

Institutional and Legal Mechanism for Combating Crimes Against Peace and Security of Humanity in Ukraine

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The article substantiates the need for a comprehensive approach to the formation of an institutional and legal mechanism for combating crimes against peace and security of mankind in Ukraine in conditions of armed aggression. The international legal and general theoretical principles of prosecuting genocide, crimes against humanity, war crimes and the crime of aggression are revealed, as well as their significance for national law enforcement. The role and interaction of key criminal justice bodies (prosecutors' offices, pre-trial investigation bodies, specialized units) in ensuring effective documentation, investigation and procedural management are analyzed. Procedural and organizational tools (in absentia, fixation, specialized registers) and their guarantee potential are identified. The international dimension and prospects for improvement through cooperation with the International Criminal Court, International Centre for the Prosecution of the Crime of Aggression against Ukraine, international investigative groups and the model of a special tribunal for the crime of aggression are outlined.

Keywords: crimes against the peace and security of mankind; international criminal law; war crimes; institutional and legal mechanism; investigation; counteraction.

1. Introduction

The institutional and legal mechanism for countering crimes against the peace and security of mankind in Ukraine should be considered as a complex system of interconnected norms, bodies, procedures and practices that ensure the detection, investigation, criminal prosecution and trial of international crimes, as well as the implementation of decisions and international obligations of the state. In the current conditions of armed aggression against Ukraine, this mechanism operates in a mode of increased intensity and is simultaneously under pressure from two contours of requirements: internal (efficiency, legality, guarantees of human rights) and external (compatibility with international standards, cooperation with international institutions, ensuring complementarity).

The relevance of the study is due to the fact that crimes against the peace and security of mankind have a special criminal-legal and criminal-procedural nature: they require proving contextual elements, building complex evidentiary structures and often include a transnational component (evidence, witnesses, suspects, assets). Under such conditions, there is a need to simultaneously improve national institutional capabilities and integrate into the international infrastructure of responsibility in order to minimize jurisdictional gaps and avoid fragmentation of the evidentiary base.

The purpose of the article is to comprehensively highlight the international dimension and prospects for improving the institutional and legal mechanism of Ukraine in the field of countering crimes against the peace and security of mankind. To achieve the goal, the emphasis is on the analysis of Ukraine's participation in international prosecution mechanisms (cooperation with the International Criminal Court, International Centre for the Prosecution of the Crime of Aggression against Ukraine, international investigative groups), as well as on the assessment of initiatives to create a special tribunal for the crime of aggression against Ukraine in terms of legal models, potential powers and correlation with existing institutions of international criminal justice.

2. Methodology

The methodological basis of the article is a combination of general scientific and special legal methods of cognition, which provides a holistic study of the institutional and legal mechanism for combating crimes against the peace and security of mankind in Ukraine. As a basis, a dialectical approach and a system-structural analysis were used to consider the relationship between international legal standards, national legislation, institutional practices and procedures for proving. This approach corresponds to the ideas widespread in criminal law about the need for a systemic, dogmatic and comparative legal toolkit in the analysis of complex legal phenomena.

The key special methods are the formal-legal (dogmatic) and legal interpretation methods, which were used to clarify the content of procedural instruments (in particular in absentia), the competences of criminal justice bodies and the correlation of national norms with international obligations. The comparative legal method was used to compare national approaches with international models (ICC, Eurojust/ICPA, ad hoc and hybrid tribunals) in order to identify institutional gaps and possible directions for legal adaptation. The substantive content of the comparative analysis is focused on practical significance for improving law enforcement and rulemaking. The empirical component of the methodology was implemented through the analysis of open documents and official materials of international institutions and national bodies (statements, information pages, regulatory and organizational acts), as well as through the generalization of practice-oriented conclusions of modern scientific literature. This made it possible to combine the normative level of research with the institutional reality of the functioning of mechanisms for prosecuting international crimes, in particular regarding the organization of documentation, the exchange of evidence, and the construction of evidentiary structures "compatible" with international standards.

3. General theoretical and international legal principles of combating crimes against the peace and security of mankind

Crimes against the peace and security of mankind constitute the core of international criminal law as a branch aimed at protecting the fundamental values of the international community. Their essence lies in encroaching on international peace, the security of peoples and the foundations of the international legal order. Modern doctrine emphasizes that these crimes are the most serious violations of peremptory norms of international law (*jus cogens*), and therefore, their prosecution cannot be limited by the internal borders of jurisdiction [1]. They are universal in nature, which makes it possible to apply the principle of universal jurisdiction.

Historically, the formation of the concept of crimes against the peace and security of mankind is associated with the activities of the Nuremberg and Tokyo tribunals, which first established the principle of individual criminal responsibility for international crimes regardless of the official status of a person. The 1945 Statute of the International Military Tribunal defined the categories of crimes against peace, war crimes and crimes against humanity, which became the basis for further codification [2]. It was these provisions that initiated the modern system of international criminal justice.

In the theoretical dimension, the system of crimes against the peace and security of mankind includes genocide, crimes against humanity, war crimes and the crime of aggression. Their common feature is an encroachment on the collective good of humanity and international order. As M. Shabas notes, these crimes are characterized by a special public danger and an international dimension, which distinguishes them from transnational crimes of a general criminal nature [3].

The crime of aggression is considered the most serious form of encroachment on international peace, since it is associated with the illegal use of armed force contrary to the UN Charter. According to Article 2(4) of the Charter of the United Nations, all Members shall refrain from the threat or use of force against the territorial integrity or political independence of any State [4] The prohibition of aggression is thus fundamental and forms the basis of international security.

Genocide, as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, involves intentional acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. Article II of the Convention details the forms of such destruction, which have become the basis for subsequent judgments by international tribunals [5]. The distinctive feature of genocide is the special intent (*dolus specialis*), which is a mandatory element of the crime.

War crimes are based on violations of international humanitarian law, primarily the Geneva Conventions of 1949. Article 147 of the Fourth Geneva Convention defines “grave breaches” that are subject to criminal prosecution, including wilful killing, torture or inhuman treatment [6]. International humanitarian law thus provides the normative foundation for the criminalization of war crimes.

Crimes against humanity are distinguished by the fact that they can be committed in both wartime and peacetime, if they are part of a widespread or systematic attack against a civilian population. Article 7 of the Rome Statute of the ICC lists the acts that constitute such crimes, including murder, deportation, torture and other inhumane acts [7]. This approach has unified international standards for criminalization.

The 1998 Rome Statute of the International Criminal Court was the first universal treaty to systematically define four categories of the most serious international crimes and create a permanent judicial mechanism for their prosecution. Article 5 of the Statute establishes the Court’s jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression [7]. This was an important step in the formation of a sustainable international criminal justice system.

The practice of the ad hoc tribunals for the former Yugoslavia and Rwanda has significantly influenced the interpretation of international crimes. In its judgment in *Prosecutor v. Tadić*, the International Criminal Tribunal for the Former Yugoslavia emphasized the applicability of international humanitarian law in both international and non-international conflicts, expanding the scope of criminal responsibility [8]. This decision set a precedent for subsequent case law.

The institutional architecture of international criminal justice today is based on the ICC as a permanent court with complementary jurisdiction. The principle of complementarity, enshrined in the Preamble and Article 17 of the Rome Statute, means that the ICC only acts when a state is unwilling or unable to effectively investigate or prosecute [7]. This approach ensures a balance between international and national jurisdiction.

In addition to the ICC, ad hoc and hybrid tribunals, established on the basis of agreements between the UN and the states concerned, play an important role. They combine international and national elements of justice, which allows taking into account the specifics of a particular conflict and ensuring the legitimacy of the trial. The experience of the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia demonstrates the effectiveness of this approach.

International investigative mechanisms, in particular independent international commissions of inquiry and evidence-gathering mechanisms, contribute to the documentation of crimes and the preparation of materials for subsequent judicial proceedings. They play a supporting but strategically important role in ensuring the inevitability of responsibility.

Thus, the general theoretical and international legal principles of combating crimes against the peace and security of mankind form a comprehensive system of norms and institutions aimed at protecting the international legal order. The interaction of treaty standards, case law and institutional mechanisms ensures the gradual development of international criminal law and the establishment of the principle of the inevitability of punishment for the most serious crimes.

4. Powers and interaction of key bodies: the Prosecutor General's Office, the Security Service of Ukraine, the National Police, specialized units for the investigation of war crimes

The system of powers and interaction of key criminal justice bodies in war crimes proceedings in Ukraine is polycentric in nature: it combines the procedural “vertical” of the prosecutor’s leadership, the institutional specialization of pre-trial investigation bodies and network coordination links between them. In conditions of armed conflict, such a system takes on an additional burden,

since the subject of proof includes not only the fact of the event and the involvement of specific individuals, but also contextual elements (the nature of the armed conflict, the status of the victims, the connection of the act with military actions), which directly affect the qualification and standards of proof.

Within the framework of the national model of criminal proceedings, the prosecutor (through the Office of the Prosecutor General and the prosecutor's office system) plays the role of a procedural integrator, ensuring legal certainty in the course of proceedings and bringing together the results of the work of various investigative bodies into a single structure. It is through the prosecutor that, as a rule, procedural decisions are concentrated, determining the general trajectory of the investigation (from the initial qualification and the "map" of investigative versions to the procedural perspective of the trial), and the manageability of multi-episode cases, where several lines of evidence exist simultaneously, are also guaranteed.

The procedural management of the pre-trial investigation, provided for by the CPC, forms a normative "framework" of interaction between the prosecutor's office and the pre-trial investigation bodies. In this framework, the prosecutor is not a passive observer: he is authorized to organize the course of the investigation by providing instructions and instructions, thereby ensuring the unity of the procedural will of the prosecution and minimizing the risks of scattering evidence or making contradictory procedural decisions in related episodes.

The normative logic of this approach is particularly evident in war crimes proceedings, where the lack of time to record traces, high security risks, and limited access to the scene of the incident can lead to the loss of evidentiary information. Therefore, the prosecutor's organizational and procedural role objectively tends to strengthen: he ensures a reasonable sequence of procedural decisions, prioritization of investigative actions, and legally correct "packaging" of evidence, taking into account the requirements of admissibility and relevance [9]. At the same time, the effectiveness of such a model directly depends on a clear delimitation of the competence of pre-trial investigation bodies through the institution of investigation. For our subject, it is of fundamental importance that the Code of Criminal Procedure of Ukraine defines a general rule: investigators of the National Police conduct a pre-trial investigation of all criminal offenses, except for those that are directly attributed to the investigation of other bodies. This means that the police often act as the "primary procedural window" for reports of war events, when at the time of registration there is still no complete picture regarding special investigation.

The special investigative jurisdiction of the Security Service of Ukraine in the context of war crimes has practical significance, since the Code of Criminal Procedure directly attributes to the competence of "investigative security bodies" a number of elements, including Article 438 of the Criminal Code of Ukraine, as well as other crimes that in typical war cases often form a de facto "package" (high treason, acts of collaboration, crimes against the peace and security of mankind, etc.). As a result, the Security Service of Ukraine often becomes the lead agency when a war crime is related to issues of state security, access to sensitive information, counterintelligence risks, and the need for special documentation capabilities. Competition in investigative jurisdiction (or its apparent competition) in war proceedings is not a purely technical problem; it concerns the content of criminal policy and the quality of law enforcement. When one event contains elements of different criminal offenses (for example, a war crime combined with unlawful deprivation of liberty, torture, theft of property, participation in occupation structures), the question of procedural architecture arises: whether to conduct the case in a consolidated manner or to "split" the episodes between the authorities, risking fragmentation of the evidentiary base.

At this point in the interaction, the prosecutor's role takes on the character of procedural arbitration: the prosecutor must ensure that the determination of criminal responsibility serves the purposes of an effective investigation and does not become a tool for "transferring" cases or avoiding difficult decisions. In fact, it is about managing risks — the risk of duplication (parallel proceedings regarding the same fact), the risk of gaps in evidence (when no authority "picks up" a certain section of the evidentiary field), and the risk of procedural defects that reduce the judicial prospects of the case.

The complexity of war crimes proceedings is exacerbated by the fact that the domestic criminal process operates under martial law, which significantly transforms some of the procedures and the balance between guarantees and security needs. The doctrine emphasizes that the “war transformations” of criminal proceedings include, in particular, the assessment of evidence obtained within the framework of special “military” norms (for example, Article 615 of the Code of Criminal Procedure) [10], as well as the need to maintain a balance between security interests and human rights. This directly affects how the prosecutor organizes interaction with investigative bodies and which procedural decisions he considers to be priorities.

The practical consequence of this is the need for procedural discipline in documentation, since war conditions increase the temptation to “simplify” procedures beyond what is permissible. In scientific approaches to war crimes proceedings, it is emphasized that pre-trial investigation is faced with the objective impossibility of obtaining some evidence from temporarily occupied territories or territories of active hostilities (interrogation, search, seizure, etc.), which requires clear decisions on alternative methods of collecting and recording evidentiary information. This leads to more stringent requirements for coordination between the Office of the Prosecutor General of Ukraine, the Security Service of Ukraine and the National Police of Ukraine, so that each evidentiary “chain” has a procedurally impeccable design [11]. It is important that the category of “specialized units for the investigation of war crimes” itself is not reduced to the formal existence of separate structural units; it means the presence of stable competencies and standards. The doctrine emphasizes such features of the national level of war crimes investigation as: the complexity of qualification due to the blanket nature of Art. 438 of the Criminal Code; the need to reflect contextual elements in procedural documents; the complexity of documentation due to security factors; specialization of units; interaction with various subjects of documentation; use of OSINT and digitalization of data collection. Such guidelines, being methodological, actually dictate interagency rules of interaction: “who collects”, “how to pack”, “who verifies” and “who bears procedural responsibility” [12].

Coordination of the Office of the Prosecutor General of Ukraine with the Security Service of Ukraine and the National Police of Ukraine in this logic has two interrelated planes. The first is procedural (instructions, instructions, approval of procedural decisions, ensuring a single vision of the subject of evidence), the second is organizational (exchange of information, coordination of priorities, ensuring specialization and distribution of workload). In conditions of martial law, this duality is intensified, because the share of “organizational” barriers (logistics, security, personnel losses, movement of units) increases, which directly affect the procedural outcome. Of particular importance is the issue of admissibility and quality of evidence obtained from various sources, including data collected by non-state documentation subjects. Although in a criminal process the final “procedural transformation” of such data into evidence occurs through the tools of the Code of Criminal Procedure, it is precisely interdepartmental interaction that determines how early and correctly the information will be verified and consolidated so as not to lose its evidentiary potential in court. In this sense, specialized units have the function not only to “investigate”, but also to standardize approaches, form typical fixation protocols and train related units.

With the changing nature of the war (massive shelling, occupation practices, deportations, crimes against prisoners of war), the profile of interaction between agencies also changes. Thus, the “one event — one agency” approach often turns out to be unsuitable: a proper investigation requires simultaneously forensic fixation (often police), counterintelligence capabilities (often Security Service of Ukraine) and prosecutorial integration, which ensures the legal stability of the evidentiary model. That is why the focus should not be on nominal competence, but on the system’s ability to quickly and correctly determine which agency is the “leading” and which perform auxiliary or related functions under procedural guidance.

The contemporary literature on criminal proceedings for war crimes emphasizes that there are numerous “challenges and responses” that go beyond purely criminal procedural techniques: it is about combining national procedures with international standards, as well as the transformation of evidentiary practices in connection with digitalization and the use of open data. This means that effective interaction between the Office of the Prosecutor General of Ukraine, the Security Service

of Ukraine, and the National Police of Ukraine must include not only the division of powers, but also the coordinated adoption of standards (including on the preservation of digital traces, metadata, and the chain of custody), otherwise “failure” at an early stage will devalue the work of all bodies at the trial stage. In conditions of martial law, the importance of proper motivation of procedural decisions by the prosecution also increases, because “military” norms are not a *carte blanche* for procedural deviations, but rather a mechanism for acting in a situation of objective obstacles. Accordingly, the interaction of the authorities should be structured so that each decision on a special procedure (summons, term, jurisdiction/investigation, possibility of carrying out certain actions) is supported by clear, verifiable grounds and procedural control by the prosecutor. This approach reduces the risk of further “destruction” of the prosecution due to procedural flaws.

The prosecutor's office in such a system focuses primarily on fulfilling the constitutionally defined function of organizing and procedurally managing pre-trial investigations and supervising covert and other investigative and search activities, which in wartime conditions turns into the basic management function of the entire “ecosystem” of investigations. At the same time, in practice this means: the prosecutor must not only assess the sufficiency of evidence, but also ensure the correct interaction of units of different departments in a timely manner so that the evidentiary picture is formed into a holistic procedural model suitable for judicial control and subsequent sentencing.

Taking into account the above, the powers and interaction of the Office of the Prosecutor General of Ukraine, the Security Service of Ukraine, the Office of the Prosecutor General of Ukraine and specialized units in the field of war crimes investigation should be considered as a dynamic structure, where legislative subordination sets the boundaries of competence, and prosecutorial procedural management ensures integration and manageability. The success of this design is measured not by the number of registered proceedings, but by the system’s ability to produce procedurally sound cases with the proper subject matter of proof, admissible evidence, and a clearly defined circle of responsible subjects at each stage.

5. National procedural and organizational tools for investigation and prosecution (special pre-trial investigation, in absentia proceedings, recording of war crimes, specialized registries).

National procedural and organizational tools for investigation and prosecution of war crimes in Ukraine form a set of mechanisms designed to ensure the inevitability of criminal liability under the objective inaccessibility of some suspects and the high “fragility” of evidence obtained in the combat zone. This set combines extraordinary procedures (in absentia), special regimes of procedural activity under martial law, as well as digital and registry solutions that guarantee the recording and reproducibility of evidentiary information.

The starting premise is that war crimes as a category of cases are usually investigated in situations of time constraints, risks for investigative teams, loss of primary sources, and the need to quickly transform “field” information into procedurally usable evidence. This leads to the increasing importance of standardized documentation and centralized accounting, without which neither proper coordination between agencies nor a high-quality procedural decision on suspicion and accusation are possible.

One of the key procedural tools is a special pre-trial investigation (in absentia), which allows the proceedings to proceed in the absence of the suspect if there are grounds provided for by law and judicial control. By its nature, this mechanism is an exception to the general model of personal participation and the exercise of the right to defense “here and now”, therefore its application requires a higher standard of justification and evidentiary discipline on the part of the prosecution [13].

The Code of Criminal Procedure of Ukraine establishes a general rule that a special pre-trial investigation is carried out by decision of an investigating judge and within the limits of certain categories of crimes, as well as in the presence of procedural signs of evasion/hiding and other legal conditions. In the context of an armed conflict, this institution acquires an additional functional dimension: it is designed to minimize “procedural traps” for the state when the suspect is in a

temporarily occupied territory or on the territory of an aggressor state and is actually unavailable for the service of documents and ensuring appearance (Code of Criminal Procedure of Ukraine, Art. 297-1) [10].

A logical continuation is special judicial proceedings (in absentia proceedings), which ensure the consideration of the indictment in the absence of the accused in cases provided for by law, while maintaining the basic guarantees of protection through the institution of a defense attorney and procedural safeguards of judicial control. Its function is not to “simplify” justice, but to avoid paralysis of the prosecution in cases where the absence of the accused is a consequence of his evasion or actual unavailability.

However, in absentia instruments should be applied taking into account their extraordinary nature, as they carry the risks of procedural vulnerability in the case of a formal approach to proving grounds (evasion, wanted list, proper notification, provision of protection). In modern Ukrainian doctrine, special pre-trial investigation is described as a mechanism for ensuring the effectiveness and inevitability of punishment, but on condition that the “exclusivity” of the procedure is supported by real factual grounds and sufficiency of evidence for suspicion [13].

In parallel with procedural procedures, the set of tools for recording war crimes is extremely important, since the quality of documentation at an early stage directly determines the prospects for national and international prosecution. Scientific works emphasize that recording (documentation) is not an “appendix” to the investigation, but its foundation, given the specifics of war cases: the multiplicity of episodes, a significant number of victims/witnesses, destruction of infrastructure, population displacement and the need to confirm the context of the armed conflict [12].

From an organizational point of view, recording war crimes is not limited to the activities of a single body, but involves the coordination of actions of the prosecutor's office, pre-trial investigation bodies, expert institutions, as well as interaction with other entities that can provide information (including open source materials). This necessitates the need for standardization of approaches: from the initial “field” recording to the procedural consolidation of materials so that they can be verified, reproduced and assessed by the court.

An additional element of the organizational infrastructure is specialized registers and digital accounting systems that ensure the unity of registration of events and procedural decisions, as well as transparency of the progress of the proceedings. In this context, the Unified Register of Pre-Trial Investigations and the information and telecommunication solutions related to it perform the function not only of a “book of accounts”, but also of a technological platform for controlling deadlines, ensuring data integrity and synchronizing the work of various subjects of criminal proceedings [14].

The regulatory and organizational basis for maintaining the Unified Register of Pre-Trial Investigations is enshrined in departmental acts of the Prosecutor General's Office, in particular through the order on approval of the Regulation on the Unified Register of Pre-Trial Investigations and the procedure for its formation and maintenance, indicating changes as of recent years. This means that the registry component is subject to continuous “adjustment” to wartime conditions: from the protection of personal data and access procedures to tools for electronic information interaction with other departments [15].

In practical terms, specialized registers are also important because they allow maintaining the manageability of the war crimes proceedings portfolio: providing analytics, avoiding duplication of registrations, tracking connected episodes, and generating data for management decisions. Combined with proper documentation, this creates the prerequisites for building “stable” cases, where the evidence base does not fall apart into incompatible fragments.

At the same time, the use of special procedures (in absentia) and the digitalization of criminal proceedings impose increased requirements for procedural guarantees, primarily regarding access to legal aid, proper notification, preservation of materials, and the possibility of their verification. That is why the optimal model is one in which special pre-trial investigation and absentia proceedings do not replace the classic standards of adversarial proceedings and a fair trial, but compensate for the objective obstacles caused by the war, under the control of the court and with proper protection.

Therefore, national instruments for investigating and prosecuting war crimes should be

described as an integrated mechanism, where procedural “superstructures” (special pre-trial investigation and special judicial proceedings) are combined with organizational solutions (crime recording and registry systems). Their common goal is to transform fragmentary wartime data into a verifiable, reproducible and legally admissible evidentiary construct that can withstand national and, where necessary, international scrutiny.

6. International dimension and prospects for improving the institutional and legal mechanism of Ukraine

The international dimension of improving the institutional and legal mechanism of Ukraine in the field of prosecuting international crimes is determined by a combination of three interrelated contours: cooperation with the ICC, participation in coordination platforms on the crime of aggression (in particular, the ICPA at Eurojust), as well as the development of multilateral formats for collecting and exchanging evidence (international investigation teams, joint databases, etc.). These contours form not only “external support” for national justice, but also a framework for internal reforms: harmonizing evidentiary procedures, improving the quality of documentation, and eliminating jurisdictional gaps regarding the crime of aggression.

Ukraine’s cooperation with the ICC is of systemic importance for ensuring complementarity, i.e., harmonizing national proceedings with the possibility of international prosecution of individuals for the most serious crimes. In this approach, the ICC does not “replace” national authorities, but creates an additional level of accountability and standardization that encourages the state to ensure proper investigation and trial within its own jurisdiction.

The institutional focus of the ICC on war crimes and crimes against humanity in the context of Ukraine was confirmed by the statements of the ICC Prosecutor’s Office on the opening of an investigation into the situation in Ukraine in 2022 [16]. For Ukraine, this means the need to align national evidentiary practices with the expectations of international criminal justice, in particular regarding the chain of custody of evidence, witness protection, and the procedural suitability of materials collected in extraordinary circumstances of war.

A separate area of international cooperation is Ukraine’s participation in mechanisms for prosecuting the crime of aggression, where the traditional jurisdictional capabilities of the ICC are limited due to the specifics of the jurisdictional regime regarding this crime. This has led to the need for specific institutional arrangements that allow for the accumulation and standardization of evidence at an early stage, preparing materials for future trials in a jurisdiction that will be established or designated.

This is the function of the International Centre for the Prosecution of the Crime of Aggression against Ukraine, built into Eurojust as a “unique judicial coordination hub”, supporting national investigations of the crime of aggression, facilitating the exchange of evidence and contributing to the development of a common investigation and prosecution strategy. The location of the ICPA in The Hague further strengthens its role as a bridge between national teams and other actors of international criminal justice, including the ICC [17].

The key institutional value of the ICPA lies in “building the case” on aggression as a leadership crime, for which evidence of decision-making at the highest levels of political and military leadership is crucial. For Ukraine, participation in such a format means a transition from fragmentary documentation of individual events to the systematic formation of evidence arrays capable of confirming the elements of aggression as an act of the state and the role of individual subjects in planning, preparing, initiating or carrying out an aggressive act.

Parallel to the ICPA, international investigative teams (Joint Investigation Teams) are developing, which act as an organizational model for the operational exchange of information and evidence between competent authorities of different states [17]. Their significance for Ukraine lies in the possibility of rapid transnational verification of data, obtaining evidence abroad, as well as in “stitching” evidence chains for proceedings where part of the elements of the crime are implemented outside Ukraine (for example, deportation, forced displacement, transportation of persons, etc.).

It is important that cooperation in the ICPA/JIT formats is technologically and methodologically linked to the evidence preservation infrastructure being created at the Eurojust level. In this sense, the prospects for improving the Ukrainian mechanism directly depend on the ability to integrate into international standards for working with digital evidence and big data, as well as on the development of the internal capacity of pre-trial investigation bodies to "produce" evidence in a format suitable for transnational use.

Another international "track" of responsibility that is important for a comprehensive justice model is the mechanisms for recording and accounting for damage, which form the evidentiary and procedural basis for future compensation. In particular, public EU documents emphasize the function of the Damage Register for Ukraine as a mechanism for recording evidence and information on claims for damage, loss or injury caused by aggression for the purpose of future consideration and compensation [18].

This block is important for Ukraine not only in the civil law, but also in the criminal law dimension, since data sets on destruction, loss and displacement can assist criminal investigations, in particular in establishing the scale, systematicity and causality. Accordingly, a promising direction is the institutional "compatibility" of damage registration mechanisms with criminal registers and information systems, taking into account the requirements for the protection of personal data and the secrecy of the investigation.

In the context of initiatives to establish a special tribunal for the crime of aggression against Ukraine, the issue of the legal model is key, as it determines both the legitimacy of the future body, its jurisdictional boundaries, and its ability to overcome procedural barriers related to immunities. Given that the ICPA is explicitly seen as a "first step" to preserve evidence and prepare cases for future trials — whether in national courts, the special tribunal, or the ICC for crimes within its jurisdiction — the tribunal model must be consistent with the already established mechanisms for evidence and coordination.

The issue of the special tribunal's relationship with existing institutions is also critical, in order to avoid duplication of jurisdiction and conflicts of procedural standards. In practical terms, this means that the tribunal (in the chosen model) must be "embedded" in a network of international legal assistance, evidence bases, mechanisms for the transfer of materials, and, if necessary, mechanisms for the enforcement of decisions, otherwise it risks remaining declaratory.

The prospects for improving the Ukrainian institutional and legal mechanism in this area should be linked to three groups of tasks: (1) increasing the interoperability of national evidentiary standards with international ones (ICC/Eurojust), (2) institutionalizing the specialization on aggression as a leadership crime through stable coordination procedures with the ICPA and partners, (3) developing an "ecosystem of responsibility" that combines criminal prosecution with damage registries and compensation mechanisms [18].

In general, Ukraine's international participation in prosecution mechanisms (ICC, ICPA, JIT and related instruments) should be considered as a strategic resource for modernizing the national justice system in wartime. It creates conditions for the transition from a reactive model of investigations to a proactive one, in which evidentiary work, legal qualification and institutional coordination are planned with an eye on further national and international judicial prospects.

7. Conclusions

The international dimension of combating crimes against the peace and security of mankind for Ukraine should be interpreted not as an "external" addition to national justice, but as a structural component of the modern model of accountability. It is thanks to international cooperation (ICC, ICPA, international investigative teams and related platforms) that channels for accumulating, verifying and exchanging evidence are created, which strengthen Ukraine's ability to build procedurally stable cases and ensure their judicial perspective.

Cooperation with the ICC has a dual effect: on the one hand, it provides the possibility of international prosecution of individuals for the most serious international crimes, and on the other, it

“pulls” national institutions up to the standards of evidence, protection and procedural integrity. The principle of complementarity in this context means that the modernization of the national mechanism is not an optional direction, but a necessary condition for the effective functioning of the accountability system as a whole.

The creation and activities of the ICPA demonstrate the importance of a specialized coordination core specifically for the crime of aggression, which has a leadership character and requires decisions and actions to be proven at the highest political and military level. For Ukraine, institutional consolidation of such a direction through stable channels of international exchange of evidence, analytical integration and unification of approaches to the formation of a “case of aggression” as a complex evidentiary structure is promising.

Initiatives to create a special tribunal for the crime of aggression against Ukraine should be assessed through the prism of their legal model (sources of mandate, jurisdictional boundaries, procedural rules, funding, personnel architecture) and interaction with already operating institutions. The effectiveness of such a tribunal will directly depend on the extent to which its mandate and procedures are coordinated with existing mechanisms for collecting and preserving evidence, with the possibilities of international legal assistance and with the institutional landscape of the ICC and Eurojust in order to avoid duplication, conflicts of standards and “layering” of evidentiary work.

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