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Investigating war crimes in de-occupied territories: the role of the National Police of Ukraine

Розслідування воєнних злочинів на деокупованих територіях: роль Національної поліції України

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Abstract

The purpose of this article is to examine the specific activities of the National Police of Ukraine in the investigation of war crimes in de-occupied territories, developing a clear algorithm of action and taking into account possible power, heating, and communication outages. The study argues for the creation of a Coordination Headquarters to ensure proper interaction between the bodies and departments involved in recording and investigating war crimes. The article proves that the activities of the National Police of Ukraine bodies and units during the investigation of war crimes in the de-occupied territories are aimed at their prompt, complete, and impartial investigation, so that any perpetrator of such acts is held accountable according to their guilt, and includes several algorithmic actions. The research methodology includes dialectical-materialistic, formal-logical, general scientific, and special methods. The results of the study are significant as they provide a practical guide for the National Police of Ukraine in the investigation of war

Анотація

Метою статті є дослідження особливостей діяльності Національної поліції України при розслідуванні військових злочинів на деокупованих територіях шляхом вироблення чіткого алгоритму дій та врахувавши можливі відключення електроенергії, опалення та зв'язку. У дослідженні йдеться про необхідність створення Координаційного штабу для забезпечення належної взаємодії між органами та відомствами, які займаються фіксацією та розслідуванням військових злочинів. Доведено, що діяльність органів та підрозділів Національної поліції України під час розслідування військових злочинів на деокупованих територіях включає низку алгоритмічних дій та спрямована на їх швидке, повне та неупереджене розслідування з тим, щоб кожен, винний у вчиненні таких діянь, був притягнутий до відповідальності. Методологія дослідження включає діалектико-матеріалістичний, формально-логічний, загальнонауковий і спеціальні методи.

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crimes in de-occupied territories. The proposed algorithm and practical considerations can help ensure prompt, complete, and impartial investigations, ultimately contributing to the rule of law and justice in times of conflict.

Keywords: National Police of Ukraine, martial law, de-occupation, armed conflict, criminal proceedings, investigation, investigative (search) actions.

Важливість результатів дослідження обумовлена їх практичним значенням для Національної поліції України у розслідуванні військових злочинів на деокупованих територіях. Запропонований алгоритм здатен допомогти у забезпеченні швидкого, повного та неупередженого розслідування, що сприятиме верховенству права та справедливості під час конфлікту.

Ключові слова: Національна поліція України, воєнний стан, деокупація, збройний конфлікт, кримінальне провадження, розслідування, слідчі (розшукові) дії.

Introduction

Ensuring the security of individuals, society and the State against threats of criminal encroachment is the most priority task of all State power institutions in Ukraine, as an individual, his life and health, honor and dignity, integrity and security are recognized as the highest social value in Ukraine. The Basic Law (Law No. 254k/96-VR, 1996) proclaims the inalienable right of every human being to life. No one shall be arbitrarily deprived of life. Everyone has the right to protect his or her life and health, the lives and health of other persons against unlawful encroachments.

In the conditions of martial law, changes in powers, competences, rights and obligations, functions and procedures are related to all public institutions.

The National Police is not an exception: a significant number of changes have been introduced to the regulations governing its activities, which determine the functioning of this body during martial law. Thus, for example, the range of police officers' powers has been significantly expanded: mine clearance of an operational nature has been added to them (detection, neutralization and destruction of explosive objects, which are reasonably recognized to be objects, tools or means of committing administrative or criminal offenses); implementation of technical and forensic support for inspection of the scene of the event, including fire-related and special explosive works based on the facts of the explosions, receipt of reports on the discovery of explosive objects, the threat of an explosion; collecting persons' biometric data of a person; carrying out administrative supervision. In addition, they gained the right to use in their activities such technical means as unmanned aerial vehicles (drones) and special technical means of countering their use; specialized software for analytical processing of photo and video information, including identification of persons and vehicle license plates.

Currently, about 35,000 police officers are serving in regions close to active combat zones and at the front.

Since the beginning of the full-scale war of Russia against Ukraine, the National Police of Ukraine, in addition to the tasks of securing public safety and order, combating crime and protecting human rights and freedoms, as well as the interests of society and the state, has actively participated in the tasks of territorial defense, ensuring and implementing measures of the legal regime of martial law. Thus, 113,421 criminal proceedings on the facts of crimes committed on the territory of Ukraine by servicemen of the armed forces of the Russian Federation and their accomplices were initiated by investigators of the NPU during 24.02.2022 – 21.02.2024. The largest number of criminal proceedings were initiated in Kyiv (23,201), Kherson (18,457), Kharkiv (18,405), Dnipropetrovsk (10,301), Luhansk (5,063), Zaporizhzhia (3,811), Donetsk (3,709) regions and in the city of Kyiv (420) (General Prosecutor's Office, 2024).

At the same time, the provision of State policy in the spheres of national security and defense is the main form of protection of the rights and freedoms of an individual and a citizen becomes particularly important during the operation of the special legal regime of martial law. According to the Military Security Strategy of Ukraine (Order of the President of Ukraine No. 121/2021, 2021), such security is one of the fundamental conditions for realizing the right of the Ukrainian people to self-determination, preserving the State of Ukraine and ensuring its sustainable development based on the highest values of democracy, the rule of law, freedom, dignity, security and prosperity of citizens of all nationalities. Protection of the sovereignty

and territorial integrity of Ukraine is the most important function of the State, the case of the entire Ukrainian people, including security sector institutions.

Since the beginning of the war, the powers of the police in this area have increased by 80%. They help the relevant services that document war crimes, carry out stabilization measures, work with people, that is, perform those functions that are not inherent to them in peacetime. The breakthrough that the National Police is making in all directions now in full-scale war would take decades in peacetime. During this time, the police investigated more than a hundred thousand war crimes committed by the enemy, identified a huge number of dead persons, conducted an impressive quantity of examinations, mastered new technologies, fought in cyberspace, etc.

New powers require modern approaches and mechanisms for mastering them in order to implement them as timely and efficiently as possible. Therefore, the purpose of our article is to examine the specific activities of the National Police of Ukraine in the investigation of war crimes in de-occupied territories, developing a clear algorithm of action and taking into account possible power, heating, and communication outages.

Methodology

The methodological basis of the research is the dialectical-materialistic and formal-logical methods of scientific knowledge, as well as general scientific and special methods, which allowed to study the problem in the unity of its social content and legal form.

In particular, dialectical method was used to form a holistic view on the features of the investigation of war crimes in the de-occupied territories by the National Police of Ukraine.

Formal and legal method were applied in the analysis of the rules of the current criminal and criminal procedural legislation of Ukraine regulating the specifics of the war crimes investigation.

The methods of formal logic made it possible to examine organizational and practical measures that must be taken for the investigation of war crimes committed in the temporarily occupied territory of the relevant region.

System and structural method is used to allocate a number of algorithmic actions, namely procedural, organizational and practical ones constituting the activities of the National Police of Ukraine bodies and units during the investigation of war crimes in the de-occupied territories.

Documentary and statistical method was useful in studying the data on the facts of crimes committed on the territory of Ukraine by servicemen of the armed forces of the Russian Federation and their accomplices.

Descriptive statistics method made it possible to analyze the figures related to police activities in the de-occupied territories (number of victims, destroyed civilian objects, interrogated persons, etc.)

Analytical method helped to examine the features of such investigative and search activities as the inspection of the scene of crime and interrogation.

Based on the summarization method, conclusions and proposals on the topic of the research were formulated.

Literature Review

Introduction of a legal regime of martial law throughout the territory of Ukraine as a result of the military invasion of the Russian Federation on February 24, 2022 determined a special procedure for the functioning of State authorities, including the police. The introduction of martial law has created a number of new challenges for the police due to conduct of active hostilities, occupation of certain territories of our state, commission of a number of war crimes by the by the occupiers. Taking this into account, special attention should be paid precisely to the prompt and timely provision of high-quality police services to the affected population and timely, prompt and fully investigation of the war crimes on the de-occupied territories.

In this regard, Tataryn (2022) notes that organization of an investigation, including war crimes, is an activity of authorized actors aimed at creating favorable conditions for pre-trial investigation at each of its stages and ensuring the achievement of the objectives of criminal proceedings. Accordingly, the specified activity is characterized by the features determining its essence: purposeful and dynamic nature; implementation only by authorized entities; is a system of actions to create favorable conditions for investigation; is carried out throughout the entire investigation process (at each of its stages and during individual investigative (search) actions, covert investigative (search) actions, other procedural and non-procedural activities).

The organization of the investigation of war crimes is carried out in the following main directions: 1. Legal support, which lies in improving criminal procedural legislation taking into account the difficulties faced by law enforcement officers during the pre-trial investigation under conditions of martial law. 2. Material and technical support, which lies in increasing the funding of departments. 3. Staffing, which should be implemented in several areas: training, retraining and advanced training. 4. Ensuring cooperation during the investigation of war crimes both at the national and international level.

Teterianyk, Bekh & Odazhnu (2023) point out the feasibility of dividing the war into two phases when analyzing the organization of the investigation: the first is combat, in which it is difficult to establish a connection between recorded crimes and certain individuals; the second is occupational related to crimes committed by the Russian armed forces in the temporarily occupied territories (murders, torture and rape of the civilian population). The authors emphasize that when investigating the second category of cases, the initial efforts of investigative teams are directed to the urgent examination of bodies, establishment of the causes of death, their relationship and the nature of the relationship to the armed conflict.

The investigation of war crimes, state the scholars, is impossible without involving the cyber police, analysts and digital information, including from open sources. With the beginning of the armed conflict, the possibilities of OSINT (Open source intelligence) are widely used in the investigation of criminal proceedings. At the same time, not only law enforcement officers, but also journalists, public organizations, and institutions, whose activity for many years has been focused on carrying out investigations with the help of OSINT, are involved in the search and analysis of information about war crimes from open sources.

At the same time, receiving, fixing and storing the information that may be used as evidence in criminal proceedings has its own clearly defined rules. The Berkeley Protocol (Office of the United Nations High Commissioner for Human Rights, 2022) plays an important role in the processing of data obtained from open sources. It provides guidance on international standards for Internet investigations of alleged violations, on methods and procedures for collecting, analyzing and storing digital information in a professional, legal and ethical manner.

Important guidelines for the investigation of wrongful death and enforced disappearance are contained in the Minnesota Protocol (Office of the United Nations High Commissioner for Human Rights, 2017), which discloses issues of professional ethics, principles of organization and investigation of these facts, as well as defines the specifics of conducting individual investigative (search) actions.

Hloviuk and Teterianyk (2022, p. 65), having analyzing this document, draw attention to the following: "In the report «Human rights violations and abuses and international humanitarian law violations committed in the context of the Ilovaisk events in August 2014» (Office of the United Nations High Commissioner for Human Rights, 2018), attention is paid to the need for law enforcement agencies to ensure that investigations of torture, ill-treatment, extrajudicial executions and conflict-related killings are based on international standards and practices (e.g., the Istanbul Protocol and the Minnesota Protocol)".

The research by Yunin (2023) deals with the specific activity of the police under martial law and active hostilities, which is not characteristic of the police under peacetime conditions. It is indicated that in the conditions of the introduction of martial law, police officers take part in ensuring public safety and order in special conditions of service – this is activity during curfew and service at checkpoints, in conditions when active hostilities take place (as part of the process of de-occupation of territories). An important component of police activity under martial law is the evacuation of Ukrainian citizens from dangerous territories, the delivery of humanitarian aid to the areas where active hostilities are taking place. A particularly important direction is the activity of recording the facts of war crimes.

Bezpalova (2022) outlined the priority areas of the police activities in ensuring the rights of citizens during martial law:

- 1) Recording and qualification of war crimes in Ukraine;
- 2) Investigation of war crimes under active hostilities;
- 3) Demining of territories and buildings;
- 4) Protection of public order and public safety;
- 5) Detection of cases of illegal acts against children;
- 6) Use of modern information technologies, systems and means of information protection;
- 7) Psychological support for the work of the police under martial law and provision of primary psychological assistance to citizens by police officers.

The issue of the war crimes is not new for the scientific community, as the trials of these offenses were very much in the forefront of the news during the years immediately after the end of World War II.

For example, Green (1997) examined the concept of war crimes, crimes against humanity, and command responsibility by studying legal practice both in internationally agreed instruments and in judicial decisions, which clearly indicates that the principle of command responsibility, as well as that of individual liability, is fully recognized in both international and national law.

The Institute for International Criminal Investigations (OSCE, 2013) elaborated the Investigation Manual for War Crimes, Crimes Against Humanity and Genocide in Bosnia and Herzegovina, which is intended to provide an introduction to the broad areas of knowledge, skills, and techniques necessary to conduct field investigations into war crimes, crimes against humanity and genocide.

Levie & Lalgee (2008) investigated the history of the international treatment of war crimes and the conduct of war crimes trials, because much of our current understanding of these offenses and their investigation proceed from the activities taken immediately after World War II, and nowadays the ideas about crimes against humanity continue to evolve.

Sadly, wars and armed conflicts are a global problem of the modern world, during which the international humanitarian law rules are defiantly breached, the legal rights and freedoms of individuals are violated, and social tension in society is significantly increasing. Therefore, law enforcement agencies of Ukraine face the task of conducting proper and impartial investigation of all facts of criminal aggression and the use of prohibited means and methods of warfare. Our investigation will contribute to implementing this task.

Results and Discussion

In situations of armed conflict, security initiatives are an important element in the security architecture. Differentiated approach to the identification of priorities for the State's development allows creating an algorithm for the protection of constitutional rights and interests of citizens, taking into account threats, vulnerabilities and risks to national security. The Concept of Ensuring National Stability (Order of the President of Ukraine No. 479/2021, 2021) states that the reality that is being formed in the conditions of the rapid development of modern technologies changes traditional perceptions of threats as predominant causes of mainly natural, man-made, social or military nature. The latest methods of creating conflicts and crisis situations require an understanding of the nature of their occurrence on the basis of systemic analysis and risk assessment for the most important areas of society and the State, in particular, economic, energy, information, cybernetic, ecological, food, health care, education and culture. This provision stipulates the urgency of developing security projects that will ensure the protection of national security and maintain national stability in the state both during active hostilities and under martial law conditions, and during a certain post-conflict period of time (Nazymko, Ponomarova & Losych, 2024, p. 7).

Since February 24, 2022, Ukraine has faced the armed aggression of the Russian Federation, as a result of which illegal acts are regularly committed against civilians and military personnel, a significant proportion of which are war crimes. The interpretation of the concept of «war crimes» was first proposed in the Rome Statute of the International Criminal Court (Article 8); it presented their list, defined the limits of the permissible law, general principles of the exercise of national and international jurisdiction, as well as the principles of international criminal law (International Criminal Court, 2021). These include gross violations

of the 1949 Geneva Conventions and other grave breaches listed in the Charter, committed on a large scale during non-international and international armed conflicts (Avdoshyn et al., 2023).

In 2022, a number of changes and additions have been made to the Code of Criminal Procedure, in particular section IX-1 «Special Rules of Pre-Trial Investigation During Martial Law, Emergency or in the Area of Anti-Terrorist Operation» (Law No. 4651-VI⁶, 2012), which ensured effective criminal prosecution of persons under martial law. Such legislative initiatives also play an important role in the proper functioning of the pre-trial investigation bodies of the National Police of Ukraine.

At the same time, in order to counter the invader, the police have to solve a range of law enforcement and administrative tasks, the effective implementation of which is complicated by many factors (in addition to involving police personnel in repelling Russian aggression), in particular: a significant increase in the number of weapons and ammunition among the country's civilian population; temporary occupation of certain regions of the country; destruction of critical infrastructure facilities, primarily energy; blocking logistics channels; destruction of the housing stock of settlements and industrial facilities; the growth of expenses for military and reconstruction needs; mass movement of refugees; increase in the level of unemployment and, as a result, deterioration of the financial and economic well-being of the population of Ukraine; general social tension and exhaustion, etc. (Husarov, 2023). Despite these difficulties, the police quite successfully fulfill the tasks and functions assigned to it even in war conditions, as evidenced by the following data.

In particular, 3,327 bodies have been identified since the de-occupation, of which in Kiev (1,376), Kharkiv (1,024), Donetsk (392), Chernihiv (242), Kherson (210), Sumy (41), Mykolaiv (27), Luhansk (13) and Zhytomyr (2) regions. 3,242 bodies were examined, most of them in Kyiv (1,376), Kharkiv (940), Donetsk (392), Chernihiv (242), Kherson (208), Sumy (41), and Mykolaiv (27) regions. 3,235 bodies were delivered to the morgue, including those in Kyiv (1,376), Kharkiv (972), Donetsk (365), Chernihiv (242), Kherson (201), Sumy (41), Mykolaiv (27), Luhansk (9), and Zhytomyr (2) regions. NPU investigators interrogated 25,740 local residents on the circumstances of the crimes committed under martial law. Most people were interrogated in Kharkiv (12,675), Kyiv (3,957), Chernihiv (3,731), Kherson (1,916), Mykolaiv (1,931), Sumy (1,061), Donetsk (281), Luhansk (157), and Zhytomyr (31) regions. 40,419 damaged/destroyed civilian objects were inspected in the de-occupied territories, of which in Chernihiv (21,073), Kharkiv (11,634), Kyiv (3,812), Kherson (1,673), Mykolaiv (1,205), Donetsk (483), Sumy (420), Luhansk (91) and Zhytomyr (28) regions (National Police of Ukraine, 2024).

However, official statistics do not fully reflect the scale of war crimes committed, which is due to a number of circumstances: lack of access to the territories temporarily occupied by the Russian Federation, which makes it impossible to establish the facts of war crimes commission, conduct investigative (search) actions (inspection of the scene of the incident, search, interrogation, investigative experiment), identification of persons involved in the commission of war crimes, victims, witnesses and eyewitnesses; systematic shelling of the front-line areas and a high level of danger in the de-occupied territories, associated with the mining of the area, which significantly complicates the conduct of urgent investigative (search) and other procedural actions; lack of an appropriate legal framework regulating the procedure for the interaction of pre-trial investigation bodies with international organizations during the investigation of war crimes; inadequate training of investigators and operational staff due to insufficient practical experience in identifying, documenting and investigating war crimes (Shevchyshyna, 2024).

In this situation, one of the strategic priorities for the country remains the fight against crime under new specific conditions; criminogenic realities require an effective response mechanism by the State, in particular, ensuring coordinated, targeted, joint actions of legislative and law enforcement institutions.

According to Part 2, Art. 1 of the Law of Ukraine «On the National Police» (Law No. 580-VIII, 2015), it is central body of executive power that serves society by ensuring the protection of human rights and freedoms, countering crime, maintaining public safety and order, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine.

Art. 1 of the Law of Ukraine «On the Legal Regime of Martial Law» (Law of Ukraine No. 389-VIII, 2015) states that martial law is a special legal regime introduced in Ukraine or in some of its localities in the event of armed aggression or a threat of attack, a threat to the State independence, its territorial integrity, which in fact is grounds for introducing martial law. This article also states that martial law is imposed to repel

armed aggression, to eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, which is the purpose of introducing martial law (Shvets & Semenyshyn, 2022, p. 21).

Taking into account the experience of police participation in ensuring law and order during armed aggression against Ukraine, the Verkhovna Rada of Ukraine adopted the Law of Ukraine No. 1702-IX «On the Basics of National Resistance», in which it defined the legal and organizational framework of the national resistance, the basics of its preparation and conduct, tasks and powers of law enforcement forces on the issues of national resistance and amended the Law «On the National Police» in terms of granting additional powers to the police (Article 24). However, the amendments to the Law were adopted in 2021 and do not take into account the realities that arose as a result of full-scale armed aggression, when the police were forced to take an active part in hostilities, protecting the sovereignty and territorial integrity of the country.

Currently, as a result of existing contradictions between international and Ukrainian legislation, where, on the one hand, the police cannot act as a belligerent, and on the other hand, it belongs to the actors involved in the defense of the State, engaging such entities in armed conflict is legitimate on the territory of Ukraine, and accordingly, a police officer participating in a military conflict on his own territory must have the status of a lawful combatant under the Geneva Convention relative to the Treatment of Prisoners of War (United Nations, 1949), the Police Declaration (Parliamentary Assembly of the Council of Europe, 1979).

In order to effectively coordinate the work of the National Police bodies regarding the investigation of war crimes committed in the temporarily occupied territory of the respective region, it is necessary to take a number of organizational and practical measures, in particular:

I. Procedural aspects:

After the liberation of population centers and territory from enemy troops, the regional administration of the Security Service of Ukraine or the Regional Prosecutor's Office starts «basic» criminal proceedings on the grounds of crime provided for in Part 1 – 2, Art. 438 of the Criminal Code of Ukraine (Law No. 2341-III, 2001), based on the facts of war crimes committed within the territory of the united territorial community comprising the respective localities. If necessary, several «basic» criminal proceedings can be initiated within the same united territorial community (for example, in the case of several large settlements with a significant number of detected war crimes, significant territorial remoteness, etc.). If there are already started «basic» criminal proceedings in the regional subdivision of the Security Service of Ukraine on the commission of war crimes in particular de-occupied territories, it is necessary to deal with work in these proceedings (without registration of new ones).

A multidisciplinary investigative team is established for each of these proceedings (i.e. already initiated), primarily of the Security Service of Ukraine and the National Police of Ukraine, which includes investigators of central apparatuses, regional departments (both of these departments), as well as of police territorial units.

The body of pre-trial investigation in such proceedings is the investigative departments of the regional offices of the Security Service of Ukraine; the head of the team of investigators is the investigator of this department. Procedural management is carried out by the regional prosecutor's office; the head of the group of prosecutors is the employee of a specialized division of the regional prosecutor's office or the head of the regional prosecutor's office or the supervising deputy. The group of prosecutors includes employees of regional and local prosecutor's offices. The prosecutors of the Prosecutor General's Office may be included in the group of prosecutors according to the Prosecutor General's decision.

All investigative actions related to recording and investigation of war crimes committed on the territory of the united territorial community are carried out within the framework of the specified «basic» criminal proceedings. In case of registration of additional facts (direct detection of crimes, receipt of statements and reports, etc.) that took place on the territory of the united territorial community in the Unified Register of Pre-trial Investigations (ERDR), the prosecutor shall decide on the necessity of their unification with the corresponding «basic» criminal proceedings in the light of the specific circumstances. Violations of the laws and customs of war are classified under Art. 438 of the Criminal Code of Ukraine.

If it is necessary to separate pre-trial materials regarding one or more criminal offenses from «basic» criminal proceedings to increase the efficiency of their investigation, including by entrusting the investigation to another pre-trial investigation body, be guided by the requirements of Art. 217 and 36 of the Criminal Code of Ukraine.

II. Organizational aspects:

To ensure the stable work of the Main Departments of the National Police and interregional territorial units, their structural and subordinate (separate) units in the investigation of war crimes, as well as to guarantee public order and security, combat crime, provide high-quality police services, achieve police personnel safety during power, heating and communications outages, the following measures are planned and implemented:

1. **Preparatory measures of an organizational nature** (carried out in advance): 1) preparation of a plan of priority actions of personnel during power, heating and communications outages; 2) preparing personnel notification scheme in case of loss of habitual sources of communication due to power outages; 3) identifying the place of assembly of subordinate employees and their way of arrival (if necessary, transportation) to the specified places; 4) calculations of the forces and means necessary to ensure public safety and order, combating crime, in case of power, heating and communications outages (taking into account subordination of the personnel of separate territorial subdivisions of interregional territorial police bodies to the heads of the General Departments of the National Police); 5) determining the number and locations of police units, development of their layout on national and local roads to ensure road traffic safety and provide assistance to citizens during their evacuation in the event of a power outage, as well as taking into account the severity of weather conditions; 6) elaboration of operational plans for the protection of important social, financial, administrative buildings, objects of critical infrastructure, life activities of the population, etc., in case of power outages; performing additional police security force and assets calculations for enhanced security of protected engineering facilities to place physical security at such facilities; 7) obtaining lists of locations of safety points, heating points in from the State Emergency Service, calculating the number of personnel to ensure the protection of public order in their locations, as well as delivering lists of such locations to each police officer who will serve as part of the squad; 8) identifying places (public access areas) for possible placement in the premises of the territorial police units of persons in need of assistance (heating, access to the Internet, etc.); 9) establishing contacts with the representatives of communal services to ensure appropriate cooperation in the event of a power outage or significant complication of weather conditions; 10) submission of a request (if necessary) to the relevant military administrations on the provision of additional forces and means for ensuring public order and security, protection of objects (of territorial defense, volunteer formations of territorial communities, municipal guards, etc.); 11) warning personnel of the need to consider possible options for relocation families from cities to settlements with individual heating and the possibility of cooking for 7–10 days.
2. **Practical measures** (in case of power, heating and communication outages): 1) personnel meet on the signal «COMBAT ALARM», and after the briefing and setting tasks is involved as much as possible in public order and security measures, in combating crime by patrolling in public places on the service territory; 2) registration of statements and notifications on the commission of offenses and other events is carried out at the bodies (subdivisions) of the police in the registers of the unified record. When setting up the power supply and resuming work of the Information portal of the National Police of Ukraine, information in the shortest possible time are entered into the information subsystem «Unified accounting» of the Information Portal; 3) in compliance with the previously made calculations, patrol police and patrol police response teams are deployed in accordance with the scheme of their location on the highways of state and local importance in order to ensure the safety of road traffic and provide assistance to citizens during their evacuation from large populated areas considering complicated conditions; 4) protection of critical infrastructure facilities, in the first place – energy supply and vital activities of the population, is strengthened according to previously made calculations; 5) deployment of police at critical junctions and roads; 6) protection of safety points deployed by the State Service of Ukraine for Emergency Situations, as well as by local authorities, is being organized, squads that will be used for this purpose are deployed (patrol routes are approximated); 7) provision is made for maximum involvement of personnel of territorial police bodies (subdivisions) and separate units of

interregional territorial police bodies to perform tasks to prevent street crime in the conditions of long-term power outage; 8) during the performance of police functions, provision is made for maximum use of loudspeakers to inform citizens about: air alarms in case of announcement of relevant signals by the emergency services (the sound of a siren pre-recorded on the mobile phones of policemen will be relayed through loudspeakers); location of the nearest shelters, heating stations, safety points; police units, which have premises (common access areas) that can be used as heating points; 9) police squads as well as those involved in responding to crimes and offenses are policing exclusively with flashing lights; 10) the uniform of police officers performing their duties in the dark time is equipped with light-accumulating and light-reflecting elements; 11) in case of significant deterioration of weather conditions, the work of police units is organized considering the need to change officers every 2 – 3 hours to provide the necessary time for rest, heating and eating; 12) immediate reporting of all emergency events is ensured through the available communication channels of the DOAZOR duty unit and the Situation Center of the National Police of Ukraine.

To ensure proper interaction between the bodies and departments involved in recording and investigating war crimes in the de-occupied territories of the respective region, a Coordination Headquarters is created, which includes the representatives of these bodies and departments (central and regional level), in particular chief officers of investigators' and prosecutors' groups in «basic» criminal proceedings, heads of relevant units of the prosecutor's office, pre-trial investigation and operational units.

If necessary, the establishment of this headquarters is possible through the establishment by the head of the regional prosecutor's office or by changing the existing inter-agency working group on the investigation of crimes committed in the context of armed conflict. Members of this headquarters ensure proper communication and exchange of information between departments. Operation of the headquarters is possible within a single room, which is determined taking into account logistical features of the territory.

If necessary, the headquarters should include representatives of local military civil administrations, territorial units of the State Emergency Service, expert services (without permanent deployment in the same building).

The work of investigators, prosecutors, operatives and other specialists involved in recording and investigating war crimes starts after the completion of demining measures, as well as filtering measures in de-occupied territories (detection of shadow-aligned group, collaborators, etc.).

As part of the Coordination Headquarters operation, the issue of attracting the necessary, including additional, forces and means to ensure effective work is resolved. Besides, accumulation, timely exchange, systematization and analysis of information on the results of the development of territories and investigation of crimes, planning of further work, etc. is ensured within the framework of the headquarters.

It is necessary to effectively distribute tasks between investigators of different agencies depending on their usual specialization in the course of investigation in «basic» criminal proceeding, in particular, prioritize the following activities in the work of law enforcement agencies:

investigators of the security agencies should focus on recording and investigating: attacks on infrastructure facilities necessary to sustain the civilian population, objects of cultural heritage, nuclear facilities, educational and medical facilities, granaries, as well as attacks on civilian facilities, which caused large-scale destruction and numerous victims among the civilian population; mass theft of food (grain crops, etc.); circumstances of ill-treatment or other illegal actions against prisoners of war; deportation and illegal displacement of the population; operation of the headquarters, commands' offices and command posts of enemy troops, other occupying authorities agencies;

investigators of the National Police should focus attention on recording and investigating: murders; circumstances of mass burials; sexual violence; cruel treatment of the civilian population; operation of places of mass illegal detention of the civilian population, their ill-treatment; facts of disappearance in the occupied territories; illegal deprivation of liberty; looting of property; attacks on civilian objects (except those classified as priorities of the Security Service of Ukraine);

when making a decision to entrust the investigation to the relevant pre-trial investigation bodies within the «basic» criminal proceedings of individual episodes of war crimes discovered in the de-occupied territories

of the specified region, one should consider, among other things, the number of investigators, their workload, experience and practical skills in investigating different types of crimes; to resolve issues regarding establishing separate groups for recording and investigating the facts of sexual violence related to the armed conflict.

III. Practical aspects

At the initial stage of the investigation, it is advisable to obtain and process information from the Security Service filtering groups, military personnel for the purpose of establishing and developing the locations of: headquarters, commandant offices and other occupation authorities' agencies; places of deployment and location of enemy artillery units, air defense, other military units of the Russian Federation; places of illegal detention of the civilian population.

At the stage of planning the work of the relevant investigative groups, one should analyze information from the Unified Register of Pre-trial Investigations (ERDR) on the facts of the commission of high-profile crimes under Art. 438 of the Criminal Code of Ukraine (cruel treatment of prisoners of war or civilians, deportation of civilian population to engage them in forced labor, pillage of national treasures on occupied territories, use of methods of the warfare prohibited by international instruments, or any other violations of rules of the warfare stipulated by international treaties).

In this context, it is worth emphasizing the features of the investigative and search activities, in particular, the inspection of the scene and interrogation.

The investigation of criminal offenses is related to the collection of proper, admissible and reliable evidence. The deployment of Russian military aggression in Ukraine actualized the search for additional sources of information about hostilities (Horska et al., 2023, p. 353). The main method of collecting them is conducting investigative (research) actions the most important of which are the inspection and interrogation. Thus, investigative inspection of buildings and structures damaged and destroyed as a result of artillery shelling and bombing, as well as interrogation of victims and witnesses of violent actions on the part of the invader are an integral part of criminal proceedings related to the investigation of war crimes.

Inspection of the scene of war crimes, in particular shelling or explosions, is the most difficult type of investigative inspection, an important and urgent investigative and search activity, which is carried out on the grounds and in the manner provided for in Art. 214, 237, 238 of the Criminal Procedure Code of Ukraine. The purpose of the examination of the facts of shelling or explosions is to record the consequences of the destruction of movable and immovable objects, the terrain, the places of death, the use of the means of warfare prohibited by international law for the further identification of the dead, assessing the damage caused, detection and seizure of items (remnants of projectiles, mines, etc.), in particular prohibited by international law, which led to the loss of life and destruction; safe transfer of such items to designated places for storage as physical evidence, as well as their destruction if necessary.

The tasks of the examination of the facts of shelling or explosions are: recording the violation of the laws and customs of war – identification of the crime scene, date and time, possible means of destruction, their type (examination of left craters and ammunition remnants); verification of the direction of fire (creating a reproduction pattern according to the configuration of the craters and the scattering of the remnants of ammunition); establishing the possible location of the means of destruction (the possible location of the means of fire destruction is determined by the firing direction (2/3 of the maximum firing range), space images of the area are studied).

Among the features of inspection and removal of objects from the site of the shelling, the following can be highlighted: emergency and rescue operations; large survey area and number of traces, in particular fragments of ammunition or explosive devices, mostly small in size; a significant number of fragments of the physical environment, which make it difficult to detect the remains of ammunition or explosive devices; victims in need of medical assistance and evacuation; adverse weather conditions (during inspection in open terrain); coming under repeated fire, possibility of explosions of additional ammunition or explosive devices and flammable substances, collapses, fires and other factors dangerous to human health and life, etc.; preparation of the inspection report outside the scene using photo and video recording materials, schematic plans, drafts and notes created, in particular, using audio and video recording devices at the scene of the incident; observance of security measures during detection, examination, extraction, transportation

and storage of seized explosive physical evidence (Striltsiv et al., 2018, pp. 16–17; Cherniei et al., 2023, p. 94).

Inspection of the scene of an accident in this category of criminal proceedings begins first of all with measures to locate and neutralize explosive devices and ammunition that did not explode. These measures are carried out exclusively by explosives specialists (employees of the explosives service, the State Emergency Service, sappers of the Armed Forces of Ukraine, etc.). Inspection of the scene of the incident can be performed only after its examination by the indicated employees, reporting on the possibility of initiating an investigative action (compilation of the verification report) and briefing with the members of the investigative-operational group.

Typical conditions for conducting an inspection of the place where war crimes were committed envisage the work of investigators and other authorized actors (prosecutors, specialists) at the sites of destruction of civil and critical infrastructure objects, architectural monuments as a result of artillery and missile attacks, bombardment; looting and destruction of all forms of property; murders, massacres and burials; torture; presence of military personnel and mercenaries of the aggressor country; storage of military equipment and ammunition; causing damage and pollution of the natural environment (Kravchuk & Bondarenko, 2022).

During the investigation of war crimes in the de-occupied territories, interrogation can be conducted with different categories of persons who may have different status – prisoners of war, victims, witnesses, specialists, etc. At the same time, it should be noted that information about the facts of operational interest, as a rule, is the property of a limited circle of individuals who may be interested in hiding this information (Vazhynskyi et al., 2024, p. 79). In this case it is worth determining the purpose of the interrogation, which may be obtaining information about the armed aggression of the Russian Federation/or other states against Ukraine, specific episodes of violations of the laws and customs of war, the involvement of the interrogated person, examining (if available) the materials of the preliminary interrogation, interviewing the person who is planned to be interrogated or other persons, the materials of conducting other investigative (search) or covert investigative (search) actions. Interrogation plan is drawn up and an approximate list of questions is prepared considering the list of questions to be asked during the interrogation, information likely to be known to the person and the status of the person being questioned. It is necessary to prepare the place for the interrogation, determine the method of recording (handwriting, computer printing) and the need to use other objects and documents (topographic maps, photo and video materials, etc.), audio and video recording, predict the number of media for continuous recording; notify the participants of the interrogation in advance (interviewee, lawyer, translator, etc.), consider the expediency of conducting the interrogation by the investigating judge in accordance with Art. 225 of the Criminal Procedure Code of Ukraine, as well as the application of security measures.

Despite the significant number of scientific works devoted to the violation of the international humanitarian law rules during wars and military conflicts, the study of various aspects of the war crimes investigation, the features of investigating war crimes in de-occupied territories and the specific role of the National Police in this process remained out of the attention of scientists. Thus, the proposed scientific provisions and practical recommendations can be used in investigative and judicial practice, in scientific activity and the educational process when preparing the police officers to working on the de-occupied territories.

Conclusions

The activities of the National Police of Ukraine bodies and units during the investigation of war crimes in the de-occupied territories are aimed at ensuring prompt, complete and impartial investigation of war crimes, so that any perpetrator of such acts is held accountable according to his guilt, and includes a number of algorithmic actions, namely:

- 1) **Procedural** – initiation of criminal proceedings on the grounds of offences provided for in Part 1 and Part 2, Art. 438 of the Criminal Code of Ukraine by the pre-trial investigation body (Security Service of Ukraine, Prosecutor's Office); creation of an interdepartmental investigative group, which includes employees of the Security Service and the National Police; conducting investigative and search activities for the purpose of recording and investigating war crimes;
- 2) **Organizational** – preparatory (in advance) organizational direction and practical measures (in the event of power, heating and communications cuts) are conducted to ensure the National Police stable operation in the investigation of war crimes; creation of the Coordination Headquarters, which includes

the senior officers of investigators' and prosecutors' groups, heads of relevant divisions of the prosecutor's office, pre-trial investigation and operative divisions. Accumulation, timely exchange, systematization and analysis of information on the results of developing territories and investigating crimes, planning further work, distribution of investigative (search) tasks between investigators of different agencies etc. is ensured within the headquarters;

- 3) **Practical** – receiving and processing information from filtering groups for the purpose of establishing and developing locations of: headquarters, commandant offices and other occupation authorities' agencies; deployment locations and locations of enemy artillery units, air defense systems, and other military units of the Russian Federation; places of illegal detention of the civilians; performing investigative and search actions (inspection of the scene of crime, interrogation); ensuring accumulation, systematization and analysis of work results within the Coordination Headquarters.

The outlined algorithm of interaction between law enforcement agencies ensures performing tasks provided for in Art. 2 of the Criminal Procedure Code of Ukraine during the investigation of war crimes in the de-occupied territories.

War is reflected not only in people's lives, but also makes adjustments in all spheres of activity. Since February 24, 2022 the functionality of the National Police of Ukraine has significantly expanded. Evacuation of people, documentation of war crimes, exhumation, demining, maintaining law and order in real conditions of active hostilities are already daily challenges for police officers.

The police are the first structure that enters the de-occupied territories, restores law and order, provides stabilization measures, conducts work with the population, and collects evidence of war crimes committed by russian aggressors and collaborators.

Therefore, the educational process in higher education institutions of the Ministry of Internal Affairs of Ukraine must meet today's challenges and train specialists who can respond them quickly and effectively. The clear algorithm of actions proposed by us, taking into account possible power, heating and communication outages when working in the de-occupied territories, is able to help both in the training of young specialists and to provide practical support to already experienced officers.

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