

STRENGTHENING UKRAINIAN LAW ENFORCEMENT AGENCIES DURING WAR AND POST-WAR PERIOD



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I. GENERAL INFORMATION



Project partners:

The National Police of Ukraine
The State Bureau of Investigation
The Security Service of Ukraine



Total budget

1,249,000.00 EUR



Project implementation dates:

1/01/2023 – 31/03/2025



KEY RESULTS

The Project “[Strengthening Ukrainian Law-Enforcement Agencies during War and Post-War Period](#)” (the Project) sought to contribute to the benefit of population of Ukraine from strengthened capacity of the Ukrainian law enforcement agencies to effectively investigate human rights violations, including in the context of war through helping ensure that:

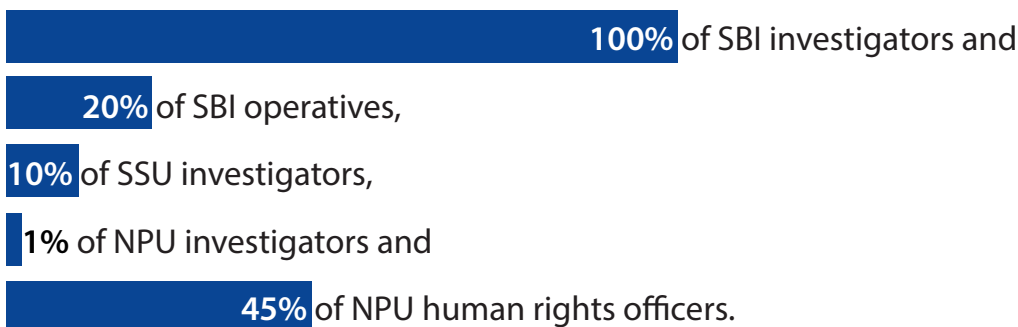
1. Representatives of law-enforcement agencies have better capacity to align relevant regulatory, institutional, strategic, and practical frameworks closer with the Council of Europe (the Council; the Organisation) standards and address systemic problems as identified by respective judgments of the European Court of Human Rights (the Court) with regard to the law-enforcement sector in Ukraine.
2. Representatives of law enforcement agencies (LEAs) have an increased capacity to effectively investigate gross human rights violations in the context of war, including violations of international humanitarian law (IHL).
3. Professional and operational capacities of law enforcement officers and prosecutors regarding prevention and effective investigation of torture and ill-treatment is enhanced.

The Project is part to the [Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026](#). It reflects the national partners’ strategic priorities, contributes to the outcomes of Council’s Action Plan for Ukraine and to the implementation of the EU accession agenda of Ukraine.

Throughout 1 January – 31 December 2024 the Project reached out to approximative 1709 criminal justice professionals (531 female and 1178 male), including 1190 law enforcers (340 female and 850 male). Among them – 675 investigators (81 female and 594 male); 117 prosecutors (49 female and 68 male); 398 inspectors and civil servants of law enforcement bodies (210 female and 188 male).

KEY PROGRESS POINTS:

1. The Project supported **alignment of internal regulatory and institutional frameworks of the National Police of Ukraine (the NPU), Security Service of Ukraine (the SSU) and State Bureau of Investigation (the SBI) with the Council of Europe standards** in the following domains:
 - Integration of performance evaluation system for SBI investigators;
 - Integration of personal data processing standards for the NPU;
 - Setup and support of in-service staff training portal for the SSU;
 - Development of Strategy for managing war crimes investigation for the Main Investigative Department of the National Police of Ukraine
 - Expertise for the Parliamentary Committee on Law Enforcement.
2. The Project worked to increase **capacity of representatives of LEAs to effectively investigate human rights violations in the context of war, including violations of IHL** through the delivery of training and other interventions in the sphere, including innovative tools for evidence collection, crime scene inspection, adherence to human rights standards. These covered



All participants benefitted from knowledge and skills progress within respective thematic spheres from 30 and up to 73 % at average. Majority of participants confirmed they would apply acquired knowledge and skills during discharge of professional functions, although almost a third of them are determined to do with support of further in-depth training. Training that enveloped mixed target audiences – investigators from different pre-trial investigation bodies, joint ones for investigators and prosecutors, contributed to nurturing unified approaches in investigation processes and vision on qualification of crimes.

3. The Project support towards **enhancement of professional and operational capacities of law enforcement officers and prosecutors regarding prevention and effective investigation of torture and ill-treatment** followed a three-fold approach, which brought subsequent results:
 - 1) Policy level advocacy, coordination and regular dialogue among key actors of the Counter-Torture Strategy in the Criminal Justice System of Ukraine 2021-2026¹, including:
 - Awareness raising through open discussions as means of ill-treatment prevention and support to execution of respective Court's judgements;
 - Contribution to the preparation to the revision of Counter-Torture Strategy's Action Plan (adopted by the Cabinet of Ministers in August 2024).

¹ <https://zakon.rada.gov.ua/laws/show/820-2024-%D1%80#Text>

2) Project-delivered **necessary capacity** to investigators, prosecutors, police officers to nurture practices aimed at zero tolerance towards torture and ill-treatment as well as effective investigation into complaints;

3) Complex support for implementation of Custody Records² system within the NPU:

- Full technical setup of one Custody Unit in the city of Lutsk
- Capacity building for 45% of NPU Custody human rights inspectors³ on respective human rights standards relevant to the implementation of Custody Records system within the NPU
- Expertise to analyse state of affairs vis-à-vis Council's standards of Custody Records system functioning and identify data collection sampling to ensure due reporting on effectiveness of system functioning

Acronyms/Abbreviations

Council of Europe – the Organisation; the Council

Council of Europe project “Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period” – the Project

Directorate of Programmes Cooperation of the Organisation – the DPC

Directorate General Human Rights and Rule of Law (DGI) of the Organisation – the DGI

The State Bureau of Investigation – the SBI

The National Police of Ukraine – the NPU

The Department of Main Inspection and Human Rights of the National Police of Ukraine – the DMIHR

The Security Service of Ukraine – the SSU

The Ministry of Justice – the MoJ

The Main Investigative Department - the MID

Territorial department – TD

The Office of the Prosecutor General – the OPG

Law Enforcement Agencies – LEAs

European Convention on Human Rights – the Convention

European Court of Human Rights – the Court, the Strasbourg Court

European Committee for the Prevention of Torture – the CPT

International human rights law - IHRL

International Humanitarian Law – IHL

² <https://zakon.rada.gov.ua/laws/show/z0629-22#Text>

³ <https://zakon.rada.gov.ua/laws/show/z1210-24#Text>



HIGHLIGHTS OF ACHIEVEMENTS

INSTITUTIONAL SUPPORT

Strategy for managing war crimes investigation for the NPU Main Investigative Department and War-Crimes Division



The NPU Main Investigative Department and War-Crimes Division took over Project-developed **Strategy for managing war crimes** investigation and submitted it for internal visa of responsible NPU structural entities. Strategy development implied complex set of activities, including **three working group meetings** with participation of representatives of leadership of the Main Investigative Department and Department of War Crimes Investigation

of the NPU from all regions of Ukraine, **expert advice and uninterrupted accompaniment** by Council's national consultant. The four-months process resulted in finalisation of the very Strategic document and respective plan of action for its implementation. During time of challenge and turmoil shaping strategic vision and management systems in line with short and long-term needs is of crucial importance. The NPU Investigative Department leaders have now shaped the long-term objectives of their activity, determined other subjects of their strategic action within the system and suprasystem, crystalized understanding of their own purpose and that of those subjects, roles and influences inside subsystems and suprasystems. This, in the longer run, will help increase effectiveness, improve management of processes and results.



Leadership testimonials: "We are grateful to the Council of Europe for consistent support to the National Police of Ukraine. What we value is that within the process of development of management system and strategy for documenting, investigating war crimes, the Main Investigation Department of the NPU is the driving force along with best Council's experts and other relevant bodies that support us throughout the process. We engaged all leaders of investigative police units dealing with war crimes. The knowledge they receive will help broaden outlook, develop non-pattern thinking in the context of managing the work on war crimes investigation, find non-linear solutions, and, importantly – dismantle psychological barrier for adopting such solutions",

- Mr. Serhiy Panteleyev, First Deputy Head of the Main Investigative Department of the National Police of Ukraine

Order of personal data processing within the NPU

The NPUDMIHR took over the Project-reviewed and Council's standard-aligned Order of personal data processing within the NPU and handed it over for review and approval of the Ministry of Internal Affairs. Following Order approval, it is planned to provide capacity building support for responsible NPU staff in terms of Order introduction, development of sub-Orders and its application. All recommendations were taken on board by the beneficiary. The draft Order underwent review from responsible NPU structural entities. As a supporting part of this endeavour to institutionalize the respective Order aligned with the Project expert recommendations, the Project as well supported the All-Ukrainian scientific and practical conference «Observance of human rights and freedoms by the National Police of Ukraine in the face of contemporary global challenges».

Investigators' performance evaluation system for SBI

The SBI has successfully installed and piloted with all of its investigative departments (in Kyiv and around Ukraine) the Project-developed software and methodology for the **investigators' performance evaluation system**. It is expected that following final report on system piloting, the SBI leadership will adopt necessary internal regulatory documents to officially institutionalize the system in 2025 which is in line with and a part of the Action Plan for the Overarching Strategic Plan of Reform of LEAs as part of the Security and Defence Sector of Ukraine for the period 2023-2027 (Decree of the President of Ukraine № 273/2023 dated 11.05.2023)⁴. Further system support and development is foreseen under Project action of 2025-2026 under its Phase II.

The evaluation of the performance of individual employees can be both a component of the overall evaluation of the organization or a unit within it. It can contribute to the decision-making about promotion, demotion, reward, discipline, training needs, job assignment, retention and termination. Performance evaluation system can be a way of recording the problems or circumstances that are having an adverse impact on the achievement of those objectives, as well as of generating ideas as to how working practices could be improved. It also enables employees to receive feedback, helping to plan and build their careers, as well as increase motivation.



Leadership testimonial: «It is worth noting that having initiated the work on introduction of investigators' performance evaluation system, the SBI, with the support of the Council of Europe, is already taking anticipating steps in the context of the provisions of the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023-2027⁵»

– Mr. Oleksiy Sukhachov, Director of the State Bureau of Investigation.

Online in-service training system for the SSU

The SSU institutionalised Project-developed, installed and supported **online internal staff training platform**. Respective project-trained **platform trainers and managers** are developing content for the platform and filling it in, thus ensuring access of staff to uninterrupted in-service training during war time. Further platform support and development, as well as further strengthening of trainers' digital and other competencies is planned for Project's phase II.



Continuous in-service training system of the SSU was supported through the provision of equipment and supporting elements as well as expertise to set up a functioning of the institution's online in-service training portal for staff.

⁴ Overarching Strategic Plan of Reform of LEAs as part of the Security and Defence Sector of Ukraine for the period 2023-2027 (Decree of the President of Ukraine № 273/2023 dated 11.05.2023), available at: (rada.gov.ua)

⁵ clause 4.3. Determination of key performance indicators (KPI) based on which the evaluation of the efficiency and quality of the work of law enforcement agencies and the prosecutor's office will be carried out



Beneficiary testimonials: “There can be no doubt that our key priority is the state security. But so is strengthening of our operational, technical and professional capacities. Training of investigators, of trainers, human rights standards within security sector, infrastructure for provision of innovative training for our staff and staff of other LEAs – this is what we strive for within the context of the SSU development as a part of Ukraine’s European integration”

– Mr. Andriy Holovash, SSU Chief of Staff.



“The SSU is under a high-speed development. In-service training of staff has to be needs- and present-day realia driven. We used to re-train up to 2,000 staff members annually within our Academy prior to the full-scale aggression of the Russian Federation against Ukraine. This is no longer possible since 2022 because we cannot withdraw such quantity of SSU staff from their crucial missions they perform all around Ukraine. Respectively, Academy trainers undertook field travel to deliver training for their colleagues. But this is far from being sufficient. That is why the online portal is of such importance to us. We have multiple ideas on its application. We are grateful to the Council for the support in such portal setup and looking forward to cooperation on filling it with content”

– Mr. Andriy Cherniak, Rector of the SSU Academy.

Throughout 2024 the Project as well provided expert support on daily basis for portal managers and administrators. 62 SSU **trainers underwent three ToTs** on portal management, content fill-up and development, standards of adult and online education. Hence, the Project delivered complex support where human capital is strengthened simultaneously with development and support of technical tools.

CAPACITY BUILDING FOR INVESTIGATORS AND OPERATIVES

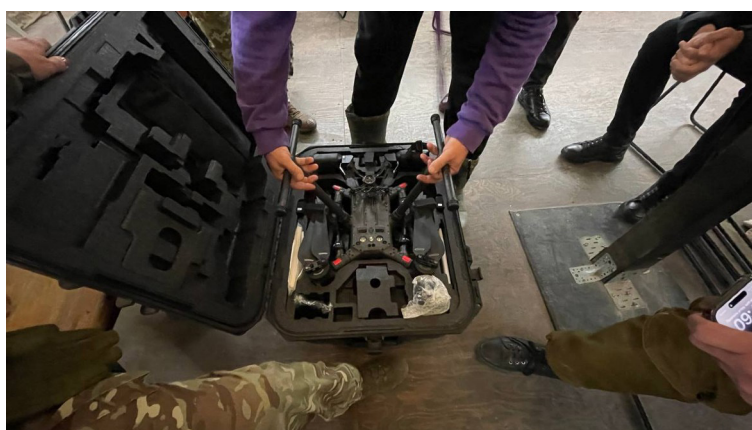
Respective target audience received demand-driven thematic training and assessment confirmed progress in its knowledge and skills. LEAs as well received access to platforms of professional exchange and experience sharing. Intervention participants shared their feedback reconfirming practicality and benefit from newly acquired knowledge and skills as well as from professional exchange and interaction. Many of them as well demonstrated higher confidence in their professional qualifications and readiness to further apply and disseminate acquired knowledge and skills with due consideration to human rights standards. 74 % of all intervention participants top-ranked use and practicality of delivered training.

INNOVATIVE TOOLS FOR EVIDENCE COLLECTION

As of December 2024, 149 thousand war crimes registered in Ukraine⁶. On top of that other kinds of crimes keep emerging still and need to be investigated. The staffing structure of pre-trial investigation bodies did not change much. Hence the key persisting challenges since the start of the Russian Federation war of aggression against Ukraine are those that influence effectiveness and quality of investigations: the lack of human, time and material resources. Tools and solutions that help preserve investigators’ and operatives’ lives during crime scene inspection, that help save resources, duly preserve and process evidence are thus on the highest demand within the law enforcement sector in Ukraine. The following respective supporting and capacity development was covered to help address the above-mentioned challenges with the help of innovative criminalistic solutions.

⁶ <https://gp.gov.ua/>

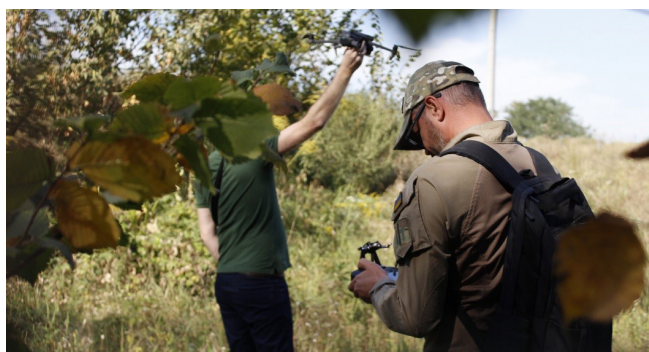
Workshop “Innovative criminalistics at the time of war” brought together criminalists, investigators, operatives, experts of forensic institutions, private companies of Ukraine to showcase tools - technical and forensic equipment and software, approaches and solutions - that are used in Ukraine and beyond. The aim was to exchange between law enforcement agencies on modern practices, methods, approaches, application of forensic knowledge in investigation of war crimes, detection and extraction of trace information, collection, track record and storage of evidence of these and other crimes. The Project as well strived, during this intervention, to strengthen interinstitutional interaction and cooperation, find ways to improve interaction of investigators, criminologists and experts of forensic institutions. The Workshop covered the following respective challenges and potential solutions that help alleviate them:



Two-week practical courses on operating unmanned aerial vehicles (UAVs) for evidence collection and crime scene inspection (aerial video-shooting). The investigators keep collecting evidence of war crimes all around Ukraine, including the zones, where physical access to evidence might jeopardize their lives. The collection of evidence in such circumstances is therefore carried out with the help of UAVs. They are used for instances when:

- The area of evidence collection does not allow for physical access of investigator for considerations of security and safety
- The area of mass ruinations and fatalities is of such a scope that does not allow for prompt evidence collection with available human resource
- The area of evidence collection, or objects (bodies) therein are known to be mined or contain unexploded remnants or hazard substances (e.g. mass graves)
- The area of evidence collection is a civil object (residential buildings, schools, hospitals), where the ruinations do not allow for direct physical access of investigator (e.g. no stairs, unstable surrounding)
- There is a necessity to collect evidence with maximum promptness from areas, where physical access is not possible, and potential destruction of evidence is probable.

38 SSU and SBI investigators from all regions of Ukraine underwent a series of respective two-week hands-on courses. They mastered skills of operating UAVs to inspect and document scenes of war and other crimes, got acquainted with technical characteristics of equipment, learned to directly control UAVs and take photos and videos, choose optimal parameters according to working conditions, as well as capture, process,



systematize, store and properly use footage. The courses took place in the field, in locations with conditions approximated to the maximum to real-life conditions investigators and operatives work in. Every participant gained not only practical skills to operate UAVs in different landscapes, conditions, circumstances and environments, but as well to duly file, mark, extract, process and further protocol collected information for the purpose of investigation.

365 SBI investigators (27 female and 338 male) benefitted from the **online course “Aerial video shooting for collection of war crimes evidence”** available at their internal online in-service training portal, following Council's previous support. 100% of participants passed the course testing and received respective certificates of completion.

Expert consultation sessions on investigation of war-related crimes for investigators and trainers of the SSU (25 participants; 20 male; 5 female) covered problematic and practical aspects of: distinguishing war crimes from general crimes committed under the martial law, problems with declaring internationally wanted persons suspected of committing crimes against peace, humanity, and international legal order, and also reviewed current law enforcement practice and legal regulation of compensation for property damage caused as a result of the armed aggression of the Russian Federation against Ukraine. The post-training self-assessment among participants of the activity demonstrated considerable to high knowledge progress withing thematic areas covered for 65% of participants.



Participants' testimonials: “Despite the considerable lack of time due to the number of crimes to be investigated, I could not fail to use the opportunity to get answers to practical questions and new knowledge that will help improve the effectiveness of my work during the war. I am grateful to the experts of the Council of Europe for these consultations”

– *Vladyslav Donchenko*, SSU investigator.



Five-day OSINT (open-source intelligence) training programme for investigators of the SSU, NPU and SBI and prosecutors (19 participants; 17 male; 2 female) covered collecting, evaluating and analysing publicly available information, as well as conducting investigations using OSINT in accordance with international standards and best practices; definition of OSINT, its categories and methodologies, the intelligence cycle, anonymization tools,

Google hacking techniques, images and video search techniques, tools for websites, social media, and deep- and dark web, advanced OSINT tools and link analysis; admissibility of open-source information and electronic evidence in criminal proceedings from the perspectives of European Court of Human Rights and the national court practice. The group enveloped participants who are dealing with war crimes resulting from the Russian aggression against Ukraine. Participants' progress was assessed and represents a notable overall performance increase of 59.5%.



Participants' testimonials: “These have been very intense and professionally enriching five days! And not only within the training curriculum scope. This has been a unique opportunity for professional interaction of all pre-trial investigation bodies and prosecutors dealing with war crimes. The value of this cannot be overestimated. Looking forward to future trainings on investigation of war crimes”

– *Nataliya Podolyako*, Deputy Head of the Police Department - Head of the Investigative Subdivision of the Polohy District Police Department of the Main Department of the National Police in the Zaporizhzhia Region.

Training on investigation of war crimes for investigators of the SSU from 23 regions of Ukraine (28 participants; 25 male; 3 female) focused on most common challenges the investigators; issues of separation of war crimes from general crimes, specifics of qualification, investigation of investigation of certain elements of war crimes; specific aspects of the crime of aggression, deportation and forced displacement; offered concrete cases from current practice; international legal aspects of the crime of ecocide as well as on specifics of its investigation in Ukraine; investigative experience of Bosnia and Herzegovina - aspects of the work of advocate and prosecutor in the International Criminal Tribunal for the Former Yugoslavia.



Participants' testimonials: "This training gave me a unique to-day opportunity to make a small break, catch my breath, and discuss in professional environment of my colleagues and experts issues we work daily on. Following discussions, I took a different perspective on some cases we work on. I will take due note of experts' advice for future investigations. International experience presented demonstrated that investigation of war crimes faces similar challenges irrespective of where these were committed"

– SSU investigator, Zaporizhzhia region.



Training on investigation of war crimes and gross human rights violations for 25 investigators (25 male) and operatives of the SBI from all territorial departments and central office covered: correlation of IHL and IHRL, as well as concepts, sources, principles and standards of IHL and IHRL; types of war crimes, legal qualifications under the Article 438 of the Criminal Code

of Ukraine, practical approaches and differentiation from other types of criminal offenses; problems of qualification of war crimes and facts of gross human rights violations, body of war crime and its legal reasoning; international standards of proving in war crime cases; European Court of Human Rights case-law related to armed conflicts; requirements of the Strasbourg Court regarding effective investigation of violations of the right to life in context of armed conflict, as well as the Court case-law regarding covert investigative actions and personal data protection; standards of investigation and proving of gross human rights violations; using opportunities for international law enforcement cooperation during search for persons of interest to law enforcement agencies of Ukraine, which conduct pre-trial investigations of crimes against peace, human security, and international legal order. 73% of participants rated the course practical to the maximum extent for their daily discharge of functions, 45% of participants claimed being ready to apply gained knowledge right away, 95% of participants rated the training as of maximum content quality.

Training on interrelation of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) in the light of effective investigation standards for 30 investigators of the National Police (14 female and 16 male) from 13 regions of Ukraine covered: IHL; IHRL; International criminal law; Case-law of the European



Court of Human Rights on armed conflicts where the Russian Federation acted as a driving force; Preservation of life, control over territory, effective investigation, responsibility; The difference between an internal armed conflict and an international armed conflict; Sources of International humanitarian law; The role of the Hague Conventions in the regulation of armed conflict; Sources of International criminal law; the Rome Statute and its implementation in the national legislation; grave international crimes and their characteristics: genocide, crime of aggression, crimes against humanity, types of war crimes through the prism of real present-day stories in Ukraine, legal qualification; peculiarities of proving war crimes: elements of a war crime and its legal argumentation; mechanisms of compensation for damages caused by armed conflict; mechanisms of prosecution for grave international crimes: types, peculiarities of creation, international experience. 86% of participants rated the course practical to the maximum extent for their daily discharge of functions, 46% of participants claimed being ready to apply gained knowledge right away, 73% of participants rated the training as of maximum content quality.



Participants' testimonials: «The situation in Ukraine is extremely dynamic and not only in the regions adjacent to front line, but also in the law-making field. We work in the field 24/7 documenting and investigating war crimes of the aggressor. But we also have to be in the loop of all legislative and practical changes that might influence the effectiveness of our work. We are grateful to the Council of Europe for the opportunity to maintain and develop our professional level, as well as for the opportunity to interact with colleagues from other regions: for me personally, this is extremely valuable from the standpoint of unifying approaches to investigations,»

– *Valeriya Chupova*, senior investigator of the Investigation Department of the Regional Police Division in Donetsk region.



Training on standards and correlation of international humanitarian law and international human rights law was delivered for 24 police officers (12 male and 12 female) from 15 different regions and Kyiv of the Department of Main Inspection and Human Rights of NPU. They work in all regions of Ukraine to ensure protection of human rights by the National Police. They mentor their colleagues – investigators, local police

officers, operatives, patrol police, community police officers, police units management – on practical issues of implementation of human rights protection standards during discharge of functions. 48% of participants rated the course practical to the maximum extent for their daily discharge of functions, 62% of participants claimed being ready to apply gained knowledge right away, 76% of participants rated the training as of maximum content quality.

International Exchange Dialogue on accountability for the Russian Federation's aggression against Ukraine facilitated during the high-level conference "United for Justice", organised by the Office of the Prosecutor General of Ukraine and supported by the Council, inter alia, through the Project. The event brought together key national and international actors, including the Presidents and First Ladies of Ukraine and Latvia, all high-level political and justice



sector establishment of Ukraine, Ministers and Prosecutors General of several countries, the Prosecutor of the International Criminal Court, judges of international courts, high-level representatives of several international organisations as well as international and national NGOs. The conference sessions focused on various accountability mechanisms for international crimes. The high-level panellists, with a wide range of backgrounds, discussed the prospects of investigating and prosecuting the crime of aggression of Russia against Ukraine, as well as a setting up of a comprehensive compensation mechanism. The deliberate targeting of the critical civilian infrastructure, alleged crimes of torture, filtration operations and forced relocations, conflict related sexual violence, crimes against children, the war's impact on the environment, the fate of frozen Russian assets, and the role of NGOs in documenting international crimes were also addressed.



Training on gender equality and prohibition of discrimination for officers of the National Police's Department of Main Inspection and Human Rights from all around Ukraine covered: comprehensive work with the case-law of the Court in cases related to prohibition of discrimination and gender-sensitive ones; concepts, signs and forms of discrimination, as well as the algorithm for consideration of respective complaints by the Court; ratification of the Istanbul

Convention in the context of European integration; application of gender mainstreaming and non-discriminatory approaches within the NPU professional environment and during discharge of functions by police officers. Pre- and post-training assessment confirmed knowledge progress for participants by 48%.

Similar training was delivered for SBI staff – their central office and all territorial departments, including gender equality focal points who advanced knowledge and improved skills on prohibition of discrimination through the prism of standards of the European Convention on Human Rights. The participants worked on issues of implementing the principles of non-discrimination and overcoming stereotypes within professional environment and during discharge of functions. During discussions and practical interaction in mini groups, the participants considered: the concept of gender and related myths; basic concepts of the principle of equal rights and opportunities; manifestations of inequality between women and men; prohibition of discrimination standards and consideration of gender-sensitive cases in line with the case-law of the Court; gender-sensitive situations in the context of war; Court's case-law under Article 14 of the Convention in conjunctions with Articles 2 and 3 thereto; gender mainstreaming in the daily work of the SBI.



Participants testimonials: «It was very useful to look into gender equality and non-discrimination in the context of different fields of our work. Since colleagues from different regions, departments and units were present at the training during these two days, we were able to see that this issue is cross-cutting and on demand for everyone»

– Ms. Olha Chikanova, chief specialist of the Public Communications and Media Department of the SBI.

Key actors in bringing perpetrators for war crimes in Ukraine to justice visited the Council of Europe Headquarters on 6-8 November 2023. The delegation comprised 16 representatives of the OPG, the SBI, the SSU and the NPU. The aim of the visit was to exchange with the officials of the Organisation on the progress in investigation of war crimes and gross human rights violations, and share experience of institutional resilience at the time of war. The Ukrainian delegation comprised a mid-level leadership of prosecutorial and investigative entities specialized in war crimes. The program of the visit included: professional exchange with leadership and representatives of thematic sub-entities of both Directorate General Human Rights and Rule of Law and Directorate General of Democracy and Human Dignity, covering topics of compliance with human rights in armed conflict, execution of Strasbourg Court judgments, cybercrime, criminal law and counter-terrorism, gender equality, conflict related sexual violence, and children's rights; meetings with the Executive Director of the Register of Damage for Ukraine; with the PACE Secretariat Committees on Legal Affairs and Human Rights, and on Migration, Refugees and Displaced Persons; with the Director of Legal Advice and Public International Law of the Council of Europe; expert round table in the European Court of Human Rights led by the Judge elected in respect of Ukraine and participation in the "The truth of war crimes" Forum Talk of the World Forum for Democracy.



Key messages from institutions-delegates:

"While dealing with massive scale of war crimes' prosecution, our strategic goals are to ensure a structured and effective approach to criminal prosecution; to strengthen the capacity of the national system of criminal prosecution of international crimes; to provide adequate support and protection for victims and witnesses; and to build sustainable partnerships and effective

interaction with international organisations, foreign partners and civil society", – Mr. Yuriy Belousov, Head of the War Crimes Department, OPG.



"The Council of Europe is our reliable partner and together we must improve the ways of strengthening the global security architecture in Europe. Glory to Ukraine and to all those who support us!",

– Mr. Andrii Holovash, Chief of Staff, SSU.



«Within the fight against the aggressor, one of the key tasks of the SBI is to collect evidence and investigate international crimes against the Ukrainian people. Comprehensive and effective cooperation with law enforcement agencies and state institutions at the international and national level sets forth a wholesome mechanism that works to achieve our common goal - victory for Ukraine!»

– Mr. Volodymyr Shylov, Head of the Division for Pre-Trial Investigation of Military Offenses, as well as Violations Against Peace, Human Security, and International Legal Order, Committed as a Result of the Russian Federation's Aggressive War Against Ukraine, with the Participation of Representatives of Other States, Main Investigative Department, SBI.



"Today we realise the value of every single day and are confident of our victory. And we know exactly what needs to be done next, and we have done a lot for this confidence. Police officers come to aid people during shelling, provide evacuation, help in delivering humanitarian help. The demining professionals of the police carry out demining of our Ukrainian land, streets, and houses. The reality has also changed for the investigators, who, in addition to their usual functions, now document and investigate war crimes of the enemy. This list is impressive, but it is not exhaustive - the work of the police is soaring in all spheres, and we are doing our best to maintain law and order in our country and provide citizens with the maximum possible security environment. As well as all the security and defence forces of the country, Ukrainian policepersons are doing everything to prevent the war from reaching other countries' borders"

– Mr. Yevhenii Kolesnyk, Deputy Head of the Main Investigative Department – Head of the Pre-trial Investigation Organisation Department, NPU.

The visit gave floor for professional exchanges and favored stronger coordination and cooperation with the relevant entities of the Council of Europe. It also provided for synergetic vision and approaches among represented Ukrainian institutions towards the consideration of the standards of the European Convention on Human Rights in the context of the war crimes investigation.

COUNTERING TORTURE WITHIN LAW ENFORCEMENT

During Project implementation, a number of interventions were delivered giving floor to discussions and exchange of experience between investigators and prosecutors on zero tolerance to ill-treatment and effective investigation into complaints. The SBI and the OPG Counter-Torture Department strengthened cooperation and operational interaction on regular basis and revived a number of initiatives previously put on hold – inter-



institutional order of interaction between the SBI, the OPG and the MoJ to ensure execution of the Strasbourg Court judgments, in regard to ill-treatment cases, was developed and approved through the joint Decree of three respective institutions; inter-agency meetings on investigation in individual cases within the *Kaverzin* group of cases resumed. All actors involved were in regular contact and follow-up on the margins of dialogue and awareness raising activities delivered by the Project within respective thematic area. The enhanced inter-agency cooperation in the area concerned also led to the preparation of the **revision of the Counter-Torture Strategy in the Criminal Justice System of Ukraine 2021-2023**. The revised draft thereto, developed by the national authorities for the next 2-year period, was approved by the Cabinet of Ministers⁸ in August 2024.



The discussion club “Countering torture at the time of war: is it the right time?” held in December 2023, brought together key implementors of the Counter-Torture Strategy in the Criminal Justice System – the OPG, the SBI, the NPU, the Ministry of Justice (MoJ) and criminal justice area practitioners, the Judge to the European Court of Human Rights in respect of Ukraine and the Council of Europe’s Department for the Execution of Court’s judgments. The discussion covered: new

challenges and specific the war brought about to the counter-torture sphere; importance of keeping us with endeavours in the sphere during war; current situation with documenting and investigating torture; recent and well-established Court’s case-law on Article 3 of the

⁷ The Office of the Prosecutor General and the State Bureau of Investigation developed and approved inter-institutional “Order of interaction of public prosecution, State Bureau of Investigation and Government Agent before the European Court of Human Rights on effective investigation of facts of torture, inhuman or degrading treatment or punishment” (joint Order of 21.12.2023 № 333/628/4354/5); <https://gp.gov.ua/ua/posts/zatverdzeno-poryadok-vzajemodiyi-pid-cas-rozglyadu-sprav-i-zabezpecennya-vikonannya-risen-jespl-shhodo-efektivnogo-rozsliduvannya-katuvan-nelyudskogo-ci-takogo-shho-prinizuje-lyudsku-gidnist-povodzennya-abo-pokarannya>

⁸ <https://zakon.rada.gov.ua/laws/show/820-2024-%D1%80#Text>

Convention with regard to Ukraine; status quo with regard to execution of Strasbourg Court judgements in the general measures counter-torture part. The discussion reached out to 78 professionals. The post produced discussion video will be placed on the SBI and the SSU in-service online training portals in 2024 which will ensure awareness raising and reach out among their staff (approximately 1,600 and 25,000 individuals approximately). It will as well be disseminated through Council's communication channels and communication channels of Project partners for the event - JustTalk - whose audience envelopes 2,000 criminal justice practitioners.

Workshop on effective investigation of torture for investigators of SBI, specialised prosecutors, and police officers of NPU Internal Inspection welcomed 30 participants (25 male and 5 female). It covered: the mechanism of the European Convention on Human Rights and the European Court of Human Rights; Convention standards and their importance during wartime and post-war periods; key principles of interpreting the Convention and how to apply them in practice; catalogue of Convention rights and their relevance to the work of the SBI, NPU, and prosecutors; Article 3 of the Convention, scope of application, definition and differentiation of concepts; essential components and guarantees under Article 3 of the Convention (regarding law enforcement agencies, prisons, and state custody); torture and ill-treatment by law enforcement and military personnel in the context of war; relevant trends and new practices in cases of torture and ill-treatment; challenges and obstacles in investigating war crimes involving torture, caused by the war; the duty to conduct effective investigations; criteria for effective investigation; current national practice in investigating cases of ill-treatment; joint responsibility for a fair trial under Article 6 of the Convention; real-case based⁹ model case: evidence, interagency cooperation, working with victims, court proceedings; features of organising the mechanism for addressing violations of Article 3 in Ukraine; the role of the SBI, NPU, and prosecutors; work with Court's judgments; implementation of Court's judgments under Article 3 of the Convention; cooperation in the process of implementing the Custody Records system; the Istanbul Protocol; documenting and reporting the results of medical examinations. Participants actualized their knowledge on all these topics through practical work in mini groups and case-studies. The workshop also helped support another crucial element of effectiveness – the coordination of actions among the relevant players in the field of investigation. 93% of participants rated the course practical to the maximum extent for their daily discharge of functions, 45% of participants claimed being ready to apply gained knowledge right away, 45% of participants rated the training as of maximum content quality.



Three-day workshop on investigative interview as a tool for effective investigation and prevention of torture for investigators of the SSU, the SBI and the NPU and prosecutors covered investigative interview techniques, simulation of interview with participation of actors, analysis of post-interview video recording; non-violent communication;

⁹ <https://www.pravda.com.ua/columns/2024/11/22/7485833/>

algorithm of application of investigative interview; key models for work: free recall, conversation management, strategic use of evidence; work with a model case, which helped participants go through the whole investigative interview algorithm: from choosing interview setting and establishing contact with interviewed, up to its completion and evaluation. As a result of assessment and feedback considerable change in participants' attitude was observed.

Two-day **workshop-meeting of expert-trainer team on development of investigative interview in the criminal justice system** welcomed 22 participants (13 male and 9 female) from pre-trial investigation bodies, academia and prosecution. The activity allowed to take stock of achievement in the area, strengthen community of practitioners and plan further steps and included, but was not limited to: overview of delivered capacity building on investigative interview tools in 2023-2024 and respective results, recommendations; work on support and strengthening of the community of investigative interview practitioners and trainers; adult education and personal development tips; development mapping for practitioners – general and individual; new trainers'/practitioners tips and tools; work on improvement of investigative interview basic training program.



Three trainings on human rights standards, guarantees of the European Convention on Human Rights, prohibition of torture and right to freedom in the context of implementation of the «Custody Records» system for 84 human rights inspectors (custody officers)¹⁰ (15 male and 69 female) of the NPU from 21 region of Ukraine. Human rights inspectors are the key players of the «Custody Records» system which ensures

uninterrupted video surveillance and recording of all actions undertaken with a detained person from the moment of factual apprehension and stay in police up till discharge from territorial unit. Inspector controls the state of ensuring the rights of both – the detained persons and police officers. Respectively, it is hard to overestimate the importance of uninterrupted in-service training of inspectors on human rights standards. Training for them covered a wide array of issues: custody officers' work and mission, their important role in the light of adherence to the Convention standards; role for society and the state in view of monitoring compliance with human rights standards directly in fields - in police offices; implementation of the «Custody Records» system in the context of preventing human rights violations, fulfilling positive obligations of the state, as well as overcoming systemic problems identified in the judgements

¹⁰ In recent years, Custody Records system has been set up in police offices. It ensures recording of all actions with detained person, starting from the moment of actual detention and throughout the entire period of stay in police office. Within the NPU the human rights inspectors ("custody officers") are responsible for human rights adherence. They interview detained persons about circumstances of detention, use of coercive measures if any, proper informing about rights, any comments, complaints or petitions the detainee might have, state of health. They as well interview police officers about circumstances of detention. Inspectors monitor proper treatment of detained persons within police office and train their peers on human rights standards.

of the Court with regard to Ukraine; approaches to complex and non-violent communication with detained persons; current problems of ensuring the Convention standards for detained persons; mechanisms of interaction of state authorities to ensure implementation of human rights standards and guarantees; practical aspects and challenges in the operation of the «CustodyRecords» system, relevant cases of the European Court of Human Rights; communication with detainees and community representatives. Post-training evaluation demonstrated that all participants ranked quality and practicality of the intervention with the highest score (76% of participants is determined to use acquired knowledge in their daily discharge of functions and some 22% would do the same with further capacity building support. For 66% of participants the perception of their professional role has changed, and majority confirmed readiness to share acquired knowledge with peers ranging from 10 up to 50 professionals further). One of the key training outcomes was the participants' increased self-awareness as part of a single community that performs its tasks in different regions, but in line with unified standards, as well as the value of continuous learning from each other and exchange of experience.



Participants' and leadership testimonials: "We are grateful to the Council of Europe for systematic and consistent support. Human rights inspectors are the real agents of change within the law enforcement system. They share, promote and practice the values and standards without which democracy, rule of law and country's European integration would not be possible. In order to change the system, they have to be top professionals of human rights protection and advocacy among those, who still do not comprehend the value of human rights",

- Mr. Ruslan Horiachenko, Head of the Department of Main Inspection and Human Rights of the National Police of Ukraine



"It was extremely important to look at our daily work in a broader context and understand what benefit we bring to society and the state. Both the persons whose rights are protected and the state that respects rule of law benefit from the due work of an inspector. We are grateful to the experts for providing us with new arguments for convincing our colleagues that human rights standards in the police activity are not something abstract"

- Ivan Danko, head of the human rights sector of the Lutsk District Police Department, NPU in the Volyn Region.



"Having this opportunity to learn during two days side by side with colleagues from other regions is priceless. Not only did we deepen our knowledge and considered through the prism of ECtHR case-law the practical implementation of rights as guaranteed by the Convention. We as well discussed problematic professional issues that are specific for every separate region and found numerous points of connection. Outstanding motivation and numerous ideas for implementation are my takeaways",

- Ms. Alina Mushka, Head of Human Rights Sector of Kramatorsk Regional Police Division in Donetsk region.



«This training was practical to maximum possible extent. For the first time I can say that we embraced the concept of «human rights in action». We thank the Council of Europe for the opportunity to learn together with colleagues from different regions, for changing attitudes to certain issues, for providing a platform for open discussion of problematic and relevant issues for our daily work. All this will help us promote the observance of human rights in Ukraine,»

- Mrs. Anyuta Grubnik, human rights inspector of the Police Department № 1 of the Bogodukhiv District Police Department of the National Police of Ukraine in Kharkiv region.



Mr. Ruslan Horiachenko, Head of the Department of Main Inspection and Human Rights, focused on the role of human rights inspectors within the mechanism of the Custody Records system:

"The human rights inspectors are the agents of change and connection between the citizens and the police. They need a lot of support as the network will expand with more Custody Records units to be opened. Their role cannot be overestimated and is indeed central to promoting adherence to human rights standards within the National Police"

With the first-step assessment visit to the "Custody Records" unit in the city of Vinnytsia and next step of purchase and handover of necessary equipment and software for launch of one more "Custody Records" unit within NPU, the Project eventually opened **the first ever Council-supported Custody Records system in Lutsk Police Unit**. The system records all actions of law enforcers with detained persons while they are under state control and it includes such components



as human rights inspectors, police unit zoning (service zone/Custody Records zone), 24/7 video-surveillance system integrated with information sub-system Custody Records of the information system of the National Police and external monitoring. On 14 March 2024 in the city of Lutsk, Volyn region, the Head of the Council of Europe Office in Ukraine, Mr. Maciej Janczak, and the Deputy Head of the National Police of Ukraine, Mr. Henadiy Fedoriuk, visited the police unit where Custody Records system was just set-up with the Council of Europe support. This was the 95th out of 446 police units all around Ukraine that need to be covered by the system. During the Custody Records system opening and presentation, simulated detention scenario allowed to demonstrate to all those present the technical and procedural aspects of police work with detained persons, including all stages the detainees undergo in such units from the moment of their arrival under police control and on. The Custody Records system opening was followed by a round table, where representatives of the National Police, Ombudsperson's Office, Office of the Government Agent, free legal aid, judiciary, prosecution, public authorities and local self-governance bodies discussed human rights standards in police activity in the context of system functioning, including its achievements, challenges and prospects.



Leadership testimonials: «Since 2016 when we started system implementation, we have been recording considerable decrease in complains filed with regard to police actions with detained persons. The Plan of Government Actions for 2024 foresees setting-up at least 50 police units with Custody Records system and we keep rolling it out with all possible endeavors despite the ongoing war, but it is really challenging without the assistance of our international partners and of the Council of Europe on which we very much rely",

said *Mr. Henadiy Fedoriuk*, Deputy Head of the National Police of Ukraine

The NPUDMIHR took over the Project-delivered **"Status Analysis and Recommendations for Evaluation of the Performance of the Custody Records System"** and is already applying offered data collection sampling therein to gather necessary information for further evaluation. The Analysis was prepared in order to:

- Analyse the operational status of the Custody Records system of the NPU and the prospects for its further development
- Analyse the procedural and practical aspects of the operation of the Custody Records system for its compliance with the Council of Europe standards of protecting the rights of detained persons and preventing torture and ill-treatment

- Provide recommendations on appropriate sampling of qualitative and quantitative indicators in order to evaluate the performance of the Custody Records system and/or ensure informed reporting on its performance.

The Analysis was prepared in close cooperation and ongoing consultation with the NPUDMIHR and its development included visits to 6 units running the Custody Records system (in the Vinnytsia, Khmelnytskyi, Volyn and Ternopil regions). It was developed at the request of the NPUDMIHR and to address the Committee of Ministers' decision (1483rd meeting, 5-7 December 2023) on general measures in Kaverzin group of cases that *"welcomed the range of institutional and capacity building measures taken by the authorities to prevent and eradicate torture; invited them to provide more detailed information on the impact of these measures, including of the implementation of custody records..."*

The Project supported two interventions to support dialogue between key stakeholders dealing with execution of the Counter-Torture Strategy in the Criminal Justice System of Ukraine and in regard to the execution of relevant Strasbourg Court judgments.

The meeting of Network of experts on the execution of the European Court of Human Rights judgments: gathered representatives of key national justice and law enforcement agencies who updated on the progress, as well as challenges, while looking forward to finding practical solutions towards the execution of Strasbourg Court's judgments in cases against Ukraine. Amongst other, the position of Ukraine before the Committee of Ministers, developments related to effective investigations (Kaverzin/Afanasyev, Levchuk, Yukhymovych, Logvinenko and Isayev groups of cases), detention (Ignatov group of cases) were on the discussion list.

The meeting on challenges and prospects for the implementation of the Counter-Torture Strategy in the Criminal Justice System of Ukraine was facilitated in mid-2023 to discuss next steps and coordinated action among key Strategy implementors. The Strategy was designed to counter all forms of ill-treatment under the Convention. In the conditions of the war, this issue only intensified and requires special attention. Coordination of measures aimed at fulfilling the objectives of the Strategy in 2023 was among the topics of discussion at the meeting with the participation of the OPG, the SBI, the MoJ, the Ministry of Internal Affairs of Ukraine, and the NPU and other state authorities and international partners. During the meeting, the progress of the implementation of the Strategy during 2022, the problematic issues that arise and the ways to solve them were assessed. The meeting concluded with a draft resolution on recommended changes to the Strategy and the Action Plan. The updated revised draft Strategy Action Plan, prepared by the national authorities was approved by the Cabinet of Ministers' in August 2024.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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