



REPORT

Strategic Report

Supporting Defence Counsel in Conflict-Related Criminal Cases in Ukraine

Update December 2025



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Introduction

1. The Asser Institute has been working to strengthen the knowledge of defence counsel in Ukraine in conflict-related cases on international legal standards, including international criminal law and fair trial guarantees. As part of its [MATRA-Ukraine \(2020-2024\) project](#), the Institute created an educational series for defence and victims counsel, together with an assessment, in collaboration with the UBA, which is still available [online](#). In June 2025, the Institute released a [Handbook for Legal Professionals in Ukraine: Ensuring Fairness in Conflict-Related Trials](#), under its [Restoring Dignity and Justice in Ukraine project](#), also funded by the Netherlands Ministry of Foreign Affairs. Moreover, it held strategic meetings regarding the defence with international partners and ensured the participation of defence counsel in many of the Institute's trainings, study visits and public events.
2. In June 2025, following further strategic meetings with key stakeholders, including key Ukrainian defence counsel, national and international partners working closely with defence counsel in Ukraine, the Asser Institute published its '[Strategic Report: Supporting Defence Counsel in Conflict-Related Criminal Cases in Ukraine](#)'. The Report pinpoints enduring challenges and proposes forward-looking strategies, aiming to ensure that defence counsel are adequately equipped to navigate the complex legal and procedural landscape of conflict-related crimes cases in Ukraine. It is specifically framed to guide the actions of the Ukrainian government, legal practitioners, and international partners, providing next steps for relevant stakeholders to leverage existing momentum and resources in a concerted effort to fortify this essential arm of justice.
3. This report serves as an update following another strategic meeting held in November 2025. It follows the structure of the initial Strategic Report and reflects on progress made in implementing the recommendations. Based on the discussions, the report suggests follow-up opportunities for the Asser-led, ad hoc working group on strategic support for the defence (further: Defence Consortium) to progress implementation further in the coming months.



Section 1 - Roles, responsibilities and cross-institutional support

1.1 Lack of a centralised coordinating entity

4. The development of a strategic approach to the defence of the accused in conflict-related cases has still not been prioritised or progressed at government level. There still remains an absence of a clear institutional 'home' or a centralised coordinating entity for initiatives aimed at supporting defence counsel. This presents a continued risk of fragmented efforts, duplication of resources, and gaps in provision.
5. In its [2025 Ukraine Report](#), the European Commission highlighted the lack of progress on Bar reform, and the 2025 Rule of law, justice, and fundamental rights in Ukraine [Shadow Report](#) specifically notes that the 'government has shown little willingness to address the issues of the Bar. Concurrently, representatives of the self-governing Bar bodies continue to reject the necessity of reform, maintaining the Bar's successful functioning and compliance with European standards' (p. 16). The report stipulates that despite ongoing issues, 'the Ukrainian National Bar Association (UNBA) highlights its involvement in drafting the Convention for the Protection of the Profession of Lawyer as proof of the Bar's development. The head of the UNBA supposes that the reform would obstruct Ukraine's accession to the EU' (p. 16).
6. Notably, among other Bar reform recommendations, the Shadow Report suggests 'the development of a pluralistic system of representative attorneys' associations' (p. 16). This aligns closely with Recommendation 1 of the initial strategic report to establish a multi-stakeholder working group, with the state (Ministries of Justice and Interior) taking a central role in the delineation of roles and responsibilities, guided by the Defence Consortium, as well as other key stakeholders.
7. There is strong willingness among the Defence Consortium towards a strategic approach involving cooperation with one another and with the state, however establishing lines of communication and identifying opportunities for dialogue with the relevant Ministries and UNBA have proved challenging. Without specific mandates or funding to operationalise or institutionalise a multi-stakeholder network or association representing defence counsel, the Defence Consortium are limited in their abilities to progress the Recommendation.



Follow-up opportunities for Defence Consortium members to progress Recommendation 1 (multi-stakeholder group with central state role):

Opportunity 1: Exploration of avenues for dialogue and cooperation with the Ministries of Justice and Interior regarding defence issues, such as dialogue meetings, strategic discussions in The Hague, or accreditation of educational activities;

Opportunity 2: Pooling of Defence Consortium members' resources and networks to organise a public conference in 2026 bringing together defence lawyers, judges, prosecutors, civil-society organisations and the media, and especially government bodies (note this is also Recommendation 14 in the initial strategic report); and

Opportunity 3: Leadership by an international Defence Consortium member in the creation of a 'pluralistic system' of lawyers' associations or platform that can represent defence lawyers' interests in conflict-related cases while bar-reform processes are ongoing.

1.2 Disparity between criminal justice actors

8. The disparities noted in the initial Strategic Report between defence counsel and their criminal justice counterparts remain largely unaddressed. The strategic meetings highlighted ongoing critical issues for defence counsel to attend trainings and participate in educational opportunities. For example, while other criminal justice actors such as judges and prosecutors retain their salary while attending trainings, defence counsel, who rely on fees paid by private clients, must weigh up loss of income versus attendance at trainings.
9. Concerns were raised regarding ongoing lack of permissions for male defence counsel to travel abroad for training, in comparison to their counterparts in the judiciary and prosecution. Examples were noted of counsel receiving prior official permission for border crossing but subsequently being denied exit at the border crossing by officials. This leads to high levels of uncertainty and inconvenience (including financial implications) for participants and training institutions.
10. Notably, the Coordination Centre for Legal Aid Provision (CCLAP) is supporting the preparation of legislative amendments which would allow for counsel who are defending the accused in war crimes cases to be exempt from military conscription and restrictions on travel under martial law, due to the sensitive nature of such cases and the need to have a stable workforce of attorneys who can work effectively without mobilisation during cases. A draft of the amendments is being prepared for submission to the Ministry of Justice, and then to the Cabinet of Ministers/Verkhovna Rada. Such a measure would significantly improve access of defence counsel to training opportunities and promote the equality of arms.
11. Negative attitudes towards defence counsel by society (including other criminal justice counterparts in conflict-related cases such as prosecutors and judges) remain problematic. In the strategic meeting, concerns were raised regarding the Shadow Report's finding that



growing number of attorneys have been implicated in crimes against national security, including collaboration with Russian authorities (p. 17). The discussion noted that more attention needs to be given to the human rights and protection of counsel representing Russian clients, reform of procedures regarding integrity checks and defence in collaboration (national security) cases.

12. Attention was also drawn to [Draft Law No 12320](#), adopted in July 2025, which provides for administrative liability for publicly identifying counsel with their client. While this legislative development may be designed to enhance the protection of counsel considering disproportionate security concerns faced by them; it also reinforces an atmosphere of taboo and pressure and may be problematic from both fair trial and transparency perspectives and with regards to freedom of expression.
13. At the same time, counsel note that they continue to face practical security concerns when it comes to interaction with the media. An example provided in the strategic meeting noted that journalists have contacted counsel posing as foreign correspondents, yet engage in provocative interview techniques in order to distort or discredit counsel. On the other hand, journalists highlight the challenges they face in interviewing defence counsel who rely on rules of professional ethics and confidentiality to avoid interaction.
14. While further practical and legislative initiatives such as trainings of both counsel and journalists on meaningful engagement and risks, and further regulation of journalists through uniform professional standards were raised as possible courses of action, it remains critical that the Ukrainian government leads a centralised outreach campaign to highlight to the general public and media the importance of the defence function.
15. It was also highlighted in the strategic meeting that the ongoing challenges faced by defence counsel in comparison to their counterparts are often noted in trial monitoring reports and related advocacy. Targeted advocacy and cooperation with Parliamentary Committees and the Ombudsman in Ukraine could assist in maximising the impact of trial monitoring findings and placing defence matters in the spotlight. Ultimately, enhancing the effectiveness of the defence arm contributes to compliance with domestic, international and European fair trial and human right obligations.



Follow-up opportunities for Defence Consortium members to progress Recommendation 2 (address educational, financial and institutional disparities):

Opportunity 4: Progression by CCLAP of legislative amendments to provide an exemption for defence counsel in war crimes cases to travel restrictions under martial law in order to attend trainings abroad. This initiative could be supported through technical advice and advocacy by Defence Consortium members;

Opportunity 5: Analysis of Draft Law No 12320 through fair trial and lawyer protection lenses, along with targeted advocacy highlighting ongoing issues regarding defence lawyers' interaction with the media, continued societal pressure on defence counsel, calling for action by the government to carry out a comprehensive outreach campaign on the role of the defence arm;

Opportunity 6: An event, led by the UBA, to shine the spotlight on the role of the defence in collaboration or national security cases, as well as the troubling trend of defence lawyers being accused of collaboration themselves.

Opportunity 7: Targeted advocacy, in cooperation with key domestic actors such as the Ombudsman, to maximise the impact of critical trial monitoring findings related to effective defence, equality of arms and trial fairness issues, calling for government action to address disparities with a view to trial fairness.

Section 2 - Defining defence counsel: a specialised yet inclusive approach

2.1 Motivation as a key component

16. It was noted in the strategic meetings that motivation still remains the key criteria for selection of candidates for participation as defence counsel in educational activities. As noted above, it is clear that counsel signing up to such activities remain highly motivated, since they do not receive income while attending trainings and must juggle this with requests for legal assistance simultaneously.
17. However, methods for selection of candidates for educational activities vary across organisations. For example, some issue open calls for applications, whereas some rely on the discretion of CCLAP. Many include additional but varying screening criteria such as the existence of real, current practice in war-crimes cases; preventing double participation of the same person in identical programmes; and geographical (e.g. frontline) and/or gender balance.
18. Concerns were also raised about the challenges in reviewing motivation letters prepared by counsel due to many relying on the assistance of AI. Furthermore, in accordance with the initial strategic report, the Asser Institute maintains that there is a lack of clarity between the



motivation being referred to is motivation to build the foundational knowledge required for representation (in any form) in conflict-related cases or to actively defend an accused in such cases.

19. Ultimately, Recommendation 3 of the initial strategy still stands - that monitoring of counsel who readily accept appointment to defend the accused in conflict-related cases and implement an active defence strategy that applies relevant international and European standards should be conducted to develop a list of those demonstrating motivation to actively defend accused organically over time.

Follow-up opportunity for Defence Consortium members to progress Recommendation 3 (determining motivation of counsel to defend):

Opportunity 8: Create indicators of an active defence based on relevant international and European standards to allow for the maintenance of a list by CCLAP which notes not only acceptance of appointment to represent an accused by a legal aid registered counsel, but also substantively reviews the quality of the defence in such cases. Such a list would allow for further clarity regarding whether the motivation of counsel extends beyond building foundational knowledge to active representation. In turn, selection processes can refer to this list, allowing for monitoring and evaluation of application of education in practice.

2.2 Conflicts of interest

20. In the initial strategic report, the Asser Institute recommends that specific guidance on navigating conflicts of interest in conflict-related cases, and where counsel may represent victims and accused simultaneously but in different proceedings, should be provided (Recommendation 4).
21. It was highlighted in the strategic meeting that an emerging category of cases involves deportation of children (16 indictments have already been issued). In such cases, it will not only be necessary to appoint counsel for the accused, but also representation for victims and their families.
22. The Asser Institute maintains that victims' counsel require training on many international and European standards applicable in conflict-related cases in Ukraine in equal measure to their criminal justice counterparts. Where it comes to foundational international legal knowledge, there may be overlaps in educational content provided, as seen in courses provided jointly to criminal justice actors, or replicated for different actors, however victims' counsel must possess a unique skillset, including child-sensitive and trauma informed approaches.
23. This stands in contrast to the set of skills required to prepare a defence strategy to represent an accused. As counsel continue to develop their knowledge, it may be beneficial to consider how counsel registered can or will navigate both roles if appointed as such.



Follow-up opportunity for Defence Consortium members to progress Recommendation 4 (navigating conflicts of interest):

Opportunity 9: Consideration by CCLAP of development of guidance as a resource to guide their internal working and agreements with counsel (SOP) on navigating conflicts of interest and the peculiarities of conflict-related cases, together with international partners.

2.3 Mandatory specialisation

24. There remains no consensus on mandatory specialisation for counsel to be appointed in war crimes cases and no specialisation currently exists. At the strategic meeting, the Asser Institute emphasised that there appears to be a missing link between the lawyers who are motivated to and who attend educational activities, and the appointment of lawyers in conflict-related cases in practice, which remains at the discretion of Inter-regional Centres in accordance with the rules of assignments.
25. While it is agreed among the Defence Consortium that educational activities should be offered to a range of counsel, it is challenging to measure the impact of that education and its application in practice if the counsel who are trained are not those appointed in cases.
26. CCLAP maintains that reliance is placed on the Professional Conduct Code in operation, and the good faith of their registered lawyers to only take a case only if they understand that they have enough knowledge to defend the client or present the client in court. Any specialisation must be a process led in the context of wider Bar reform. At the same time, it has the mandate to exercise quality control in the provision of legal aid in accordance with governing laws, specifically the [Law on Free Legal Aid](#) and [Law On approval of the Regulations on Centres for providing Free Legal Aid](#).
27. In the strategic meeting, the Asser Institute proposed that the link between education and appointment could be strengthened through the development of internal guidance from CCLAP to the regional centres (such as Standard Operating Procedures [SOPs]). Such guidance could outline relevant criteria for consideration by regional centres in appointment of counsel to conflict-related cases, such as that the counsel have participated in and/or completed either certain already existing training programmes developed by national or international partners or a centralised training curriculum (see Section 3 below), and/or have relevant practice in such cases.
28. Such guidance need not be binding, however it could be a simple way of exercising more oversight over the effectiveness of the defence, including the implementation of knowledge built on international and European standards by defence in practice. By addressing this missing link, further clarity will also be gained as to the motivation of counsel (see Section 2.1 above). This will, in turn, also allow knowledge and capacity-building efforts to be better allocated. In the absence of legislative reforms at a high-level, internal procedural guidance has been frequently adopted by the Office of the Prosecutor General and regional counterparts



since 2020 to assist in the processing of conflict-related crimes cases in line with international standards. It appears that such a hurdle is also surmountable in the defence context.

Follow-up opportunity for Defence Consortium members to progress Recommendation 5 (specialisation):

Opportunity 10: Consideration by CCLAP of development of an internal procedural document (e.g. SOP) to establish guiding criteria for the appointment of counsel in conflict-related cases such as that the counsel have participated in should have completed either certain already existing training programmes developed by national or international partners or a centralised training curriculum (see Section 3 below) and/or have relevant practice in such cases. Such criteria could be developed with support from international partners.

2.4 The role of private firms

29. In the strategic meeting, it was reiterated that lawyers working in the private sector remain critically overlooked for educational opportunities related to representation of the accused in conflict-related cases.
30. While for the majority of Russian defendants, appointments will be made via the Free Legal Aid System, the number of national security and collaboration cases in Ukraine is soaring, and lawyers who are privately contracted should have the opportunity to build their knowledge in international humanitarian law and other international and European standards of relevance in order to provide an effective defence.
31. Private lawyers during the strategic meeting also noted that there are sometimes obstacles to registration and cooperation with the Free Legal Aid System, since it can involve complex and formalistic processes and bureaucratic hurdles such as reporting, documentation and interaction with the administration. It is therefore important to be inclusive of those not currently or yet registered to provide legal aid.
32. On the other hand, it is critical that the Free Legal Aid System conducts robust operations and competently reviews applications. As state-led institutions, centres must comply with formal requirements (audits, inspections, or control over the use of budget funds). It was also noted that in some instances where educational activities were opened to a wide network including private lawyers, attendance was low.

Follow-up opportunity for Defence Consortium members to progress Recommendation 6 (private sector):

Opportunity 11: Opening of educational and networking opportunities to private lawyers in addition to those registered to provide legal aid. Exploration of avenues to communicate such opportunities to interested lawyers, through existing networks or future cooperation with private sector firms and lawyers.



2.5 A growing community

33. At the strategic meeting, there was a strong willingness among *de facto* working group members to build a community for defence counsel. Such a community could be the most strategic approach to establishing a collective of knowledge, encouraging peer-to-peer support, and coordinating and channeling future educational opportunities. Defence counsel could then be defined with reference to this community, which would promote the equality of arms, as well as public recognition of the defence role.
34. The Association of Defence Counsel practising before the International Courts and Tribunals (ADC-ICT) has set up a working group ready to explore collaboration in the building of a community and educational opportunities.
35. The International Bar Association, together with the Ukrainian Bar Association, has been working on a mentorship initiative for defence counsel. Further discussions between the Asser Institute and the Ukrainian Bar Association have explored the creation of an internal Committee within the Association dedicated to procedural rights in conflict-related cases.
36. The critical challenge is finding an existing, or developing a new platform to pool together such initiatives in the absence of leadership on this by the Ukrainian National Bar Association or the state (Ministries of Justice and Interior). At the strategic meeting, it was agreed that further dedicated discussion on how to practically build and maintain a community space or platform would be arranged.

Follow-up opportunities for Defence Consortium members to progress Recommendation 7 (growing community):

Opportunity 12: Exploration of temporary automatic membership of (an) existing international association(s) capable of representing defence lawyers' interests in conflict-related cases while bar-reform processes are ongoing.

Opportunity 13: Creation of a dedicated Committee within the Ukrainian Bar Association tailored to procedural and defence issues, with international and national 'pioneers' leading initiatives and possibilities to register interest in the activities of the Committee.



Section 3 – Resources and Educational Opportunities

3.1 Coordination and centralisation of educational opportunities

37. There remains no centralised hub for educational activities. Multiple national and international actors remain involved in supporting defence counsel through provision of educational opportunities and resources. Actors including the Asser Institute, IBA, ODIHR, Chemonics UK, the European Union Advisory Mission to Ukraine (EUAM), the Council of Europe (including its HELP initiative), Pravo Justice, the Ukrainian Bar Association and other Ukrainian CSOs have conducted or are planning opportunities including:

- The Asser Institute, Handbook for Legal Professionals in Ukraine: Ensuring the Fairness of Conflict-Related Trials (June 2025). [\[English\]](#) [\[Ukrainian\]](#);
- The Asser Institute and IUSTICOM translated and printed Ukrainian editions of Cassesse's International Criminal Law, 2025, which were received by some defence lawyers in hard-copy.
- ODIHR webinar for defence counsel in late July, which similarly addressed some trial advocacy topics: [Trial Advocacy and the Application of International Law in the Domestic Adjudication of War Crimes in Ukraine.](#)
- ODIHR seminar in Warsaw, October 2025 for defence counsel together with judges and prosecutors on understanding and applying elements of international crimes, crimes against humanity, command responsibility, and trial advocacy strategies, featuring practical exercises and a moot court simulation;
- Trainings for defence counsel by CCLAP with A4ID;
- Regular simulated court hearings (mock trials) on international crimes involving CCLAP and defence counsel conducted with EUAM, the prosecution service and courts;
- A large cycle of 10 webinars and an in-person training in Kyiv organised by CCLAP with the support of PravoJustice;
- UBA project started in November 2025 training 50 defence attorneys dealing with war-related cases on Ukrainian and international (UN, CoE, EU) human rights protection mechanisms (within the RWI project "Human Rights Infrastructure to Ukraine 2025-2027");
- UBA series of trainings from November 2025 – September 2026, for defence attorneys, to be followed by provision of primary and secondary legal aid to: IDPs, communities in frontline regions, former military, POWs or their families, civilians released from captivity, persons with property damages.
- Asser Institute planned study visits for defence counsel to The Hague to take place twice in 2026.



38. Two initiatives seek to centralise a curriculum and resources going forward:

- A EUAM led and Defence Consortium supported pilot centralised and comprehensive curriculum of trainings professional capacities of counsel in the development of factually and legally motivated procedural arguments that would uphold the right to an effective defence, ensure procedural fairness and act positively on the quality of the jurisprudence in international crimes cases in Ukraine. The curriculum proposes a study visit and to be multi-actor involving HELP, Council of Europe, Asser Institute and Tomorrow's Lawyer, among others.
- An electronic library of materials on war crimes is being created and updated on the Free Legal Aid (FLA) system website (including English-language partner documents): <http://warcrimes.legalaid.gov.ua>.

39. Initiatives to create a centralised curriculum and hub for resources by working group members are welcomed, however institutional buy-in and further financial support is required by the Ukrainian government and international donors to fully progress Recommendations 8-9 included within the initial strategic report.

Follow-up opportunities for Defence Consortium members to progress Recommendations 8-9 (centralised curriculum and financial and institutional support for a resource hub):

Opportunity 14: Support the development and implementation of a centralised curriculum piloted by EUAM. This should involve exploration of opportunities for dialogue with the UNBA on their involvement and accreditation.

Opportunity 15: Support the maintenance of the electronic library through sharing resources with CCLAP, as well as exploration of opportunities to engage government and international donors on its financing and development.

3.2 Educational formats

40. On educational formats, highly positive feedback has been received with regards to mock trial exercises, which allowed participants to understand the perceptions and challenges of their peer criminal justice actors in trial processes. In the strategic meeting, it was noted that hurdles still remain with regards to effective participation of defence counsel in educational activities due to lack of permissions to leave Ukraine, lack of financial compensation to attend trainings, and competing demands.

41. On content, it was reiterated in the strategic meeting that psychological impact awareness programmes and stress resilience training for defence lawyers in war crimes cases should be included in further trainings, along with training on engagement between defence counsel and the media (see above, Section 1.2). There was also consensus on trainings empowering defence counsel as human rights advocates, representing the rights of their clients in trial processes, including once they have been convicted.



42. A ToT model is proposed by EUAM to further distribute their proposed pilot centralised curriculum. The Asser Institute maintains that further clarity is required regarding participant selection for upcoming trainings in order to identify the key 'pioneer' counsel who could participate in these programmes and become trainers. As noted in the initial strategic report, it is important to note that being a trainer requires specific skills such as the ability to clearly communicate complex ideas, facilitate learning, and adapt to different learners' needs. Therefore, it would not be appropriate to assume that all defence counsel should automatically become trainers, only those who are aware of and ready to take on this role. However, providing more training opportunities overall will allow for training providers to identify individuals who may become trainers themselves, in order to carry out ToTs with them.

Follow-up opportunities for Defence Consortium members to progress Recommendation 10 (educational formats):

Opportunity 16: Inclusion of mock trial simulations, psychological impact training, and training of counsel as rights advocates into ongoing training activities.

Opportunity 17: Ongoing identification of 'pioneer' counsel for participation in ToT training.

3.3 Dissemination and Translation of Resources

43. With the electronic library of materials on war crimes being created and updated on the Free Legal Aid (FLA) system website, attention is needed as to how to maximise awareness and distribution of materials, receive feedback and identify requested resources.

44. The centralisation of this library allows for the identification of resources which still require translation into Ukrainian. The Ukrainian government and international donors should pool and allocate funding for translation and facilitation of translation as a key priority.

Follow-up opportunities for Defence Consortium members to progress Recommendation 11 (translation):

Opportunity 18: Ongoing identification of resources which still require translation into Ukrainian and exploration of financial avenues and programming opportunities to facilitate translation.

3.4 Access to relevant facilities

45. The needs of defence counsel in terms of legislative amendments, removal of practical obstacles and access to relevant facilities still require exploration so as to develop coordinated advocacy strategies towards legislative amendment, or expansion of resources available for defence facilities.



46. These issues could be best highlighted and discussed with further dialogue or at a public conference with the engagement of the Ukrainian government, or via other dialogue opportunities (see above, Section 1.1 and below, Section 4)

Follow-up opportunities for Defence Consortium members to progress Recommendation 12 (facilities):

See Opportunities 1 and 2 above.



Section 4 – Opportunities for dialogue

47. As noted in Section 2.5 above, the International Bar Association, together with the Ukrainian Bar Association, has been working on a [mentorship initiative](#) for defence counsel. Further details of the results of the pilot phase will follow in due course.
48. In line with the initial strategic report, the Asser Institute continues to recommend that platforms and opportunities for dialogue are created to discuss defence issues in Ukraine. In the strategic meeting, there was strong willingness towards public platforms, such as a public conference, to discuss challenges facing the defence, exchange experiences with other international and national experts and highlight the role of the defence in conflict-related cases (especially since such public dialogues have been prevalent with respect to the prosecution and judiciary in Ukraine).
49. The Asser Institute will continue to lead the organisation of Defence Consortium meetings on a quarterly basis, updating on the progress of the strategic report recommendations, and dedicating time to focused discussions on topics of importance such as (1) legislative amendments regarding *in absentia* trials, barriers to effective defence, or misalignment of procedural legislation with European standards, (2) the operationalisation of a centralised curriculum, (3) a community platform and (4) a public conference. It will also explore opportunities for inclusion of further strategic discussions within programmed study visits and dialogue meetings in 2026.

Follow-up opportunities for Defence Consortium members to progress Recommendations 13 and 14 (dialogue):

See Opportunities 1 and 2 above.

Opportunity 19: Support the IBA/UBA mentorship initiative through awareness raising, technical advice or access to networks.

Opportunity 20: Hold dedicated Defence Consortium meetings on the topics of technical advice and advocacy on (1) legislative amendments regarding *in absentia* trials, barriers to effective defence, or misalignment of procedural legislation with European standards, (2) the operationalisation of a centralised curriculum, (3) a community platform and (4) a public conference.



Conclusion and Next Steps

50. The initial strategic report recommended a phased strategic approach and outlined next steps. Since then, many steps have been progressed, however this has been conducted via a ground up approach led by Defence Consortium members in the absence of Ukrainian government level engagement.
51. The strong cooperation among Defence Consortium members has led to enhanced coordination and centralisation of educational opportunities. There is now willingness to cooperate in all future endeavours such as community platforms, resource hubs, mentorship initiatives and conferences to allow for a consistent and holistic approach to defence-related issues in Ukraine.
52. As this update report has highlighted, Defence Consortium members have many opportunities to continue to progress the recommendations:

Opportunity 1: Exploration of avenues for dialogue and cooperation with the Ministries of Justice and Interior regarding defence issues, such as dialogue meetings, strategic discussions in The Hague, or accreditation of educational activities;

Opportunity 2: Pooling of Defence Consortium members' resources and networks to organise a public conference in 2026 bringing together defence lawyers, judges, prosecutors, civil-society organisations and the media, and especially government bodies (note this is also Recommendation 14 in the initial strategic report);

Opportunity 3: Leadership by an international Defence Consortium member in the creation of a 'pluralistic system' of lawyers' associations or platform that can represent defence lawyers' interests in conflict-related cases while bar-reform processes are ongoing;

Opportunity 4: Progression by CCLAP of legislative amendments to provide an exemption for defence counsel in war crimes cases to travel restrictions under martial law in order to attend trainings abroad. This initiative could be supported through technical advice and advocacy by Defence Consortium members;

Opportunity 5: Analysis of Draft Law No 12320 through fair trial and lawyer protection lenses, along with targeted advocacy highlighting ongoing issues regarding defence lawyers' interaction with the media, continued societal pressure on defence counsel, calling for action by the government to carry out a comprehensive outreach campaign on the role of the defence arm;

Opportunity 6: An event, led by the UBA, to shine the spotlight on the role of the defence in collaboration or national security cases, as well as the troubling trend of defence lawyers being accused of collaboration themselves.

Opportunity 7: Targeted advocacy, in cooperation with key domestic actors such as the Ombudsman, to maximise the impact of critical trial monitoring findings related to effective



defence, equality of arms and trial fairness issues, calling for government action to address disparities with a view to trial fairness.

Opportunity 8: Create indicators of an active defence based on relevant international and European standards to allow for the maintenance of a list by CCLAP which notes not only acceptance of appointment to represent an accused by a legal aid registered counsel, but also substantively reviews the quality of the defence in such cases. Such a list would allow for further clarity regarding whether the motivation of counsel extends beyond building foundational knowledge to active representation. In turn, selection processes can refer to this list, allowing for monitoring and evaluation of application of education in practice.

Opportunity 9: Consideration by CCLAP of development of guidance as a resource to guide their internal working and agreements with counsel (SOP) on navigating conflicts of interest and the peculiarities of conflict-related cases, together with international partners.

Opportunity 10: Consideration by CCLAP of development of an internal procedural document (e.g. SOP) to establish guiding criteria for the appointment of counsel in conflict-related cases such as that the counsel have participated in should have completed either certain already existing training programmes developed by national or international partners or a centralised training curriculum and/or have relevant practice in such cases. Such criteria could be developed with support from international partners.

Opportunity 11: Opening of educational and networking opportunities to private lawyers in addition to those registered to provide legal aid. Exploration of avenues to communicate such opportunities to interested lawyers, through existing networks or future cooperation with private sector firms and lawyers.

Opportunity 12: Exploration of temporary automatic membership of (an) existing international association(s) capable of representing defence lawyers' interests in conflict-related cases while bar-reform processes are ongoing.

Opportunity 13: Creation of a dedicated Committee within the Ukrainian Bar Association tailored to procedural and defence issues, with international and national 'pioneers' leading initiatives and possibilities to register interest in the activities of the Committee.

Opportunity 14: Support the development and implementation of a centralised curriculum piloted by EUAM. This should involve exploration of opportunities for dialogue with the UNBA on their involvement and accreditation.

Opportunity 15: Support the maintenance of the electronic library through sharing resources with CCLAP, as well as exploration of opportunities to engage government and international donors on its financing and development.

Opportunity 16: Inclusion of mock trial simulations, psychological impact training, and training of counsel as rights advocates into ongoing training activities.

Opportunity 17: Ongoing identification of 'pioneer' counsel for participation in ToT training.



Opportunity 18: Ongoing identification of resources which still require translation into Ukrainian and exploration of financial avenues and programming opportunities to facilitate translation.

Opportunity 19: Support the IBA/UBA mentorship initiative through awareness raising, technical advice or access to networks.

Opportunity 20: Hold dedicated Defence Consortium meetings on the topics of technical advice and advocacy on (1) legislative amendments regarding *in absentia* trials, barriers to effective defence, or misalignment of procedural legislation with European standards, (2) the operationalisation of a centralised curriculum, (3) a community platform and (4) a public conference.

53. It remains, however, critical, that opportunities to engage the state, such as dialogue meeting, targeted advocacy, or public conferences, are prioritised.
54. Despite a strong network of national and international organisations working closely to support them, defence counsel continue to contend with systemic marginalisation, chronic under-resourcing, and exposure to considerable professional and personal risks. In line with EU Accession requirements, the Ukrainian government must dedicate attention to the defence function to ensure the fairness and legitimacy of its domestic conflict-related trials.



About this project

This brief is part of the 'Restoring Dignity and Justice in Ukraine' consortium programme, focusing on advancing accountability for international crimes committed in Ukraine. The programme is funded by the Dutch Ministry of Foreign Affairs and is implemented by the International Development Law Organisation (IDLO), in partnership with the T.M.C. Asser Instituut, the Center for International Legal Cooperation (CILC), and the Netherlands Helsinki Committee (NHC).

The project aims at institutional strengthening and capacity development needs of the key parties in Ukraine dealing with international crimes: prosecutors, police, judges, as well as journalists and civil society organisations. We believe that with the support of the international community, Ukraine can advance accountability for these crimes.



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About the Asser Institute, Centre for International and European law

The Asser Institute's mission is to contribute to the development of international and European public and private law. We achieve this by:

- **Independent legal research:** We conduct fundamental, policy-oriented, and applied legal research in international and European public and private law.
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