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MATRA-Ukraine Newsletter – Issue 1, February 2022

About

The MATRA project “Strengthening Ukraine’s Capacity to Investigate and Prosecute International Crimes” is a joint initiative of the T.M.C. Asser Instituut (Asser) and Global Rights Compliance (GRC). The project is designed to assist the newly created War Crimes Unit in Ukraine to investigate, prosecute and seek remedies for international crimes. Alongside supporting the Office of the Prosecutor General, it delivers vital technical and strategic expertise to other criminal justice actors, such as judges and lawyers, civil society organisations (CSOs) and journalists.

This first issue covers the project's activities and outputs, along with relevant developments in Ukraine over Autumn/Winter 2021/2022. Please encourage your colleagues to [sign up](#) for this Newsletter to keep informed about upcoming activities for 2022 which we will include in forthcoming issues.

Recent MATRA-Ukraine Activities and Publications

Two-Day Advanced Online Seminar Held on Transitional Justice

(Closed event) On 16 and 17 December 2021, GRC and Asser, in collaboration with

PAX, held a training session for representatives of CSOs and journalists.

Read more [here](#).



Trainings Held for 20 Prosecutors and Investigators from the Luhansk Prosecutor's Office's War Crimes Department

(Closed event) On 14 December 2021, GRC visited the Luhansk Prosecutor's Office (LPO) in the city of Severodonetsk for a training session with Prosecutors and Investigators of the LPO's War Crimes Department.

Read more [here](#).



Support to the Prosecutor's Offices

For several months, GRC has assisted the Donetsk and Luhansk Prosecutor's Offices in submitting an Article 15 Communication to the International Criminal Court related to 43

incidents of attacks on, and the destruction of, bridges during the armed conflict in Donbas

between May 2014 and January 2019. On

11 October 2021, GRC's Wayne Jordash QC attended a press conference held by the Office of the Prosecutor General where the Article 15 Communication was officially signed and sent to the ICC.

Read more [here](#).



Karolina Aksamitowska, 'War Crimes Units: Legislative, Organisational and Technical Lessons' (September 2021)

The report provides an overview of best practices drawn from domestic war crimes units for the investigation and prosecution of international crimes.

Read more [here](#).



Legal Developments in Ukraine

Elizabeth Goncharova, ‘An Important Precedence’, The Ukrainian Week, 19 January 2022

‘In the eighth year of the war in Ukraine, precedents of suspicion and court decisions have finally begun to appear, which not only feature "terrorist" articles, but also record the legally proven fact of war crimes committed in our territory. But this still seems more likely the exception than the rule. Earlier, according to this article, but "in absentia", only two sentences were handed down regarding the events in the occupied Crimea. Last year, the Donetsk Regional Prosecutor’s Office approved 32 suspicions under Article 438 of the Criminal Code for violating the laws and customs of war. But only six indictments in such cases were sent to court. Of these, only one case already has a verdict: a propagandist from the Bezler Group, who has been in custody since 2020, has been sentenced to 11 years in prison.’ [...]

Read full article [here](#).

Yulia Gorbunova, ‘Ukraine War Crimes Arrest a Step Toward Justice: Legislative Changes Necessary to Account for Grave Crimes’, Human Rights Watch, 12 November 2021

‘On November 9 Ukrainian authorities arrested Denis Kulikovsky, a senior-level member of the Russia-backed armed group “DNR”. Between 2015 and 2018, Kulikovsky oversaw the “Izoliatsiia” detention center in Donetsk, where rights groups like Human Rights Watch and others have documented torture and prolonged incommunicado detention. Following his arrest, Mariupol district court remanded Kulikovsky, known by his nom-de-guerre “Palych”, to custody for two months on multiple charges including violation of the laws and customs of war, under a generic and rarely used article 438 of the Criminal code.’ [...]

Read full article [here](#).

‘In Ukraine, about 400 cases of human rights violations in the Crimea - Venediktov’, Krymr, 8 October 2021

‘In Ukraine, about 400 human rights violations have been instituted in Crimea, almost 100 of which are for violating the laws and customs of war. Prosecutor General Iryna Venediktova said this, the UCP press service reports.’ [...]

Read full article [here](#).

Recent Developments in Ukraine

Luke Harding et al., 'Russia invades Ukraine as Putin declares war to 'demilitarise' neighbour', The Guardian, 24 February 2022

'Russian forces have unleashed an attack of Ukraine on the orders of Vladimir Putin, who announced a "special military operation" at dawn, amid warnings from world leaders that it could spark the biggest war in Europe since 1945. Within minutes of Putin's short televised address, at about 5am Ukrainian time, explosions were heard near major Ukrainian cities, including the capital, Kyiv.' [...]

Read full article [here](#).

BBC, 'Russia-Ukraine tensions: Powers clash at UN Security Council', BBC News (online), 1 February 2022

'There have been angry clashes between Russian and US envoys at the UN Security Council, after the US called a meeting to discuss Moscow's troop build-up on its borders with Ukraine. US Ambassador Linda Thomas-Greenfield said the mobilisation was the biggest Europe had seen in decades. Her Russian counterpart accused the US of fomenting hysteria and unacceptable interference in Russia's affairs. The US and UK have promised further sanctions if Russia invades Ukraine.' [...]

Read full article [here](#).

Ukrainian version of ICRC's Guidelines on Investigating Violations of International Humanitarian Law now available

The ICRC's Guidelines on Investigating Violations of International Humanitarian Law were first introduced in 2019 'to identify and present – while remaining sensitive to the differences that characterise domestic legal and investigative systems – a range of practical and legal issues that can arise in investigations or should be considered beforehand. The aim is likewise to provide practical assistance by setting out a general framework for investigations in armed conflict and, where relevant, the corresponding international principles and standards.' [...]

Read full Guidelines in Ukrainian [here](#).

Paul McLeary, 'Russian buildup near Ukraine gains steam, new satellite images show', Politico, 23 December 2021

'Russia is stationing more tanks, mobile rocket artillery systems and advanced short-range ballistic missile batteries near the border with Ukraine, according to new satellite images released on Thursday.' [...]

Read full article [here](#).

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