



—  
Supreme  
Court

# Supreme Court Briefing

## "The Administration of Justice Under Martial Law"

July 7, 2023

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

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

- 12% (80) of the courts of appeal and local courts do not administer justice
- 13 % (101) of court buildings are damaged or completely destroyed
  - 86 premises sustained damage
  - 15 premises are completely destroyed or severely damaged



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

- **8% (54)** of courts are located in areas temporarily not controlled by the Ukrainian authorities
  - 8 - in the Donetsk region
  - 16 - in the Luhansk region
  - 16 - in the Zaporizhzhia region
  - 14 - in the Kherson region
- **11% (84)** of the courts were stationed in the occupied territories until 24 February 2022
  - 31 - in the Donetsk region
  - 17 - in the Luhansk region
  - 27 - in the Autonomous Republic of Crimea
  - 9 - in the city of Sevastopol

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

- 17% (135) of courts changed their territorial jurisdiction due to the inability to administer justice during martial law
- 7 % (58) of the total number of courts and 43 % of the courts that changed their territorial jurisdiction have already restored it
- The judiciary lacks 2000 judges

# Territories of Ukraine where justice is not administered by courts of general jurisdiction due to the war\*

## THE AUTONOMOUS REPUBLIC OF CRIMEA AND THE CITY OF SEVASTOPOL:

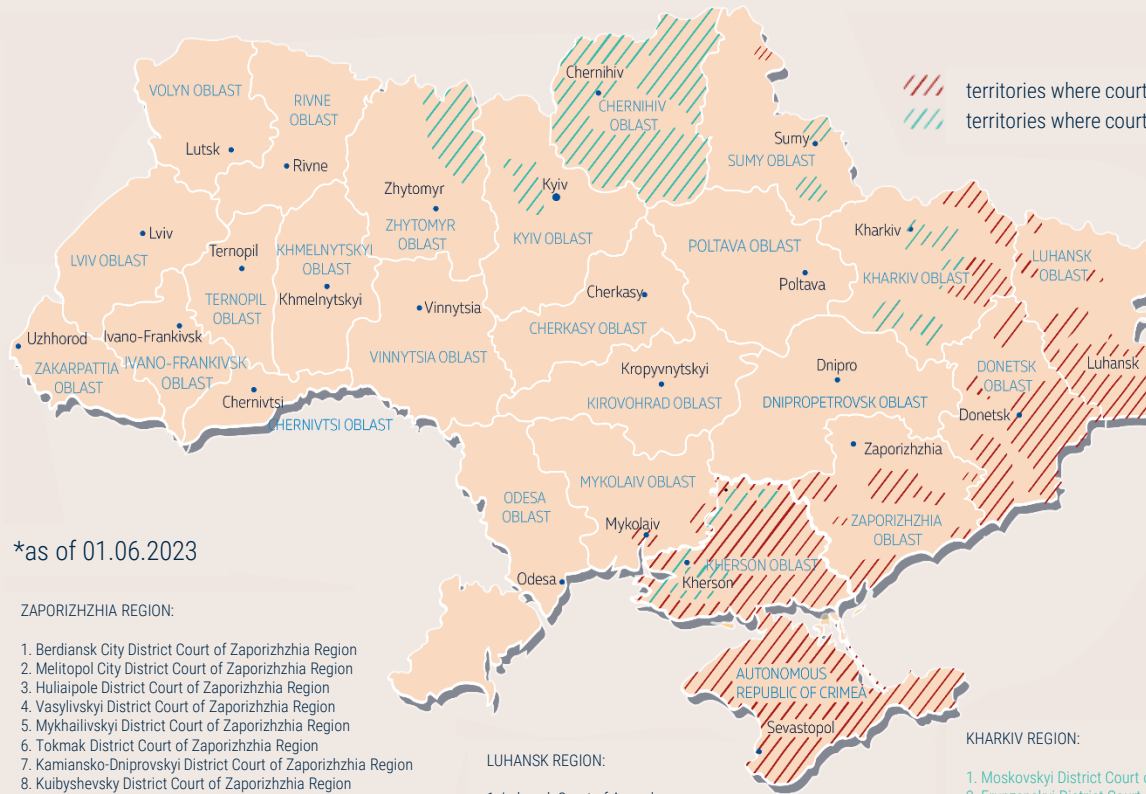
1. Court of Appeal of the Autonomous Republic of Crimea
2. Alushta City Court of the Autonomous Republic of Crimea
3. Armiansk City Court of the Autonomous Republic of Crimea
4. Bahchysarai District Court of the Autonomous Republic of Crimea
5. Bilohirsk District Court of the Autonomous Republic of Crimea
6. Kerch City Court of the Autonomous Republic of Crimea
7. Kirovsky District Court of the Autonomous Republic of Crimea
8. Dzhankoi City District Court of the Autonomous Republic of Crimea
9. Yevpatoria City Court of the Autonomous Republic of Crimea
10. Krasnohvardiiske District Court of the Autonomous Republic of Crimea
11. Krasnoperekopsk City District Court of the Autonomous Republic of Crimea
12. Leninskyi District Court of the Autonomous Republic of Crimea
13. Nyzhnohirskiy District Court of the Autonomous Republic of Crimea
14. Pervomaiske District Court of the Autonomous Republic of Crimea
15. Rozdolnenskyi District Court of the Autonomous Republic of Crimea
16. Saki City District Court of the Autonomous Republic of Crimea
17. Yalta City Court of the Autonomous Republic of Crimea
18. Sovetskyi District Court of the Autonomous Republic of Crimea
19. Sudak City Court of the Autonomous Republic of Crimea
20. Feodosia City Court of the Autonomous Republic of Crimea
21. Zaliznychnyi District Court of Simferopol
22. Kyiv District Court of Simferopol
23. Central District Court of Simferopol
24. Simferopol District Court of the Autonomous Republic of Crimea
25. Chornomorsk District Court of the Autonomous Republic of Crimea
26. Sevastopol Court of Appeal
27. Balaklava District Court of Sevastopol
28. Gagarinskyi District Court of Sevastopol
29. Leninskyi District Court of Sevastopol
30. Nakhimovskiy District Court of Sevastopol
31. Sevastopol Administrative Court of Appeal
32. District Administrative Court of the Autonomous Republic of Crimea
33. Sevastopol District Administrative Court
34. Sevastopol Commercial Court of Appeal
35. Commercial Court of the Autonomous Republic of Crimea

## DONETSK REGION:

1. Volnovakha District Court of Donetsk Region
2. Volodarskyi District Court of Donetsk Region
3. Donetsk Court of Appeal
4. Zhovtnevyi District Court of Mariupol
5. Illichivskiy District Court of Mariupol
6. Ordzhonikidze District Court of Mariupol
7. Primorskyi District Court of Mariupol
8. Pershotravnevyi District Court of Donetsk Region
9. Krasnolymansk City Court of Donetsk Region
10. Kramatorsk City Court of Donetsk Region
11. Vuhledar City Court of Donetsk Region
12. Krasnoarmiisk City District Court of Donetsk Region
13. Novohrodivka City Court of Donetsk Region
14. Artemivsk City District Court of Donetsk Region

## ZHYTOMYR REGION:

1. Brusyliv District Court of Zhytomyr Region
2. Malyn District Court of Zhytomyr Region
3. Ovruch District Court of Zhytomyr Region



\*as of 01.06.2023

## ZAPORIZHZHIA REGION:

1. Berdiansk City District Court of Zaporizhzhia Region
2. Melitopol City District Court of Zaporizhzhia Region
3. Huliaipole District Court of Zaporizhzhia Region
4. Vasylyvskiy District Court of Zaporizhzhia Region
5. Mykhailivskiy District Court of Zaporizhzhia Region
6. Tokmak District Court of Zaporizhzhia Region
7. Kamiansko-Dniprovskiy District Court of Zaporizhzhia Region
8. Kuibyshevskiy District Court of Zaporizhzhia Region
9. Polohivskiy District Court of Zaporizhzhia Region
10. Pryazovskiy District Court of Zaporizhzhia Region
11. Prymorskyi District Court of Zaporizhzhia Region
12. Chernihiv District Court of Zaporizhzhia Region
13. Enerhodar City Court of Zaporizhzhia Region
14. Yakymivskiy District Court of Zaporizhzhia Region
15. Veselivskiy District Court of Zaporizhzhia Region
16. Rozivskiy District Court of Zaporizhzhia Region
17. Velykobilozerskyi District Court of Zaporizhzhia Region
18. Orikhivskiy District Court of Zaporizhzhia Region

## KYIV REGION:

1. Borodianskyi District Court of Kyiv Region
2. Ivankiv District Court of Kyiv Region
3. Irpin City Court of Kyiv Region
4. Makariv District Court of Kyiv Region

## SUMY REGION:

1. Commercial Court of Sumy Region
2. Seredyna-Buda District Court of Sumy Region
3. Trostianets District Court of Sumy Region
4. Okhtyrka City District Court of Sumy Region

## LUHANSK REGION:

1. Luhansk Court of Appeal
2. Bilovodsk District Court of Luhansk Region
3. Bilokurakyno District Court of Luhansk Region
4. Kreminna District Court of Luhansk Region
5. Lysychansk City Court of Luhansk Region
6. Markivka District Court of Luhansk Region
7. Milovskiy District Court of Luhansk Region
8. Novoaydar District Court of Luhansk Region
9. Novopskov District Court of Luhansk Region
10. Popasna District Court of Luhansk Region
11. Rubizhne City Court of Luhansk Region
12. Svatove District Court of Luhansk Region
13. Sievierodonetsk City Court of Luhansk Region
14. Stanychno-Luhansk District Court of Luhansk Region
15. Starobilsk District Court of Luhansk Region
16. Troitsk District Court of Luhansk Region

## MYKOLAIV REGION:

1. Snihurivka District Court of Mykolaiv Region
2. Commercial Court of Mykolaiv Region
3. Bereznehuvate District Court of Mykolaiv Region

## KHARKIV REGION:

1. Moskovskiy District Court of Kharkiv
2. Frunzenskyi District Court of Kharkiv
3. Velykoburlutskiy District Court of Kharkiv Region
4. Vovchanskyy District Court of Kharkiv Region
5. Dvorianskyy District Court of Kharkiv Region
6. Pechenizkyi District Court of Kharkiv Region
7. Kharkiv District Court of Kharkiv Region
8. Chuhuiv City Court of Kharkiv Region
9. Kominternivskiy District Court of Kharkiv
10. Chervonozavodskiy District Court of Kharkiv
11. Izium City District Court of Kharkiv Region
12. Leninskyi District Court of Kharkiv
13. Ordzhonikidze District Court of Kharkiv
14. Shevchenkovskiy District Court of Kharkiv Region
15. Zolochiv District Court of Kharkiv Region
16. Sakhnovshchynna District Court of Kharkiv Region
17. Borivskiy District Court of Kharkiv Region
18. Dergachiv District Court of Kharkiv Region
19. Balakliia District Court of Kharkiv Region
20. Kupiansk City District Court of Kharkiv Region
21. Kharkiv Court of Appeal
22. Blyzniukivskiy District Court of Kharkiv Region
23. Lozova City District Court of Kharkiv Region
24. Barvinkivskiy District Court of Kharkiv Region

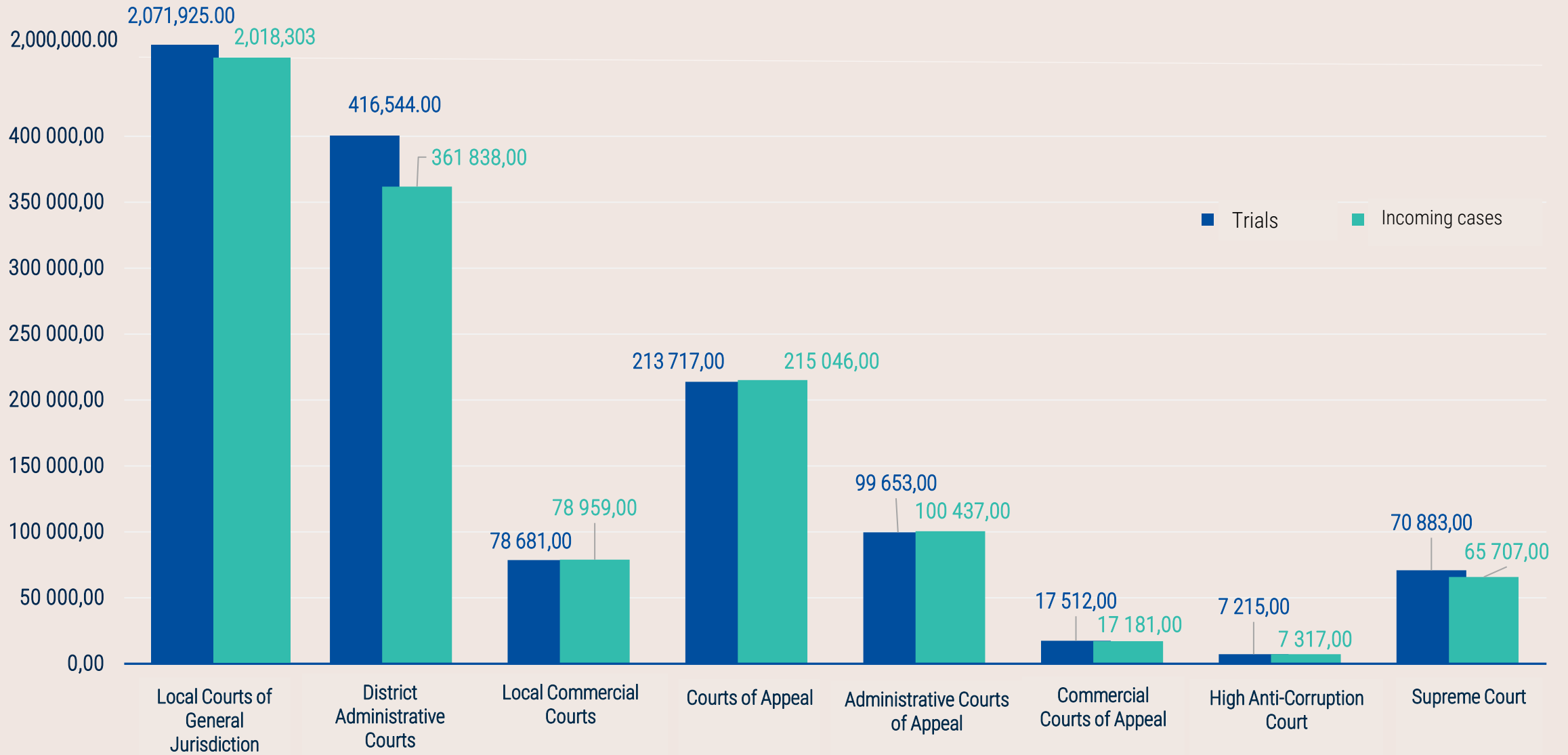
## KHERSON REGION:

1. Kherson Court of Appeal
2. Beryslav District Court of Kherson Region
3. Bilozerka District Court of Kherson Region
4. Velyka Lepetykha District Court of Kherson Region
5. Velyka Oleksandrivka District Court of Kherson Region
6. Verkhni Rogachyk District Court of Kherson Region
7. Vysokopillya District Court of Kherson Region
8. Henichesk District Court of Kherson Region
9. Hola Prystan District Court of Kherson Region
10. Homostaiivka District Court of Kherson Region
11. Ivanivka District Court of Kherson Region
12. Kalanchak District Court of Kherson Region
13. Kakhovka City District Court of Kherson Region
14. Nyzhni Sirohozy District Court of Kherson Region
15. Novovorontsovka District Court of Kherson Region
16. Nova Kakhovka City Court of Kherson Region
17. Novotroitske District Court of Kherson Region
18. Skadovsk District Court of Kherson Region
19. Kherson City Court of Kherson Region
20. Tsiurupinsk District Court of Kherson Region
21. Chaplynka District Court of Kherson Region
22. Commercial Court of Kherson Region
23. Kherson District Administrative Court

## CHERNIHIV REGION:

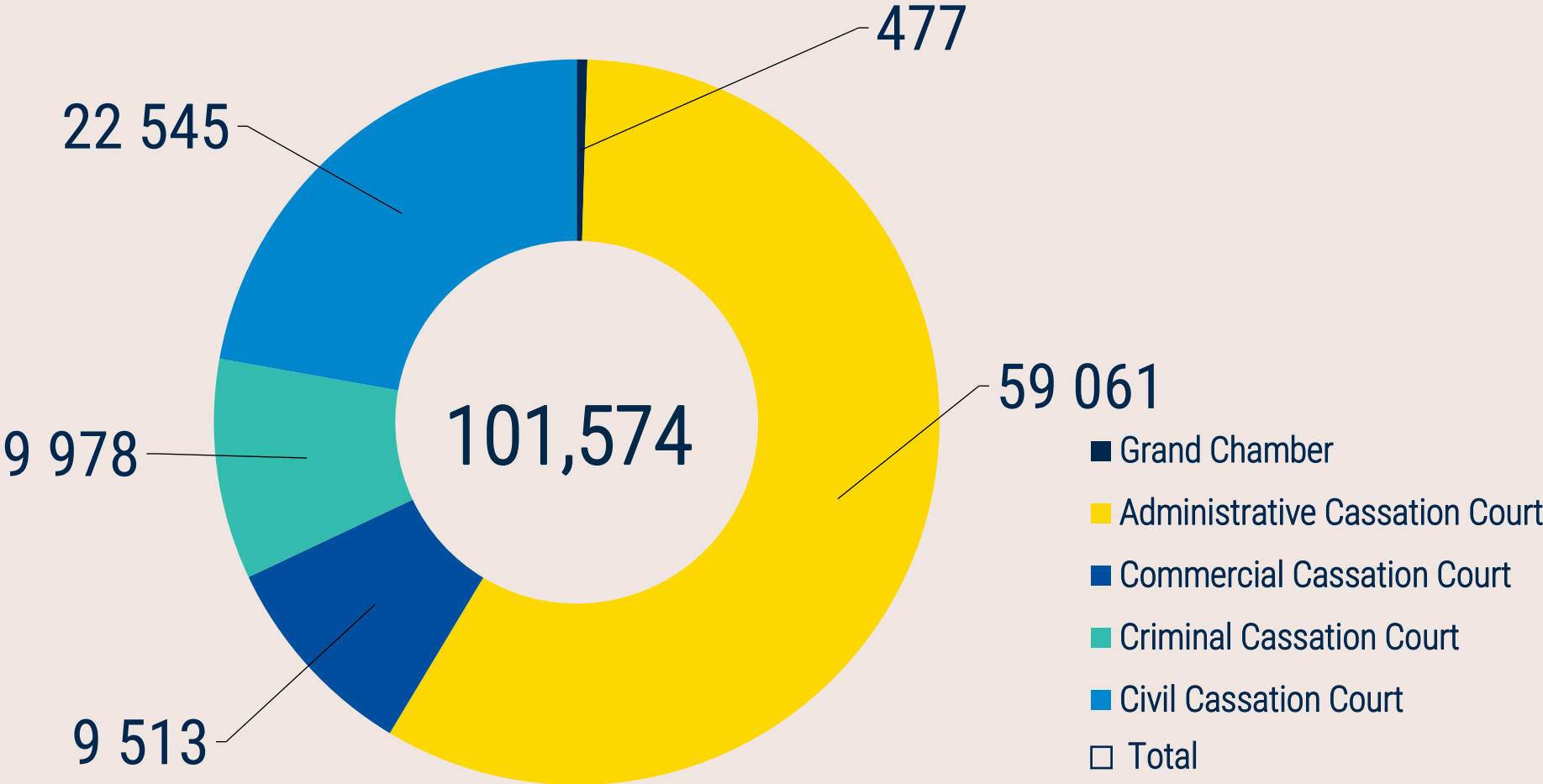
1. Chernihiv Court of Appeal
2. Desnianskyi District Court of Chernihiv City
3. Novhorod-Siverskyi District Court of Chernihiv Region
4. Novozavodskiy District Court of Chernihiv City
5. Korop District Court of Chernihiv Region
6. Korukivka District Court of Chernihiv Region
7. Mensk District Court of Chernihiv Region
8. Sosnytsia District Court of Chernihiv Region
9. Gorodnya District Court of Chernihiv Region
10. Ripky District Court of Chernihiv Region
11. Chernihiv District Court of Chernihiv Region
12. Shchorskyi District Court of Chernihiv Region
13. Bobrovysia District Court of Chernihiv Region
14. Nosivka District Court of Chernihiv Region
15. Bakhmach District Court of Chernihiv Region
16. Borznianskyi District Court of Chernihiv Region
17. Nizhyn City District Court of Chernihiv Region
18. Pryluky City District Court of Chernihiv Region
19. Varva District Court of Chernihiv Region
20. Ichnia District Court of Chernihiv Region
21. Sribne District Court of Chernihiv Region
22. Talalaivka District Court of Chernihiv Region
23. Kozelets District Court of Chernihiv Region
24. Kulykivka District Court of Chernihiv Region
25. Commercial Court of Chernihiv Region
26. Semenivka District Court of Chernihiv Region

# Incoming cases and trials in 2022



# Review of procedural complaints and cases by the Supreme Court

from 24.02.2023 to 03.07.2023





# Current status and outlook of trials for war crimes and crimes against national security

# Incoming criminal proceedings on war crimes and crimes against national security and their consideration from 24.02.2022 to 03.07.2023

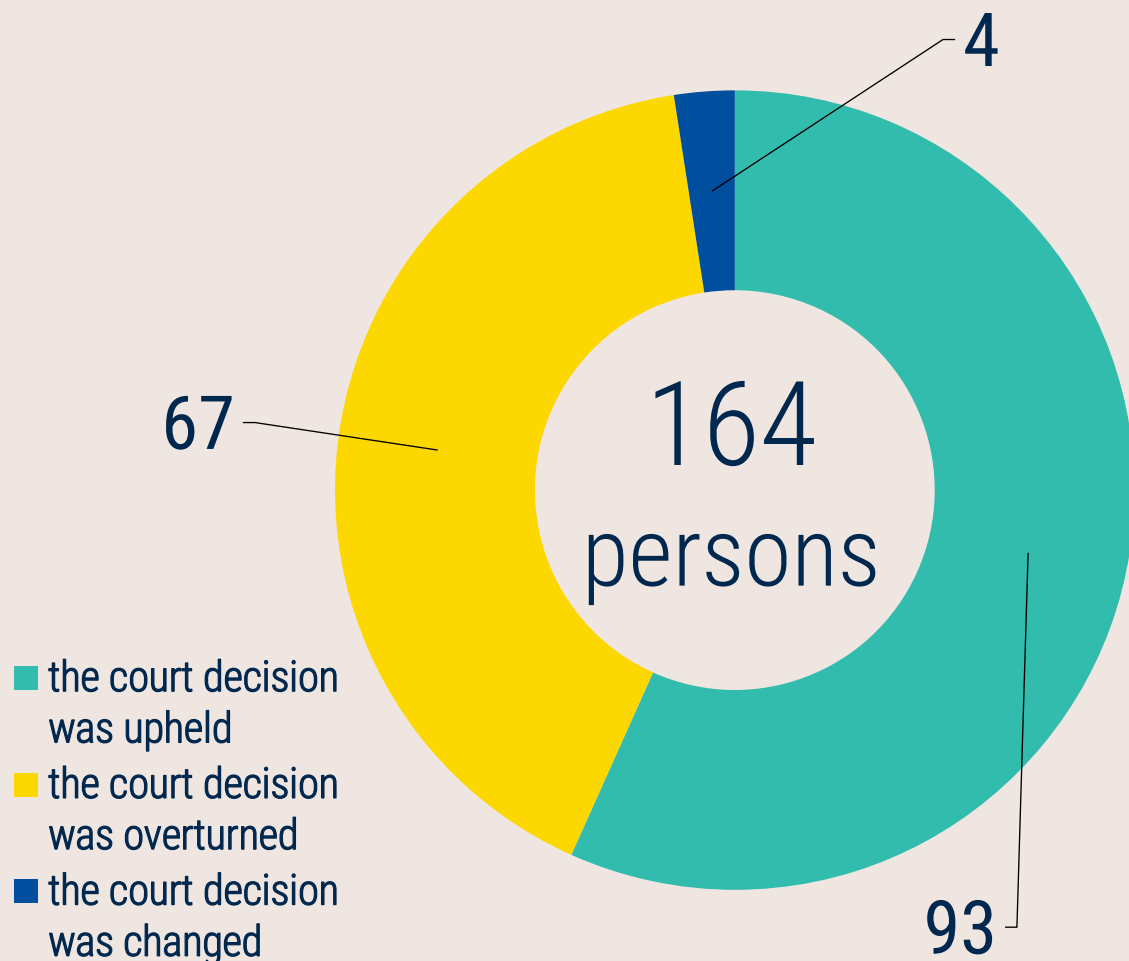
Article	Incoming	Resolved	Pending
Trespassing against the territorial integrity and inviolability of Ukraine ( <a href="#">Article 110 of the Criminal Code of Ukraine</a> )	570	195	375
High treason ( <a href="#">Article 111 of the Criminal Code of Ukraine</a> )	1,351	478	873
Collaboration ( <a href="#">Article 111-1 of the Criminal Code of Ukraine</a> )	1,840	731	1,109
Aiding and abetting the aggressor state ( <a href="#">Article 111-2 of the Criminal Code of Ukraine</a> )	100	15	85
Sabotage ( <a href="#">Article 113 of the Criminal Code of Ukraine</a> )	7	2	5
Propaganda of war ( <a href="#">Article 436 of the Criminal Code of Ukraine</a> )	17	14	3
Production and distribution of communist, Nazi symbols and propaganda of communist and national socialist (Nazi) totalitarian regimes ( <a href="#">Article 436-1 of the Criminal Code of Ukraine</a> )	160	116	44
Justification, recognition of legitimacy, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants ( <a href="#">Article 436-2 of the Criminal Code of Ukraine</a> )	850	656	194
Planning, preparation and waging of an aggressive war ( <a href="#">Article 437 of the Criminal Code of Ukraine</a> )	3	0	3
Violation of rules of the warfare ( <a href="#">Article 438 of the Criminal Code of Ukraine</a> )	130	38	92

# Main forms of warfare rules violations

(Article 438 of the Criminal Code of Ukraine)

- ill-treatment of civilians in the form of premeditated murder, death threats; torture, violence, sexual violence, illegal deprivation of liberty; abduction of a person, forcing protected persons to serve in the armed forces of the occupying power;
- robbery of civilians;
- illegal destruction of civilian property.

# Cassation review of criminal proceedings on corruption-related criminal offences in the 1st half of 2023



# Important legal positions of the Supreme Court on the protection of the rights of citizens during the martial law period

# The administrative courts have seen an increase in the number of disputes related to:

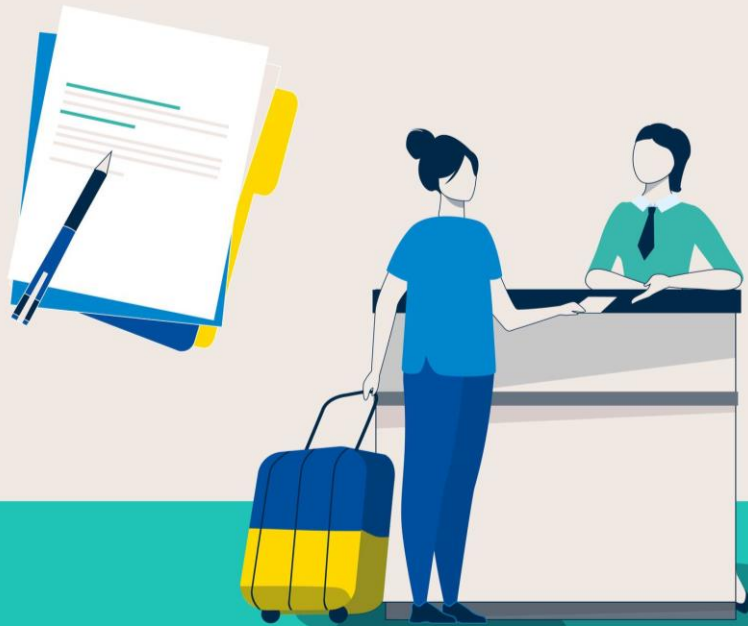
- ✓ the exercise of the rights of internally displaced persons, in particular the granting of this status and the right to financial assistance for living expenses;
- ✓ registration and re-registration of the unemployed and payment of unemployment benefits for the period of martial law;
- ✓ payments of one-off financial assistance to family members in the event of the death of a serviceman during martial law;
- ✓ the mobilisation of citizens for military service;
- ✓ expropriation of property, including vehicles for the needs of the Armed Forces of Ukraine.

# The Supreme Court has developed case law for resolving certain types of disputes in administrative cases

- ✓ on the conditions for an internally displaced person to acquire the right to a subsistence allowance;
- ✓ on the non-jurisdiction of administrative courts over disputes concerning the challenge of the issuance of a summons drawn up pursuant to the legislation on military service;
- ✓ on the non-relevance of a document confirming the removal of a person from the military register as a basis for crossing the border under martial law;
- ✓ on the peculiarities of the tax payer's exemption from the obligation to pay customs duties for the period of martial law, etc.

# The Supreme Court protected the rights of internally displaced persons and servicemen

The Administrative Cassation Court gives its legal opinion on the granting of subsistence allowances to internally displaced persons

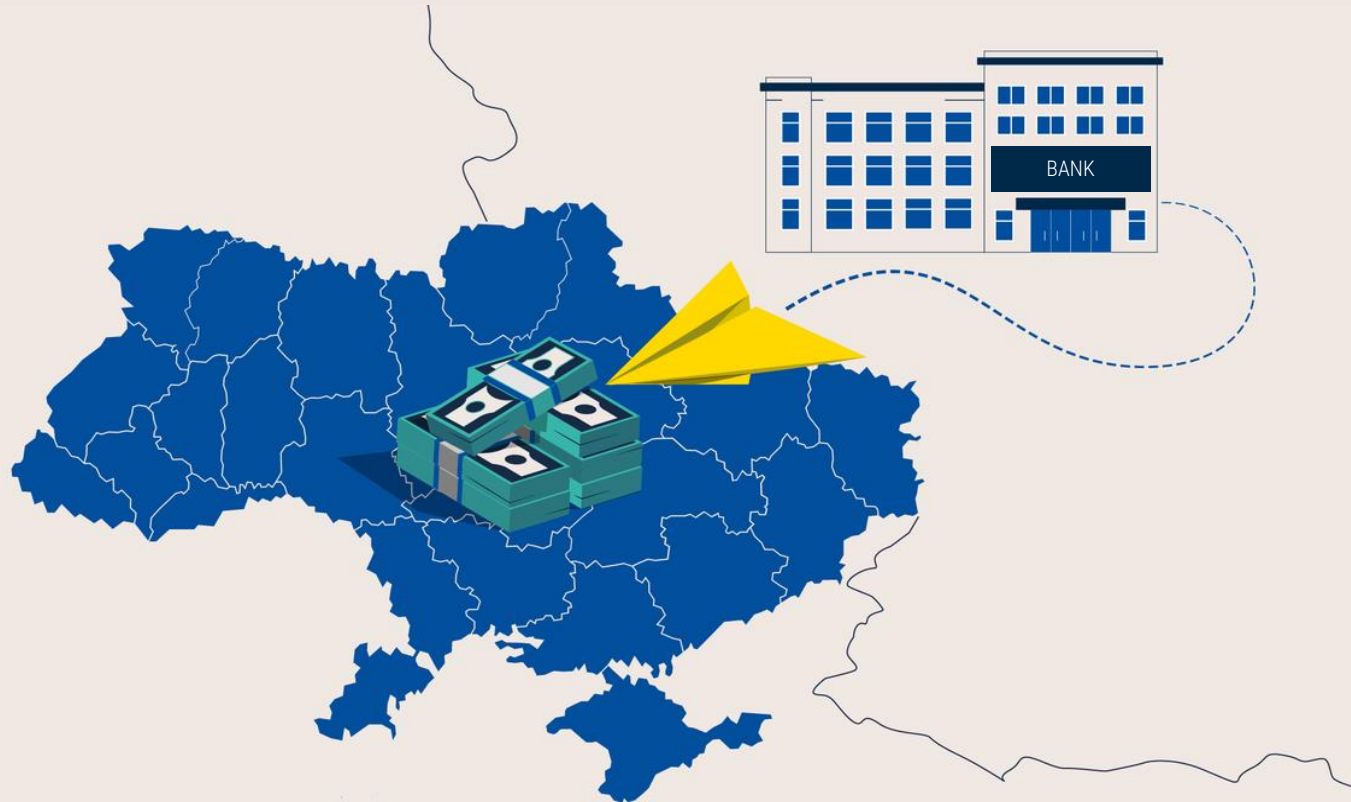


The Administrative Cassation Court considers a case concerning the granting of a one-off disability allowance to a military serviceman





The Supreme Court stated that if a legal entity actually performs the functions of a state body, i.e. is the alter ego ("second self") of such a state, the property formally owned by such a legal entity may be subject to recovery of the state's debts



# Since the start of the full-scale invasion, the Supreme Court has been faced with new jurisdictional disputes over the following:

- ? Can the courts resolve disputes where the Russian Federation is the defendant?
- ? Do commercial courts have jurisdiction to consider disputes challenging decisions of military commanders on the compulsory alienation or seizure of property under the legal regime of martial law?
- Local commercial courts are dealing with a large number of claims for damages caused by the military aggression of the Russian Federation. This raises issues of evidence and remedies in this category of disputes.

# Special features of procedural law application in the context of military operations

- extension of procedural deadlines as a result of the imposition of martial law throughout Ukraine and assessment of the gravity of the violation of such deadlines;
- adjournment of a hearing in connection with the announcement of an air raid alert;
- suspension of proceedings due to the fact that a party to the case is a member of the Armed Forces of Ukraine;
- on the possibility of considering a cassation appeal in the absence of a party's representative - a lawyer who is outside Ukraine during the period of martial law in Ukraine. Problems with abuse of procedural rights.

## The Supreme Court has developed case law on offences against the foundations of Ukraine's national security, public safety and peace, human security and international law and order:

- ✓ on sentencing for the commission of an offence under part 1 of article 111-1 "Collaboration" of the Criminal Code of Ukraine;
- ✓ on the presence of signs of one of the circumstances excluding the criminal unlawfulness of the act in the actions of a person who kept firearms, ammunition and explosive devices obtained after the proclamation of martial law in Ukraine to repel the armed aggression of the Russian Federation;
- ✓ on the qualification of the perpetrator's actions under parts 1, 2 of Article 436-2 of the Criminal Code of Ukraine "Justification, recognition of legality, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants".

# The Supreme Court acquitted a volunteer-protector and brought a person to justice for collaboration

Possession of firearms is not a criminal offence if it is related to the defence of the State - Supreme Court



Collaboration activities: The Supreme Court hears the case of a teacher who publicly denied the war



# The Supreme Court has formulated important legal positions in resolving civil disputes

- ✓ on the immunity of the Russian Federation and compensation for damage caused by the armed aggression of the Russian Federation;
- ✓ on the modification or termination of obligations due to war;
- ✓ on establishing the facts of birth or death during martial law;
- ✓ on taking into account the conditions of martial law when resolving disputes concerning the rights and interests of a child in the territory of another state.

# The Supreme Court ruled on the absence of judicial immunity in the Russian Federation

The Supreme Court formulated a conclusion on the judicial immunity of the Russian Federation 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 Russia and provided additional arguments





### The Supreme Court

**3** judges and **25** staff members  
serve in the Armed Forces of Ukraine

### The judicial system

**54** judges and **353** staff members  
serve in the Armed Forces of Ukraine

From March 2022 and until the end of martial law, judges have contributed and will be contributing **30-60%** of their judicial remuneration to the needs of **the Armed Forces of Ukraine**





---

Supreme  
Court

---

Thank you for your attention!