

APPROVED by
Prosecutor General
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STRATEGIC PLAN¹

ON THE IMPLEMENTATION OF POWERS OF THE GENERAL PROSECUTOR'S OFFICE IN THE AREA OF PROSECUTION FOR INTERNATIONAL CRIMES² FOR 2023-2025

¹ The Strategic Plan was developed in accordance with paragraphs 2.1.1.4 of the Strategy for the Development of the Prosecutor's office for 2021–2023, approved by the order of the Prosecutor General dated October 16, 2020 No. 489.

² For the purposes of the Strategic Plan, international crimes are the following crimes: *genocide, crime of aggression, war crimes and crimes against humanity* related to the international armed conflict on the territory of Ukraine.

INTRODUCTION

The armed aggression of the Russian Federation against Ukraine began in February 2014 and has led to an international armed conflict, attacks on civilians and civilian objects, serious violations of international law and a humanitarian crisis on the territory of Ukraine within its internationally recognized borders.

Recognizing Ukraine's legal commitments to prosecute international crimes, the Office of the Prosecutor General (OPG) will ensure the effective investigation and accountability for actions, that have occurred in the territory of Ukraine since 2014 and that may constitute the crimes of aggression, war crimes, crimes against humanity and/or genocide.

These include (but are not limited to) acts that are subject to criminal prosecution::

- willful killing;
- sexual violence;
- unlawful confinement or other deprivation of liberty in violation of the fundamental rules of international law, including in relation to the Prisoners of War (POW);
- torture and inhuman treatment;
- forcible displacement/deportation and/or transfer of civilians, including children;
- willfully causing great suffering, or serious injury to body or health;
- intentionally directing attacks against the civilian population;
- intentionally directing attacks against civilian objects, including buildings dedicated to religion, education, science, culture, charitable purposes, including museums, art collections;
- ecocide, environmental crimes, including attacks against objects and facilities containing dangerous forces;
- intentionally directing attacks against facilities dedicated to humanitarian purposes, including healthcare facilities, and places where wounded and sick persons are collected;
- intentionally directing attacks against civilian infrastructure indispensable for the survival of the civilian population, including agricultural, food production, energy, and/or other resource facilities;
- pillaging;
- acts or threats of violence aimed at spreading terror among the civilian

population;

- Persecution against any identifiable or collective group on national, political, ethnic, cultural, religious, gender or other grounds as specified in international and national legal acts;

Recognizing the large-scale nature of violations of international law occurring in Ukraine since 2014, the OPG has enhanced coordination and cooperation with national and international partners to ensure institutional capacity, operational and technical effectiveness to promote fast and impartial justice and accountability for the guilty persons.

To this end, the OPG takes the following measures:

- coordination with the Office of the Prosecutor of the International Criminal Court (OTP/ICC) in order to ensure comprehensive investigation and/or prosecution for international crimes in line with the complementarity principle;
- close cooperation within the Joint Investigation Team (JIT) aimed at investigating the facts of international crimes committed on the territory of Ukraine. The parties to the agreement on establishing the Joint Investigation Team (JIT) are Ukraine, the Republic of Lithuania, the Republic of Poland, joined by the Republic of Estonia, the Republic of Latvia, the Slovak Republic, and Romania. The participants also include Eurojust and the Office of the Prosecutor of the International Criminal Court;
- development of the International Centre for the Prosecution of the Crime of Aggression (ICPA) as an operational unit for documenting, storing, exchanging and analyzing evidence for the prosecution of the crime of aggression – the essential step preceding the establishment of the Special International Tribunal;
- partnership with the Atrocity Crimes Advisory Group (ACA) established by the United States, the European Union and the United Kingdom, to provide strategic advice, operational and technical assistance in the investigation and prosecution of the international crimes;
- cooperation with the Council of Europe in line with the Action Plan for Ukraine “Resilience, Recovery and Reconstruction” for 2023-2026, aimed to support the recovery process in Ukraine to strengthen the resilience of public institutions, to enhance rule of law and to protect

- fundamental rights;
- cooperation with the Office of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict and the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, aimed at strengthening national capacity to investigate and prosecute conflict-related sexual violence, as well as to ensure the access of victims of sexual violence to a comprehensive support system;
 - collaboration with the US Department of Justice in accordance with the bilateral Memorandum of Understanding to facilitate accountability for war and other crimes through the respective investigations and prosecutions in every country;
 - establishment of the Coordination Center for the support of victims and witnesses, a starting point for the nationwide Mechanism for supporting victims and witnesses of war and other international crimes in line with the Concept of development.

Implementation of the Strategic Plan will contribute to the effective, fair and expeditious investigation and prosecution of international crimes and the pursuit of international and national remedies, including passing judgements based on the rule of law principles, reparations and other compensations to the affected individuals.

MISSION

Guided by the Constitution and the laws of Ukraine, conventional and the general principles of law recognized by civilized nations, and in pursuit of the affirmation of the rule of law, the OPG, through coordination with the national law enforcement agencies, international judicial institutions, international organizations, foreign nations, non-governmental organizations and society as a whole, ensures effective investigation and prosecution of persons guilty in the crimes of aggression, genocide, crimes against humanity and/or war crimes that have occurred in the territory of Ukraine since 2014.

The basis for the criminal prosecution shall be the norms of international law including *inter alia* Convention on the Prevention and Punishment of the Crime of Genocide of 1948, Four Geneva Conventions of 1949 and Additional Protocol I of 1977, Hague Conventions, in particular Hague Convention IV on the laws and customs of land warfare of 1907, European Convention on Human Rights and Fundamental Freedoms of 1950, International Covenant on Civil and

Political Rights of 1966, Convention on Elimination of All Forms of Discrimination against Women of 1979, Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, Convention on the Rights of the Child of 1989 and Optional Protocol on Involvement of Children in Armed Conflict of 2000, Rome Statute of the International Criminal Court of 1998 and Convention for the Protection of All Persons from Enforced Disappearance of 2006.

VISION

The OPG will act in the interests of the people of Ukraine holding perpetrators accountable and preventing impunity for the international crimes committed on the territory of Ukraine since February 2014. Through effective means of criminal proceedings, including partnerships with national organizations, foreign states, international judicial institutions and justice structures, the OPG will ensure fair prosecution of those responsible for the commission of international crimes as well as reparation for the survivors of these crimes.

PRINCIPLES

Within its scope of responsibilities, OPG will:

- Ensure criminal prosecutions are pursued as an essential component of transitional justice;³
- Adhere to the highest ethical and professional standards by performing its functions independently and impartially;
- Respect the presumption of innocence, the right to a fair trial, the equality of arms, the separation of powers, the independence of judges and the binding force of final court decisions, as well as uphold fundamental European Union values such as democracy, equality, rule of law, and human rights.
- Adhere to the independence principle in its activities when interacting with any external entities, including governmental and international organizations.
- Provide support and care for the affected persons at all stages of criminal proceedings, in particular to avoid re-traumatization. Ensure the guaranteed right of the affected persons to be involved in the criminal proceedings;
- Engage with the civil society.

³ United Nations Security Council ('UNSC') Res S/2004/616.

STRATEGIC GOALS AND TASKS

1. Provide a structured and effective approach to the criminal prosecution of international crimes committed in the context of the armed conflict:

1.1. Facilitating the implementation of an effective organizational structure encompassing all national authorities responsible for the prosecution of international crimes based upon a clear division of complementary roles and responsibilities at the national, regional, and local levels between and within all relevant public authorities;

1.2. Establishment of effective coordination of the activities of the prosecutor's offices, pre-trial investigation bodies, and other entities engaged in the investigation of international crimes at the national, regional and local levels.

1.3. Initiating the changes into legislation that ensures effective criminal prosecution of international crimes, both nationally and internationally, including provisions related to compensation and reparation for the affected persons.

1.4. Introduction of uniform standards of pre-trial investigation for each type of international crime committed in Ukraine. The standards should be developed and tailored to the Ukrainian context with the involvement of investigators and experts with relevant experience in the international crimes prevention;

1.5. Implementation of a system of prioritization and selection of criminal proceedings based on clear and transparent criteria that will ensure fair justice with the observance of reasonable timeframes and safeguarding interests of particularly vulnerable groups such as survivors of CRSV, children, etc.

2. Strengthen the capacity of the national system for the criminal prosecution of international crimes, including that of the prosecutor's office and pre-trial investigation bodies:

2.1. Facilitate effectiveness of pre-trial investigation bodies and the prosecutor's offices by adhering to the best practices in the field of

administration and providing adequate resources for the criminal prosecution of international crimes.

2.2. Implement a comprehensive professional development system for prosecutors and investigators, based on the national and international standards while taking into consideration results of the need-assessments.

2.3. Introduce unified, innovative IT solutions for the investigation of the international crimes to ensure the highest quality of data collection, preservation and analysis of evidence, as well as criminal proceedings management (E-Case), enabling effective communication between prosecutors and investigators;

2.4. Contribute, within the scope of the OPG's competence, to enhancing the capacity of national forensics institutions in line with best international standards;

2.5. Implement an effective system of communication with society, regarding the OPG's objectives and activities in relation to the prosecution of the international crimes.

3. Facilitate proper support and protection of victims and witnesses:

3.1 Introduce a proactive approach for the identification of witnesses and survivors for the purposes of criminal proceedings regarding the prosecution of international crimes, using international cooperation means.

3.2 Integrate gender-sensitive and victim-centered approaches into the activities of pre-trial investigation bodies and prosecutors in compliance with international standards;

3.3 Improve and effectively use mechanisms for ensuring the safety of witnesses and victims during the pre-trial investigation and also judicial proceedings;

3.4 Effectively coordinate with other state bodies and NGOs, as well as authorized bodies of foreign states and international justice institutions, to enhance support and protection of the affected persons and witnesses.

3.5 Implement and develop the Mechanism for supporting victims and witnesses of war and other international crimes, including a referral mechanism, based on establishing institutional agreements between the Coordination

Support Center for the affected persons and witnesses, law enforcement agencies, ministries, and departments, as well as other supporting services, regarding the implementation of protective measures and security mechanisms, provision of consultations, and other relevant assistance for witnesses and the affected persons.

3.6 Introduce specialized IT solutions for managing and effective coordinating efforts aimed at identifying, protecting, and providing quality support to the affected persons and witnesses. This will also ensure efficient communication among all parties involved in the processes of identification, protection, and support of victims and witnesses.

4. Build a sustainable partnership and effective interaction with international organizations, foreign partners, and civil society for the purposes of effective criminal prosecution of the international crimes:

4.1. Provide international judicial institutions and justice bodies, including ICC, Special international tribunal for the crime of aggression, and also international courts with the effective assistance to pursue prosecution of international crimes committed in Ukraine, based on complementarity principle;

4.2. Ensure sustainable coordination and cooperation with international and interstate bodies including Eurojust, Europol as well as the ICPA in seeking mechanisms compensation for the international crimes occurring on the territory of Ukraine;

4.3. Ensure constant interaction and exchange of information with national and international non-governmental organizations involved in the process of documenting international crimes and/or supporting the affected persons;

4.4. Implement a mechanism for coordination of support provided by international donors and partners in order to ensure effective prosecution of the international crimes.

EXPECTATIONS:

Through the effective cooperation between the prosecutor's office, pre-trial investigation bodies, national and international partners, the OPG will:

- enhance the quality of documenting evidence collected during investigative and other procedural actions, as well as ensuring proper procedural guarantees for participants in criminal proceedings;
- expand access to justice for the affected persons and witnesses both at the national and international levels, providing them with protection and support;
- increase the number of national and international investigations into international crimes related to the armed conflict in Ukraine;
- increase the number of completed trial proceedings and individuals prosecuted for committing international crimes related to the armed conflict in Ukraine;
- strengthening public trust and the trust of national and international partners in the prosecution and pre-trial investigation bodies that counteract international crimes.