiet big number of case files have been lost and cannot be fully restored as a result of occupation.
- Suspension of proceedings due to the fact that a party to the case is a member of the Armed Forces of Ukraine (In accordance with the Civil Procedure Code, the court must stop the proceedings in case if a party is in the Armed Forces of Ukraine during martial law).
- Transferring judges from the occupied territories to other regions. Over 420 judges have been seconded from courts whose venue was changed.
- Changing the venue (territorial jurisdiction was shifted to courts in the territories controlled by Ukraine) of 171 courts due to the inability to administer justice during the martial law (60 courts – venue restored; 96 courts – in the occupied territories).

The current situation of the judiciary and its functioning under martial law

➤ The judiciary lacks **2103** judges (6 490 judicial posts)

Lack of judges in appeal courts – **1357** positions (**763** vacant)

Sumy Appeal Court – only **4** judges (**21** vacant), Kharkiv Appeal Court – **12** judges (**48** vacant)

There are 1 412 vacant positions in the courts of first instance, including: 1 143 in civil courts, 136 in administrative courts, and 133 in commercial courts.

Competitive procedures for the selection of judges are currently underway.

Digitalization of justice during martial law

1. The Unified Judiciary Information Communication System (automated distribution of cases, exchange of documents between the court and participants in the trial, recording of court proceedings and participation of litigants in court hearings via videoconference).
2. The iCase system in anticorruption cases (to automate pre-trial investigation processes, including the creation, collection, storage, search, processing and transfer of materials and information (data) in criminal proceedings, as well as processes that meet the organizational, analytical, information telecommunications and other needs of the System users).
3. The Legal Position Database (An updated version of the Database of Legal Positions of the Supreme Court has been presented April 14, 2025). The updated Database features enhanced search functionality, a mobile-friendly interface, integration with the Unified State Register of Court Decisions, and embedded elements of AI.

Filing documents with the court, exchanging procedural documents, participation in court hearings via a videoconference obtaining court decisions are available after registration in the Electronic Cabinet of the Electronic Court System and using this system.

In accordance with nation law court decisions shall be published in electronic form in the Unified State Register of Court Decisions no later than the day following their full preparation and signing.

573 out of 590 courts operating justice were equipped with generators and alternative sources of electricity, which enables the functioning of electronic court systems.

In 2024, more than 150,000 users registered in the Electronic Court System, and over 2.5 million remote court hearings were held – an increase of 190% compared to 2023. During the same period, more than 5.5 million documents were submitted to courts via the Electronic Court System – a 232% increase compared to 2023.

The hacker attack by the aggressor state on the electronic resources and databases of the Supreme Court took place on June 6, 2025

Software was damaged, access to electronic services and databases was lost. This led to the impossibility of receiving correspondence, sending letters, performing automated distribution of cases between judges, signing with an electronic signature and sending court decisions.

Part of the information contained in the automated document management system for the period from June 2 to 5 was lost.

June 13th, automatic case distribution resumed.

June 20th, processing of documents, submitted through the Electronic Court System from June 5th, started again.

Cases

The criminal justice system is characterized by an increase in proceedings for crimes against national security, war crimes, and military crimes.

Disputes concerning compensation for damage caused by aggression, relating to the non-performance or improper performance of obligations as a result of the war, establishment of the facts of birth or death during martial law; taking into account the martial law conditions when resolving disputes regarding the rights and interests of a child located on the territory of another state; contractual legal relations during the martial law regime, arise in civil and commercial proceedings

Administrative proceedings include disputes relating to the status of internally displaced persons and the proper implementation of the guarantees assumed by the state as a result of this status.

The Supreme Court ruled on the limited judicial immunity of aggressor state

The Supreme Court formulated a conclusion on the judicial immunity of the aggressor state in the case of compensation for damage caused by the aggressor state



The Civil Cassation Court of the Supreme Court has reiterated its position on the absence of judicial immunity in state-aggressor and provided additional arguments



In April 2022, the Supreme Court decided: aggressor state doesn't have judicial immunity in Ukrainian courts in cases for damages, whereas that aggressor state committed acts of armed aggression, violated sovereignty and territorial integrity of Ukraine, destroyed building, schools, hospitals, theaters and killed Ukrainian people (Judgment of the Grand Chamber of the Supreme Court, April 14, 2022 in case No. 308/9708/19). The Supreme Court determined that committing such actions, the aggressor state exceeded the limits of its sovereign rights, guaranteed by Art. 2 of the UN Charter, and violated the claimant's (person`s) rights guaranteed by legal norms.

Supreme Court confirmed that aggressor state has no jurisdictional immunity in Ukrainian courts in cases for damages. The plaintiff, a citizen of Ukraine, must have an effective access to the court to protect his rights (Judgments of the Supreme Court dated May 18, 2022 in cases No. 428/11673/19 and No. 760/17232/20).

Determining the subject of judicial immunity, the Supreme Court took into account the following:

- the subject of the claim is compensation for moral damage caused to individuals, citizens of Ukraine, as a result of the death of others Ukrainians or injury;
- the place of infliction of damage is the territory of the sovereign state – Ukraine;
- it is assumed that the damage was caused by agents of the aggressor state, who violated the principles enshrined in the UN Charter regarding the prohibition of military aggression against another state;
- the commission of acts of armed aggression by a foreign state is not the exercise of its sovereign rights, but indicates a violation of the obligation to respect the sovereignty and territorial integrity of another state of Ukraine, which is enshrined in the UN Charter;
- the national legislation of Ukraine proceeds that generally damage caused in Ukraine to an individual as a result of the unlawful actions of any other person (entity) may be compensated by a decision of a court of Ukraine (according to the principle of "general tort").

The Supreme Court proceeds from the fact that in the case of application of the "tort exception", dispute that has arisen on its territory with a citizens of Ukraine under mentioned circumstances may be resolved by a court of Ukraine as an appropriate and competent court.

War crimes



The Prosecutor General's Office has recorded more than 162 thousand war crimes in Ukraine. 164 Russian war criminals have been convicted, and another 872 have been charged with crimes.

In most cases of this category the in absentia procedure has been applied. Criminal proceedings for war crimes require the mandatory participation of a defense attorney and are considered in relation to perpetrators of war crimes whose whereabouts are usually unknown or who are located in the temporarily occupied territory of Ukraine or in the territory of the aggressor state.

Judges equip their own offices as courtrooms, but face the lack of the necessary technical means to record trials.



Verdicts under Article 438 (war crimes) of the Criminal Code of Ukraine – Cruel Treatment of Civilians and Prisoners of War:

Application of physical or mental violence, threats of execution, and forced labor: For example, in the verdict of the Slavianskyi City District Court of Donetsk Oblast dated December 15, 2021 (No. 243/6186/20), upheld by the ruling of the Dnipro Court of Appeal dated May 17, 2023, a member of the organization “DPR” was found guilty of using physical and psychological violence, including threats of execution, to force a civilian and a prisoner of war to perform various household chores. Following orders from the leader of the illegal armed formation, the perpetrator also recorded a staged execution of a civilian. A similar instance of ill-treatment included aggressive verbal intimidation, brandishing of weapons, pointing a machine gun at the victim, and firing shots that caused bodily injuries (e.g., the verdict of the Saksahanskyi District Court of Kryvyi Rih, Dnipropetrovsk Oblast, dated October 10, 2023).

Use of physical or psychological violence and torture: For example, in the verdict of the Kyiv-Sviatoshynskyi District Court of Kyiv Oblast dated March 27, 2023 (Case No. 369/7906/22). Similarly, the Podilskyi District Court of Kyiv, in its verdict dated December 19, 2022 (No. 758/14216/21), convicted two employees of the “Department of the Russian Federal Security Service for the Republic of Crimea and the City of Sevastopol.” These individuals, citizens of Ukraine who had served as SSU operational officers in Crimea before the occupation, were dismissed for oath betrayal after the occupation. According to SSU counterintelligence, they subsequently joined a similar law enforcement agency of the occupying state. The verdict found that they kidnapped and tortured a Ukrainian citizen who had participated in the Revolution of Dignity rallies, in order to force a confession.

Use of torture, physical or psychological violence against civilians, and sexual violence against minors: For instance, the verdict of the Novozavodskyi District Court of Chernihiv dated November 2, 2022 (No. 751/2659/22), upheld by the Chernihiv Court of Appeal on March 23, 2023. Additionally, in the verdict of the Bobrovytskyi District Court of Chernihiv Oblast dated November 25, 2022 (No. 729/592/22), servicemen of the occupying army used threats and violence to suppress resistance from household residents and to enable sexual violence against a minor who was present. They ordered the adult male victim to kneel, threatened him with a weapon, and promised to kill him. One serviceman then attempted to commit sexual acts against the minor but was unable to complete the assault due to reasons beyond his control. Following the failed rape attempt, this serviceman and other unidentified individuals fired round into the wall to intimidate the residents, took one of the victims outside, forced him to kneel, aimed at his head while threatening to kill him, and made him drink alcohol in honor of the occupying army's "victory."

Rape, Threat of Murder, Inhuman Treatment, and Outrages upon Human Dignity: In the verdict of the Velykooleksandrivskyi District Court of Kherson Oblast dated April 29, 2024 (No. 650/1870/23), a serviceman of the occupying army was convicted for repeatedly committing acts of a sexual nature, including rape, against a woman living in the temporarily occupied territory. The crimes were committed from early July to early August 2022, during which the serviceman exploited the woman's helpless state, used violence, and issued death threats.

Use of torture and/or physical and psychological violence, as well as kidnapping/deprivation of liberty of the civilians: For example, the verdict of the Kotelevskyi District Court of Poltava Oblast dated December 23, 2022 (No. 535/2922/22), and others. According to the verdict of the Chernihiv District Court of Chernihiv Oblast dated January 12, 2023 (No. 748/1773/22), servicemen of the occupying army, under threat of firearms, forcibly took four victims – one of whom was a minor – from a cellar onto the street. One of the victims was laid face down and, after being searched, was beaten. The attackers also pointed a weapon at him and threatened to kill him. Afterward, at low temperatures, they undressed the victim and examined his body for tattoos. The soldiers, continuing to threaten murder and the use of firearms, illegally deprived the victims – including the minor – of their liberty by forcing them back into the cellar, which was then locked. The victims remained there for several days. Later, they were transported to another location in the temporarily occupied village, where other local civilians were also being held.

Causing the Death of a Person / Combining a War Crime with Intentional Murder

In some verdicts, intentional murder was combined with other violations of the laws and customs of war. For example, in the verdict of the Solomianskyi District Court of Kyiv dated May 23, 2022 (No. 760/5257/22), the court found the perpetrator guilty of intentionally murdering a civilian and destroying property without military necessity. Similar violations were identified in the verdict of the Ichnianskyi District Court of Chernihiv Oblast dated April 26, 2023 (No. 733/923/22).

Further, in the verdicts of the Kyiv-Sviatoshynskyi District Court of Kyiv Oblast dated December 6, 2023 (No. 370/380/23), and the Bakhmatskyi District Court of Chernihiv Oblast dated January 25, 2024 (No. 728/665/23), the convicts were found guilty of violating the laws and customs of war by illegally detaining and physically assaulting the victims, ultimately resulting in their intentional killing. In the verdict of the Chernihivskyi District Court of Chernihiv Oblast dated January 29, 2024 (No. 748/3511/23), the victim – a prisoner of war – was attacked and intentionally killed as a result of such violations.



Destruction or Theft of Civilian Property Not Justified by Military Necessity

Servicemen of the occupying army were also convicted of **theft of civilian property** in the following verdicts: Shevchenkivskyi District Court of Kyiv, dated August 3, 2022 (No. 761/14035/22); Ivankivskyi District Court of Kyiv Oblast, dated June 28, 2023 (No. 366/2363/22); Oktiabrskyi District Court of Poltava, dated June 9, 2022 (No. 554/3925/22); Brovary City District Court of Kyiv Oblast, dated October 23, 2023 (No. 361/6215/22) and others.

According to the verdict of the Kulykivskyi District Court of Chernihiv Oblast dated February 28, 2024 (No. 743/380/23), two servicemen of the occupying army arrived at the private property of a civilian with the intention of unlawfully seizing property for selfish motives. Under threat of violence dangerous to the life and health of the civilian—specifically, threats involving firearms and physical violence—they openly took possession of his trailer. The servicemen of the Russian Armed Forces threatened the victim with a machine gun, stating that they would shoot him in case of resistance.

In the verdict of the Novozavodskyi District Court of Chernihiv dated August 31, 2022 (No. 751/2961/22), a serviceman of the occupying army was found guilty of openly demanding, under threat of violence dangerous to life and health—namely, the threat of using a firearm—that the victim remove and hand over his gold jewelry, which the victim did.

Destruction of Property as a War Crime

The destruction of civilian property, not justified by military necessity, was established in the following verdicts:

Dzerzhynskyi District Court of Kharkiv, dated March 2, 2023 (No. 638/1343/23)

Desnianskyi District Court of Chernihiv, dated April 11, 2023 (No. 750/6470/22)

Trostianetskyi District Court of Sumy Oblast, dated May 9, 2023 (No. 588/1072/22)

Additionally, by the verdict of the Chernihiv District Court of Chernihiv Oblast dated February 17, 2023 (No. 748/1824/22), a serviceman of the Russian Armed Forces was found guilty of both the destruction of civilian objects not justified by military necessity and the cruel treatment of the civilian population through physical or psychological violence and torture.



Forced Service in the Armed Forces of the Occupying Power

The verdicts of the Darnytskyi District Court of Kyiv dated January 30, 2023 (No. 753/23311/21), and April 24, 2023 (No. 753/14148/21), established that the convicted individuals had committed a war crime by forcing protected persons to serve in the armed forces of the occupying power.



Propaganda of Service in the Armed Forces of the Occupying Power

The verdict of the Podilskyi District Court of Kyiv dated June 15, 2023 (No. 758/16427/21) analyzed in detail the legal status of the children's and youth military-patriotic movement *Yunarmiya*. The court reviewed a number of regulatory legal acts issued by the occupying state and substantiated that the activities of the movement aligned with the goals and strategies of the aggressor.

Furthermore, by the verdict of the Komunarskyi District Court of Zaporizhzhia dated December 6, 2024 (No. 333/10659/23), a Ukrainian citizen who voluntarily assumed the position of head of the regional headquarters of the *Yunarmiya* movement in the temporarily occupied city of Melitopol, Zaporizhzhia Oblast, was found guilty under Part 6 of Article 111-1 of the Criminal Code of Ukraine. The individual organized and conducted various "military-patriotic education" events, which constituted **information collaborationism**—that is, the organization and conduct of politically motivated events and the dissemination of information in cooperation with the aggressor state and/or its occupation administration, aimed at supporting the aggressor state, its occupation regime, or armed formations, and/or at avoiding accountability for armed aggression against Ukraine, in the absence of signs of state treason or active participation in hostilities.



Order to Commit War Crimes

As established in the verdict of the Suvorovskyi District Court of Odesa dated October 30, 2023 (No. 523/8377/23), the accused gave an order to forcibly disperse peaceful residents participating in a protest on the temporarily occupied territory, using firearms, ammunition, and special means. As a result, the victims sustained various bodily injuries, experienced physical pain, and suffered moral harm.

According to the verdict of the Trostianetskyi District Court of Sumy Oblast dated February 14, 2024 (No. 588/1363/23), the accused was convicted of giving an order to a tank gunner-operator to fire two high-explosive fragmentation shells with direct fire from a tank gun at the inpatient building of a hospital. The order was carried out.

In the verdict of the Suvorovskyi District Court of Odesa dated March 27, 2024 (No. 523/224/23), an order was given for the illegal detention and deprivation of liberty of a journalist, the mayor, and the secretary of the city council.



In the verdict of the Kyivskyi District Court of Kharkiv dated April 30, 2024 (No. 953/7767/22), the accused was found guilty of giving an order to commit acts that violate the laws and customs of war, as provided for by international treaties to which Ukraine has given binding consent through ratification by the Verkhovna Rada of Ukraine. These acts were combined with intentional murder.

By the verdict of the Darnytskyi District Court of Kyiv dated March 28, 2023 (No. 753/2458/22), a Ukrainian citizen who had served as a judge of the Armianskyi City Court of the Republic of Crimea before the temporary occupation, was convicted. After the annexation of the peninsula, she was reappointed as head of the same court for a second six-year term. In 2015, the convict heard an administrative case and issued a decision ordering the expulsion of a person from the territory of the Crimea through controlled independent departure, which constituted an act of illegal deportation.

The Supreme Court of Ukraine, in its rulings: No. 759/7443/17 dated October 27, 2021; No. 759/5737/17 dated December 21, 2022; No. 759/9489/17 dated October 4, 2023; No. 757/46325/17-k dated October 26, 2023; No. 759/4148/17 dated August 22, 2023 – qualified the actions of a judge who had held judicial position in Ukraine before the temporary occupation and subsequently administered justice on behalf of the occupying state as subversive activities against Ukraine carried out in the interests of a foreign state.

Combine efforts in protecting democratic values



The Supreme Court

The Administration of Justice Under Martial Law

Thank you for your attention!

