

UNDERSTANDING WAR CRIMES TRIALS

A GUIDE FOR THE UKRAINIAN PUBLIC

INSTITUTE FOR
WAR & PEACE REPORTING



Writer Oksana Maksymeniuk
Editors Monica Ellena, Daniella Peled
Designer Srđan Pajić
Translator Svitlana Fichaux

This publication was prepared by the Institute for War & Peace Reporting (IWPR) with the support of the United Kingdom's Foreign Commonwealth and Development Office (FCDO).

The information provided in this handbook does not, and is not intended to, constitute legal advice; instead, it is intended for general informational purposes only.

© 2025 INSTITUTE FOR WAR & PEACE REPORTING



We value your feedback!

Please scan the code and fill out this brief form.

FOREWORD	1
INTRODUCTION	2
I WHAT ARE WAR CRIMES?	3
Definition of War Crimes	3
Role of International Courts	3
Accountability Mechanisms	4
II THE LEGAL FRAMEWORK	5
Ukraine's Law on War Crimes	5
The International Criminal Court	5
Hybrid Courts: Tribunal for Putin	6
III WAR CRIMES PROCEEDINGS	7
The Investigation	7
The Court Proceeding	8
Ensuring a Fair Trial	8
Trials in Absentia	8
The Rights of the Accused	9
The Rights of the Victims	10
IV JUSTICE AND UKRAINE'S FUTURE	11
The Role of the Public	11
Contact Information for Reporting War Crimes	11
GLOSSARY	12

FOREWORD

Oleksandra Matviichuk

Head of Center for Civil Liberties, Ukraine
2022 Nobel Peace Prize Laureate
IWPR International Board Member



*Until the world
holds its leaders,
commanders, and
soldiers accountable,
the crimes will not
stop.*

Russia's war of aggression has inflicted unspeakable horrors. As a lawyer and investigator, I have spent 11 years documenting this toll, and since the full-scale invasion, my organization has partnered with others to build a nationwide network of human rights defenders recording mass atrocities. This database now underpins the prosecutor general's listing of more than 150,000 war crimes.

This experience has underscored three urgent truths. First, Russia continues committing atrocities because it acts with impunity. Until the world holds its leaders, commanders, and soldiers accountable, the crimes will not stop. Second, the scale of these violations is staggering, and achieving justice will be a formidable challenge. Ukraine cannot do it alone.

Third, justice is a shared responsibility. Prosecutors, police, and judges play a central role. But civil society, media, and, above all, survivors are essential to the process. Achieving accountability will require collective resolve, courage, and endurance.

Justice takes many forms – accountability, reparations, truth. Above all, Ukrainians hope that justice will help deliver what we seek most of all: long-term peace.

INTRODUCTION

Russian forces have committed extensive war crimes against Ukrainian citizens since 2014. The sheer scale of these crimes present immense challenges for documentation and prosecution.

The ongoing conflict, restricted access to occupied territories, destruction of evidence and intimidation or killing of witnesses make it difficult to gather information. When evidence is collected, ensuring its admissibility in national and international courts requires meticulous adherence to legal standards. War crimes often involve systemic abuses directed by high-ranking officials, making accountability complex and requiring international cooperation.

Numerous civil initiatives, investigative journalists and independent platforms have worked tirelessly to document these crimes. These efforts aim to preserve testimonies, gather potential evidence and ensure that justice prevails. The ultimate goal is to hold perpetrators accountable.

This guide does not cover all aspects of international criminal and humanitarian law: its intent is to provide a concise overview of key concepts and best practice.



| WHAT ARE WAR CRIMES?

DEFINITION OF WAR CRIMES

A war crime is a violation of the laws and customs governing armed conflict.

These fall under the jurisdiction of international criminal law and are prosecuted by not only national courts but also international bodies such as the International Criminal Court (ICC).

They are distinguished by their gravity—these are “gross” or “serious” breaches of international law.

The Rome Statute, the ICC’s founding treaty of 1998, outlines a list of war crimes:

Crimes against individuals include acts committed against persons not participating in hostilities,

Attacks on protected objects include targets such as hospitals, religious sites and schools,

Acts lacking military necessity include attacks on civilians, looting or the destruction of infrastructure without military advantage,

Prohibited warfare methods include the use of banned measures such as gas or human shields.

ROLE OF INTERNATIONAL COURTS

At the core of international mechanisms to safeguard human rights and limit violations are the Geneva Conventions, a set of treaties that establish legal standards for humanitarian treatment during armed conflicts.

Adopted in 1949 and supplemented in 1977 and 2005, they protect wounded soldiers, prisoners of war and civilians. A cornerstone of international humanitarian law (IHL) they are legally binding on all signatories.

Institutions such as the ICC and ad-hoc tribunals, like the International Criminal Tribunal for the former Yugoslavia (ICTY) and Rwanda (ICTR) operate based on international treaties and cooperation to address the crime of genocide, crimes against humanity and serious breaches of the Geneva Conventions. Hybrid international courts are established with UN assistance at the invitation of a given state and sometimes apply a combination of national and international law. Examples include tribunals for Cambodia, Sierra Leone and Lebanon.

International courts face challenges including political resistance and limited enforcement power. Some countries refuse to recognise them or actively shield individuals from prosecution. Investigations and trials can be lengthy and costly, leading to criticism about efficiency and impartiality. Nonetheless, these courts remain vital in upholding international norms, documenting abuses, and ensuring some measure of justice.

CASE STUDY #1

Trial of Vadim Shishimarin

The first conviction for a war crime following Russia's full-scale invasion of Ukraine was of 21-year-old Russian soldier Vadim Shishimarin. In February 2022, during Russia's advance on Sumy, Shishimarin followed his commander's orders to shoot a 62-year-old civilian. Captured shortly after, Shishimarin was brought to trial in Kyiv. In May 2022, a Ukrainian court found him guilty of violating the laws and customs of war and sentenced him to life imprisonment. However, following an appeal, his sentence was reduced to 15 years.

ACCOUNTABILITY MECHANISMS

War crimes and crimes against humanity are not subject to a statute of limitations. The principle of universal jurisdiction allows for the prosecution of serious international crimes regardless of where they were committed, the nationality of the perpetrators or the identity of the victims.

Legal accountability extends beyond direct perpetrators to military and political leaders. According to the Geneva Conventions, commanders bear responsibility if they were aware of violations or had reason to anticipate them but did not take necessary action.



II THE LEGAL FRAMEWORK

UKRAINE'S LAW ON WAR CRIMES

Until recently, Ukrainian law had no precise definition of a war crime. On August 21, 2024, Ukraine ratified the Rome Statute, formally recognising the jurisdiction of the ICC and incorporating its provisions into national law.

Amendments were then introduced to the Criminal Code of Ukraine, including serious offences such as:

Cruel treatment of prisoners of war or civilians,

Forced displacement for labour exploitation,

Looting of national treasures,

The use of prohibited methods of warfare.

The legal reforms significantly strengthen Ukraine's ability to prosecute grave violations of international humanitarian law.

THE INTERNATIONAL CRIMINAL COURT

The court's role is to hold to account individuals accused of the most serious crimes of concern to the international community, namely genocide, crimes against humanity, war crimes and the crime of aggression.

CASE STUDY #2

Trial of Vladik Nebiyev

On April 29, 2024, the Velykooleksandrivskyi District Court (Kherson region) sentenced Russian serviceman Vladik Nebiyev to 12 years in absentia for raping a local woman in July 2022.



CASE STUDY #3

Mass Killing in Izium

Russian forces occupied Izium, in the eastern region of Kharkiv, on April 1, 2022 and held it until September 15. After Ukrainian troops liberated the city, police found about 450 people buried in mass graves on the outskirts. Most were civilians, including children, and at least 17 Ukrainian soldiers.

The victims suffered violent deaths, with causes ranging from shelling and landmine explosions to airstrikes. Forensic evidence indicated signs of torture—bound hands, broken limbs, gunshot wounds and in some cases mutilation, including amputated genitals. At least six sites in Izium were identified as locations where detainees were subjected to torture.

Acts such as extrajudicial killings, torture and attacks on civilians fall under the war crimes category as outlined in the Rome Statute and Geneva Conventions.



The ICC does not replace national courts and can only intervene when a state is unable or unwilling to investigate or prosecute specific crimes. It gains jurisdiction:

Upon referral by a state that has ratified the Rome Statute or by its nationals,

Upon referral by the UN Security Council, even if the crimes were committed in a country that has not ratified the Rome Statute,

At the initiative of the court's Chief Prosecutor, if a non-party state accepts ICC jurisdiction.

In Ukraine, the ICC has had jurisdiction to investigate war crimes, crimes against humanity, and genocide committed since November 21, 2013.

On March 17, 2023, the ICC issued arrest warrants against Russian President Vladimir Putin and Maria Lvova-Belova, the Presidential Commissioner for Children's Rights in Russia for the unlawful **deportation and transfer of children** to Russia.

On March 5, 2024, the ICC issued arrest warrants for Sergey Ivanovich Kobylash, a lieutenant general of the Russian Armed Forces, and Viktor Nikolayevich Sokolov, an admiral of the Russian Navy, over missile strikes targeting electrical infrastructure.

Enforcement remains a significant challenge. Major powers including China, Russia, and the US are not members and thus not obliged to cooperate.

HYBRID COURTS: TRIBUNAL FOR PUTIN

Kyiv and its allies have proposed to establish a Special Tribunal for Ukraine, often called the Tribunal for Putin, to prosecute the crime of aggression - the primary source of all other war crimes.

The ICC lacks jurisdiction over aggression unless both the aggressor and victim state ratify the Rome Statute's Kampala Amendments, which Russia has not done. Unlike other crimes, aggression requires explicit jurisdiction, and Russia's veto power at the UN Security Council blocks any ICC referral.

The proposed tribunal would be established via a treaty among Ukraine and its allies or by a UN General Assembly resolution.

III WAR CRIMES PROCEEDINGS

THE INVESTIGATION

The investigation begins with the report of a possible war crime followed by the opening of a criminal case. Authorities gather and document sufficient evidence and identify suspects; finally, the case is transferred to court for prosecution.

War crimes are investigated by both national and international bodies. National bodies include:

- **The Office of the Prosecutor General**, which works with international bodies, including the ICC and the European Union Agency for Criminal Justice Cooperation (Eurojust),
- **Security Service of Ukraine**,
- **National Police of Ukraine**,
- **State Bureau of Investigation**.

International bodies include:

- **The Office of the Prosecutor of the ICC**,
- **The Joint Investigation Team (JIT)**,
- **The Independent International Commission of Inquiry on Ukraine**, established by the UN,
- **Law enforcement agencies of foreign states** based on the principle of universal jurisdiction.

Strong evidence is essential to secure convictions, including:

- **Images, videos and audio recordings**,
- **Witness testimonies**,
- **Physical evidence (eg, weapon fragments or shell casings)**,
- **Documents**,
- **Expert opinions**.

Evidence can be:

- **Direct** (eg, the body of a civilian with bullet wounds),
- **Contextual** (eg, proof of use of indiscriminate weapons in a populated area),
- **Prove involvement** (eg, photos of a specific unit at the crime scene).

Evidence must meet three key criteria: relevance, reliability, and absence of bias. Testimonies of witnesses and victims are crucial, while the questioning of witnesses and victims should follow legal norms and international human rights standards. Forensic expertise also plays a vital role in analysing evidence.

THE COURT PROCEEDING

The trial is where a judge or panel of judges adjudicate the case. Participants include defendants, attorneys, victims and civil plaintiffs.

Court hearings are generally public, though cases may be held behind closed doors if:

The accused is a minor,

The case concerns sexual offences,

To prevent the disclosure of personal and family details,

To protect legally safeguarded secrets,

To ensure the safety of those involved.

Court hearings are officially recorded. Attendees may record audio; photo, video and live broadcasting require prior court approval. The public has the right to cover and discuss judicial proceedings. Journalists play a crucial role in ensuring public oversight and combating disinformation.

The court considers only relevant and admissible evidence. It can issue a guilty verdict, acquittal or case dismissal. Public trials have decisions announced openly, while closed trials omit sensitive details. A decision takes effect after appellate review or if unchallenged. The accused, the prosecutor and victims may appeal within 30 days of the verdict.

The appeal court may uphold, modify, annul or order a new trial. A final verdict can still be appealed in the Supreme Court.

ENSURING A FAIR TRIAL

Fair trials are fundamental to justice. They are upheld through impartiality, transparency and accountability. Judges must remain independent, with decisions based solely on legal norms and relevant evidence.

Lawyers ensure the accused receive a professional defence. They facilitate access to evidence, present legal arguments and safeguard the right to appeal, ensuring due process.

Prosecutors represent the interests of the state and victims by prosecuting crimes and maintaining legal order.

By maintaining checks and balances, the judicial system upholds fairness and objectivity in war crimes proceedings.

TRIALS IN ABSENTIA

Most of Ukraine's war crimes convictions against Russian soldiers have been in absentia. Although some European jurisdictions limit in absentia trials to minor offences, Ukraine has expanded their use to prosecute war crimes, with a state-appointed lawyer representing defendants.

Despite challenges, collecting evidence and issuing arrest warrants is preferable to inaction. In absentia convictions can also enable victims to seek compensation.

THE RIGHTS OF THE ACCUSED

The presumption of innocence means no one is guilty until a final verdict.

A suspect is someone notified of suspicion, detained on suspicion, or whose notification remains undelivered due to their whereabouts being unknown.

An accused is a person against whom an indictment has been filed in court.

Every suspect/accused has the guaranteed right to:

Know the charges against them,

Be clearly and timely informed of their rights,

Have or refuse a defence attorney and have legal representation,

Testify and/or refuse to answer questions,

Collect and submit evidence,

File motions and objections and review case materials,

Use their native language and receive translator assistance,

Participate in the questioning of witnesses and court debates.

CASE STUDY #4

Trial of Nine Russian Servicemen for Bucha Crimes

In May 2023, the Irpin City Court (Kyiv region) sentenced nine servicemen from the 64th Separate Motorised Rifle Brigade of the Russian Armed Forces to various prison terms for illegally detaining and torturing a civilian in Bucha during the city's occupation in March 2022.



CASE STUDY #5

Trial of Yevgeny Zelenov

On April 30, 2024, a court in Kharkiv found Russian Army Lieutenant Colonel Yevgeny Zelenov guilty of violating the laws and customs of war and sentenced him in absentia to life imprisonment. The court established that on February 24, 2022, he ordered the shooting of civilians on the Kharkiv Ring Road. A man and a woman were killed and two others injured.



THE RIGHTS OF THE VICTIMS

A victim is a person or legal entity who has suffered moral, physical or material harm. If a person has died as a result of a crime, a close relative may be recognised as a victim.

Victims have the right to:

Be informed of their rights and obligations,

Submit evidence and explanations,

File motions and objections,

Appeal decisions or court actions,

Have a representative at any stage,

Review case materials,

Use their native language and have access to a translator.

Victims can receive compensation for damages following court decisions.

International law currently does not govern the payment of reparations to civilians, although initiatives are being developed to explore compensating victims using seized Russian assets.

The Office of the Prosecutor General of Ukraine has established a centre for supporting victims and witnesses that partners with civil society groups to offer psychological, social and legal assistance.

IV JUSTICE AND UKRAINE'S FUTURE

War leaves deep wounds on individuals and society. To restore justice, assist victims, and prevent future crimes, three key elements are necessary:

■ **Justice:** Holding perpetrators accountable and punishing the guilty,

■ **Healing:** This can include psychological and economic support, compensation, rebuilding and reintegration of soldiers,

■ **Prevention of Future Crimes:** Legal proceedings establish the truth and protective mechanisms can help prevent impunity.

THE ROLE OF THE PUBLIC

Ordinary citizens can attend or follow court hearings; the transparency of the judicial system ensures justice and democracy.

CONTACT INFORMATION FOR REPORTING WAR CRIMES

If you have witnessed or been a victim of a war crime and possess photographic or video evidence or can provide testimony, it is crucial to report this information. In Ukraine, you can submit evidence through warcrimes.gov.ua.

For international submissions, you can send evidence to the Office of the Prosecutor of the ICC at otp.informationdesk@icc-cpi.int.

By reporting such incidents, you contribute to the documentation and prosecution of war crimes, aiding in the pursuit of justice and accountability.

GLOSSARY

Complementarity The principle in international criminal law that the ICC should only intervene when national courts are unable or unwilling to prosecute. The ICC is intended to supplement, not replace, national criminal systems.

Crimes against humanity Acts committed as part of a widespread or systematic attack against any civilian population, including murder, extermination, enslavement, deportation, and persecution based on political, racial, national, ethnic, cultural, religious, gender or other grounds.

Geneva Conventions The four Geneva Conventions were adopted in 1949 to protect various groups during armed conflict. They safeguard the wounded and sick in the armed forces on land and sea as well as prisoners of war and civilians.

International criminal law A body of law that addresses the prosecution and punishment of individuals responsible for the most serious international offences, such as genocide, war crimes, crimes against humanity and the crime of aggression.

International humanitarian law A set of legal principles that govern the conduct of war and protection of individuals during armed conflicts. It protects individuals who are not participating in hostilities, and imposes restrictions on the methods and means of warfare.

Trial in absentia Trials in absentia take place without the accused being present in court; this can happen if the accused is evading justice in hiding or abroad. International law requires that the accused has legal representation and the court must take steps to notify the accused of the charges and publicly announce the trial.

Universal jurisdiction The principle that allows a state to prosecute crimes against international law, regardless of where the crime was committed or the nationality of the victim or perpetrator. It is grounded in the idea that certain crimes are so harmful to international interests that states are obligated to prosecute them.

War crime Serious violations of international humanitarian law committed during both international and non-international armed conflicts. War crimes include intentional attacks on civilians, rape, sexual slavery and the use of child soldiers.

INSTITUTE FOR WAR & PEACE REPORTING



Front cover & page 4 Captured Russian soldier, Sgt. Vadim Shishimarin, 21, attends a court hearing on May 18, 2022 in Kyiv. © Christopher Furlong/Getty Images

Page 2 A cemetery worker puts a cross on top of a grave on August 17, 2022 in Bucha. © Alexey Furman/Getty Images

Page 5 Bombed buildings wait to be demolished as essential services and people begin to return to the town of Borodianka on May 15, 2022 in Borodianka. © Christopher Furlong/Getty Images

Page 6 & back cover Forensics police exhume bodies from unidentified makeshift graves at the Pishanske cemetery on September 21, 2022 in Iziium. © Paula Bronstein/Getty Images

Page 9 A man works to catalogue some of 58 bodies of civilians killed in and around Bucha before they are transported to the morgue at a cemetery on April 6, 2022 in Bucha. © Chris McGrath/Getty Images

Page 10 Galina Ivanenko, 77, sits in the central square on September 20, 2022 in Iziium, Kharkiv Oblast. © Paula Bronstein/Getty Images

A GUIDE FOR THE UKRAINIAN PUBLIC

The Institute for War & Peace Reporting (IWPR) empowers local voices to drive change in countries in conflict, crisis, and transition. Where hate speech and propaganda proliferate, and journalists and civic activists are under attack, IWPR promotes reliable information and public debate that makes a difference.

IWPR United Kingdom

48 Gray's Inn Road
London WC1X 8LT

IWPR United States

1156 15th Street NW, Suite 505
Washington, DC 20005

IWPR Netherlands

Almaatsweg 7
7856 TJ Benneveld

IWPR.NET

ACADEMY.IWPR.NET

info@iwpr.net

Find us on      



INSTITUTE FOR WAR & PEACE REPORTING

GIVING VOICE, DRIVING CHANGE

IWPR.NET

“The arc of the moral universe is long, but it bends towards justice.”

So Martin Luther King, Jr., inspired hope, while warning that patience is needed. Justice takes time.

The war crimes trials launched in response to the war will never fully satisfy Ukrainians' demand for justice. The scale of tragedies is too large. But understanding the process can help people have a realistic sense of what may be achieved, how it may impact them, and how they may support it.

This is the purpose of this guide, and it is a core aim of the work of IWPR: to be a part of that moral universe – working all together – to help deliver justice to the people of Ukraine.

Anthony Borden

IWPR FOUNDER & EXECUTIVE DIRECTOR