



MONITORING
OF THE MEDIA
AND COURT WEBSITES
IN TERMS OF THE
COVERAGE OF
**WAR CRIMES
CASES**

2023

Media monitoring and analysis of court websites in terms of coverage of war crime proceedings / A. Rozlutska, V. Lebid, edited by V. Rybak - Kyiv: Human Rights Vector NGO, 2023. - 25 pp.

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The publication was prepared by the Human Rights Vector NGO within the framework of the project "Court Communications of War Crime Cases" to further develop guidelines for covering war crime proceedings for courts of first instance and appellate courts, as well as other project objectives. The report consists of two main parts: monitoring of Ukrainian and foreign media and monitoring of websites of courts of first instance and appellate courts. The authors of the report analyze materials published during the year after the commencement of Russia's full-scale invasion of Ukraine, namely from 1 March 2022 to 1 April 2023.

The report was prepared primarily for internal use by the project partners, but it may be revised later and published in full or in part.

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INTRODUCTION

Russia's war against Ukraine is taking place in several dimensions: physical - on the battlefield, limited to a specific state territory; informational - in mass media, social media, official resources, and public speeches, and this dimension extends to the whole world. The military defends our sovereignty, life, and property. As Dmytro Kuleba aptly notes in the title of his book¹, a war for reality is taking place in the information space, where the struggle for meaning is taking place through distortion, manipulation, concealment, or clarification of information.

The main task of the judiciary is to administer justice, but at the same time, it establishes and reveals the truth to the public, which, in turn, will shape narratives, values, and meanings. Society has high expectations of the judiciary and a high demand for justice², which can lead to increased trust in it but also to the risk of complete -disappointment and disbelief in law if these expectations are not met.

Today, the courts can become a crucial point of support for people in winning the battle for the truth, a "war" for which they will continue for years as trials continue. That is why the judiciary should prepare itself as much as possible to conduct long-term, balanced, communicative³ activities that require an understanding of their importance, strategic planning, and coordinated action.

The cooperation of the government and civil society is important on this path, as it will help to achieve high-quality and sustainable results. The Human Rights Vector NGO continues to work to ensure the right to a fair trial, in particular in the areas of the right to open hearings, establishing a dialogue between the judiciary and the public, and developing judicial communications. An important strategic direction is to increase the capacity of courts and other actors to cover war crimes trials.

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¹ Dmytro Kuleba. *The War for Reality: How to Win in the World of Fakes, Truths and Communities*. - 3rd edition, updated - Kyiv: Knygolav, 2022. - 384 p. - (The Shelf of Non-Fiction Series).

² *The Nationwide Telephone Survey "Opportunities and Challenges Facing Ukraine's Democratic Transition"*, conducted by the Kyiv International Institute of Sociology on 2-9 August 2022, showed that fair justice for all is ranked second by the respondents among the major characteristics of a fully functioning democracy. Access mode: <https://bit.ly/3LViRZV>

³ Lytvynenko V. *Communicative and communication systems - differentiation of concepts // Actual concepts of mass communication*. - 2013. - №14. - P. 30-32.

The team of the Human Rights Vector NGO conducted a study in the summer of 2022 and prepared a report based on its results, entitled "Communications by the Judiciary of War-Related cases: Ten Questions and Answers⁴." The report's recommendations highlight the importance of ongoing, systematic communication of war-related court cases in Ukraine with an emphasis on war crimes, which are of great interest to Ukrainian society and the international community. The approval of the report by the Council of Judges of Ukraine by Decision No. 33 of 06 October 2022 reinforces the judiciary's understanding of the importance of work in this area.

This report presents the results and conclusions of the monitoring of media and court websites regarding the coverage of war crime proceedings⁵. The research team investigated how war crime proceedings are covered in Ukrainian and foreign media, how the proceedings are communicated, and how individual war crime proceedings are conducted by the courts of first instance and appeal. For this reason, we analyzed publications on the websites of the courts regarding war crime proceedings to understand whether the information is complete, accessible, accurate, and understandable for the media and society.

The findings and conclusions can help develop the Guidelines for the coverage of war crime proceedings for courts of first instance and appellate courts; train court communication teams and in their further communication work. Although the subject of the study is war crime proceedings, the conclusions and recommendations on their coverage can be applied to other war-related cases.

The report was prepared primarily for the internal use of the partners of the project "Court Communication of War Crime Cases," implemented by the Human Rights Vector NGO by the generous support of the American People through the United States Agency for International Development (USAID) under the Justice for All Activity. The report will be disseminated among the members of the working group of representatives of the judiciary and institutions that will participate in the strategic sessions to develop Guidelines for the coverage of war crime cases for courts of first instance and appellate courts. Subsequently, the report may be supplemented and published in full or in part as part of other publications to be prepared within the framework of the Project, as the report may be of interest to the judiciary, as well as representatives of other branches of government, media, NGOs, and international organizations.

⁴ *Communications by the Judiciary of War-Related cases: Ten Questions and Answers* / Valeriia Rybak, Nazarii Boyarskyy - Kyiv: Vistka LLC, 2022. 62 p. Access mode: <https://hrvector.org/zviti/22-10-01-sw>

⁵ You will find a detailed description of the terminology, including "war crime cases" in Section 2 of this report, which focuses on monitoring court websites for coverage of war crime proceedings.

CONCLUSIONS

Below are key points of the media environment analysis conducted from March 01, 2022, to April 01, 2023

1. Currently, the courts are not a source of information even in terms of informing about the results of war crime cases (i.e., court judgments), which negatively affects the quality of information messages, understanding of the trial, and frequency of its coverage.

2. Media as a tool is not sufficiently used by the courts, i.e., there is no communication between the courts and the media. In most cases, the media receive information from one of the parties to the proceeding, the Prosecutor General's Office.

3. The court websites referenced by the media in the materials selected for the analysis take a long time to load; the links are broken or no longer contain the information mentioned in the news.

4. Courts are not stakeholders of information, even when it comes to court judgments, the circumstances of the case that the court took into account.

5. According to the information in the top Ukrainian media, it is impossible to understand the role of war crime trials that are currently taking place in Ukrainian courts for historical memory and international justice.

An analysis of reports on war crime proceedings on court websites showed that:

1) information about judgments in war crime cases during the period under study was published on court websites only in half of the cases;

2) for the most part, courts do not inform on their websites (posted on the Judiciary of Ukraine general website) about the trial stages;

3) in most cases, courts do not provide a link to the text of the court decision in the Unified Register of Court Decisions in their information messages and do not indicate the case number under which the decision can be found in the Register;

4) publications about court decisions are not informative, as they usually do not contain either a description of the circumstances of the case or the reasoning behind the decision; therefore, these publications are not a source of information about the merits of the case, so for journalists who want to cover this case in the media, these publications cannot serve as a resource for the material;

5) courts do not accurately inform the public about war crime cases on their websites on the Judiciary of Ukraine website.

1. MONITORING OF MEDIA COVERAGE OF WAR CRIME PROCEEDINGS

1.1. Monitoring methodology

The goal

To monitor the coverage of war crime trials in Ukrainian and foreign media and analyze the communication of the trial individual court hearings in war crime cases in the courts of first instance and appellate courts, as well as the disposition of the adjudicated cases.

Search term

One year from March 1, 2022, to April 1, 2023, was chosen for the analysis of publications.

Search keywords

- “war crimes”;
- “military crimes”⁶;
- “article 438”;
- “court”;
- “court decision”;
- names of persons charged in the commitment of war crimes with regard to whom court judgments were delivered (see Table 1).

Table 1.1. List of Individuals Charged in the Commitment of War Crimes with Regard to Whom Court Judgements Are Delivered together with Number of Mentionings in the Media

Object	Number of mentionings	Object	Number of mentionings
Vadym Shyshymarin	5073	Kezhik-ool	26
Oleksandr Ivanov	657	Sholban Kuular	25
Oleksandr Bobykin	596	Chayan Chinan	23
Mykhailo Kulikov	444	Ruslan Kolesnikov	22
Ruslan Kuliyeu	70	Oleksii Okonnikov	22
Artur Shambazov	56	Valentyn Bych	20
Andrii Tishenin	53	Maksym Volvak	18
Andrii Chudin	50	Mykhailo Ivanov	18
Pavlo Aganayev	46	Serhii Steiner	16
Bayaskhalan Shultumov	38	Kostiantyn Kacharov	12
Serhii Zakharov	38	Mykola Filatov	5
Ivan Oorzhak	29	Anvar Iriskhanov	4
Shaktar-ool	28		

⁶ Although this term refers to a completely different type of criminal offense, the expert team added this search phrase to identify relevant materials, as the preliminary media analysis showed that there are cases when journalists mistakenly use it to refer to war crimes.

The analysis is based on search terms related to the trial.

Data to analyze

Online media (news websites of news agencies, newspapers, magazines, TV channel websites): national, regional, foreign, and international media.

The languages of the request are Ukrainian and English.

The following tools were employed for the analysis:

Google subscription, Google trends, Telegram bots (MyNews, MediaMonitoringBot), search engines, and the LOOQME media monitoring system.

Under survey:

- media activity of court proceedings;
- sources of national, regional, and foreign media;
- determining the position of the research objects in the media environment by quantitative and qualitative indicators;
- conducting content analysis based on individual cases and informing on courts' communicating war crime trials.

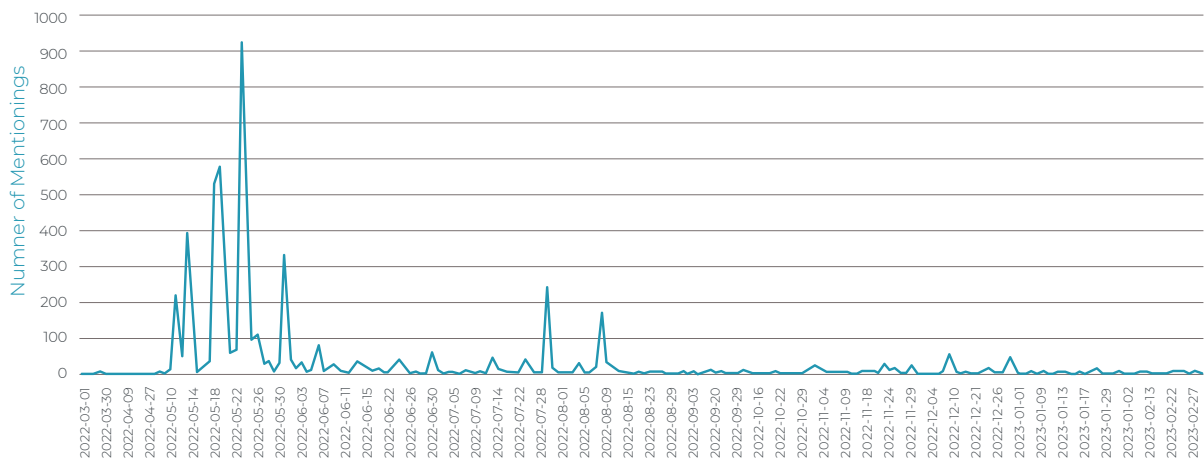
Key survey questions

1. How do the media communicate war crime trials?
2. How do courts communicate war crime trials?
3. Does society understand the importance of war crime trials?

1.2. Monitoring results

Over the entire survey period, **6080** mentionings to the court and trials of the above **25** persons charged in the commitment of war crimes with regard to whom court judgments were delivered were recorded, of which **2587** were original materials, courtroom reports, news reports, court hearing announcements, materials about trials, etc. The peak of communication activities fell in May 2022 when the court considered the first war crime case, the one against Vadym Shyshmarin.

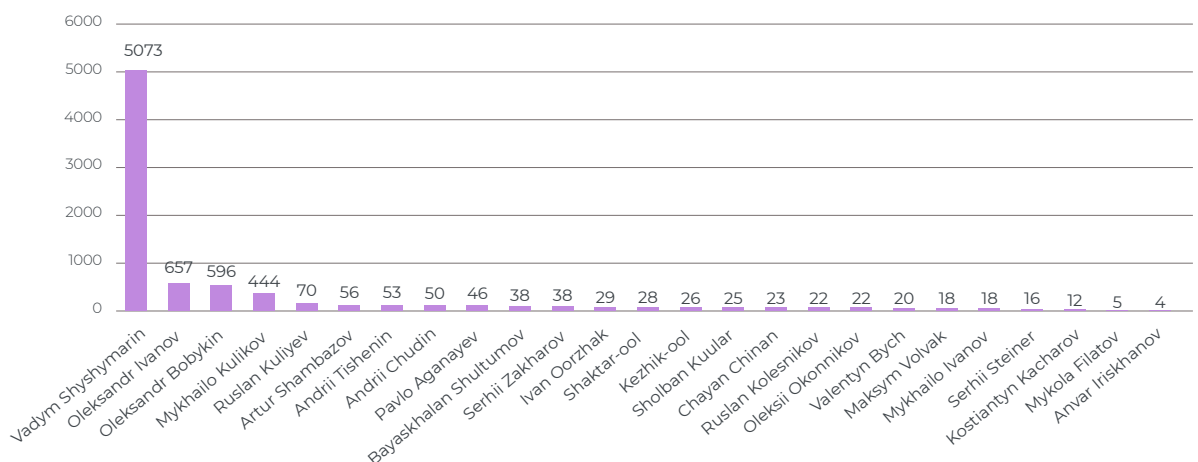
Chart 1.1: Monthly Patterns of Mentions



Most intensive media coverage involves several war crime cases, specifically, the cases of Vadym Shyshmarin (5073 mentionings), Oleksandr Bobykyn (596 mentionings), and Oleksandr Ivanov (657 mentionings), Mykhailo Kulikov (444 mentionings).

High media activity is observed when the SBU releases a video of a confession, the case is referred to court, court hearings are held, and the court issues its ruling. Other cases have less than 100 original mentionings.

Chart 1.2. Number of Mentions by Names



The geography of coverage of war crimes is quite broad. Ukraine is most active in covering war crimes trials. Thus, almost 74% of all materials were published in the Ukrainian media, 20% in the US media, 4% in the British media, 1% in the French media, 0.6% in the German media, etc.

Table 1.2. Geography of Mentions

1	Ukraine	73.53 %	9 429
2	USA	20.29 %	2 602
3	Great Britain	3.97 %	509
4	France	1.27 %	163
5	Germany	0.61 %	78
6	Russia	0.11 %	14
7	Poland	0.05 %	7
8	Spain	0.05 %	7
9	Brazil	0.05 %	6
10	Canada	0.04 %	5
11	India	0.01 %	1
12	Nigeria	0.01 %	1

Most often, journalists refer (see Annex 1.1) to communications of the Office of the Prosecutor General, Security Service of Ukraine, and State Border Guard Service (telegram channel, Facebook page), the Prosecutor General's Twitter or Facebook page, and quite seldom to courts' communications. Thus, in the case of Bobykyn and Ivanov, one can find a reference to the court press service. However, this is the exception rather than the rule. As noted earlier, the courts are not a source of information for the media in these cases.

The tone of the materials (used to analyze the mood of the text and the emotional component) is mostly neutral (57%) or negative (43%), reflecting the level of satisfaction of the media and the target audience.

It is worth noting that the tone is the emotional attitude of the author of a message to a specific object expressed in the text. It is an emotional component identified at the level of lexeme or a communicative fragment. The tone of publications can be positive, negative, or neutral.

A sample of information was provided by LOOQME, which determined the tone. The method of attributing the tone is manual, meaning that analysts independently attribute the criterion of "positive," "negative," or "neutral" to each publication.

Thus, the messages containing the words "occupier," "murder," "behind bars," "shoot" are considered to have a negative tone in the contextual combination:

*“The trial against occupier.
Case of the murder of a civilian heard in Kyiv”;*

*“Confessed to killing a civilian.
Details of court hearing in Shishimarin case”;*

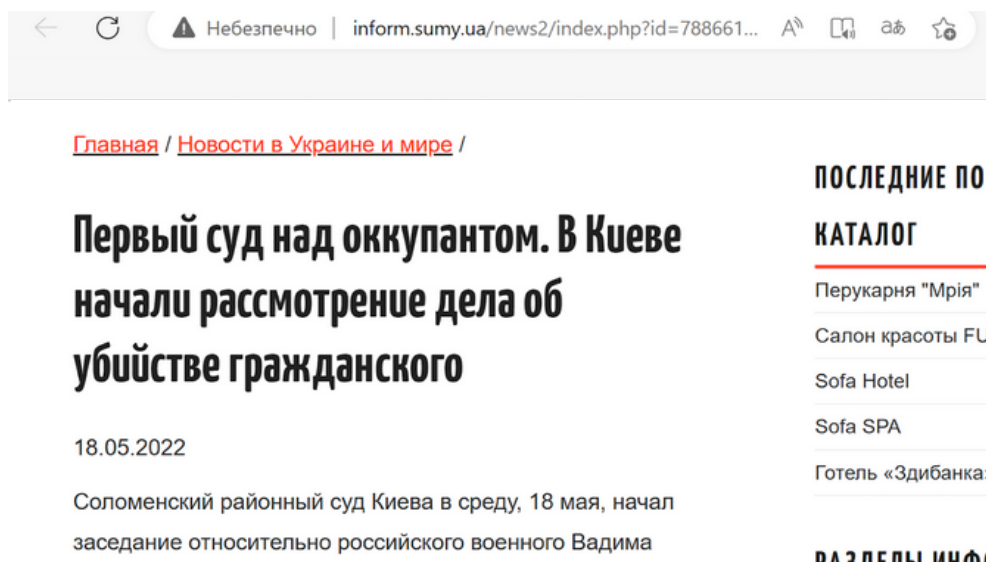
“Rest of his life behind bars: court convicted him of murder”.

Messages with a neutral tone were defined as those that reported on the event in a more restrained manner. For example, instead of "occupier," the headlines used "Russian military," "pleads guilty," "confesses," etc.:

*“Russian soldier accused of murdering a resident of Sumy Oblast
pleads guilty and is ready to testify”;*

*“First trial against Russian soldier.
Who is Shishimarin, and what is he accused of?”.*

You can see examples of headlines on the screenshots.

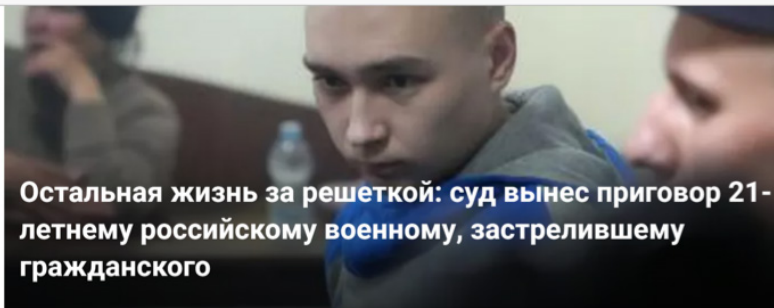


The screenshot shows a web browser with the URL inform.sumy.ua/news2/index.php?id=788661.... The page content includes a breadcrumb trail: [Главная](#) / [Новости в Украине и мире](#) / [Новости в Украине и мире](#). The main headline reads: **Первый суд над оккупантом. В Киеве начали рассмотрение дела об убийстве гражданского**. Below the headline is the date **18.05.2022** and a sub-headline: **Соломенский районный суд Киева в среду, 18 мая, начал заседание относительно российского военного Вадима**. On the right side, there is a sidebar titled **ПОСЛЕДНИЕ ПОС КАТАЛОГ** with a list of items: **Перукарня "Мрія"**, **Салон красоты FUS**, **Sofa Hotel**, **Sofa SPA**, and **Готель «Здибанка»**. At the bottom of the sidebar, there is a section titled **ВАЗПЕЛЫ ИМФН**.

First trial of the occupier. In Kyiv court began hearing case of killing a civilian 05/18/2022 Solomianskyy District Court of Kyiv on Wednesday, May 18, started hearing in case of Russian military officer Vadym Shishimarin

Признался в убийстве гражданского. Как прошло заседание суда по делу российского военного Шишимарина — итоги

https://my.ua/news/cluster/2022-05-23-ostalnaia-zhizn...



Остальная жизнь за решеткой: суд вынес приговор 21-летнему российскому военному, застрелившему гражданского

23 мая, 13:48, 2022

Новость на украин

Події

17:28 18.05.2022

Російський військовий, обвинувачений у вбивстві жителя Сумської області, у суді визнав свою провину та готовий давати свідчення

2 хв читати



Солом'янський районний суд Києва у середу розпочав розгляд по суті справи за обвинуваченням російського військовослужбовця Вадима Шишимарина у вбивстві мирного жителя Сумської області.

Під час судового засідання прокурори озвучили обвинувальний акт, після чого суд поцікавився у Шишимарина, чи зрозуміло йому, в чому його

ВІЙНА УКРАЇНА ВТОРГНЕННЯ РОСІЇ В УКРАЇНУ ІСТОРІЇ ЛЮДИ ПОЛІТИКА

Перший суд над російським військовим: хто такий Вадим Шишимарін і в чому його звинувачують оновлено

20 травня 2022, 14:45



Нікіта Галка

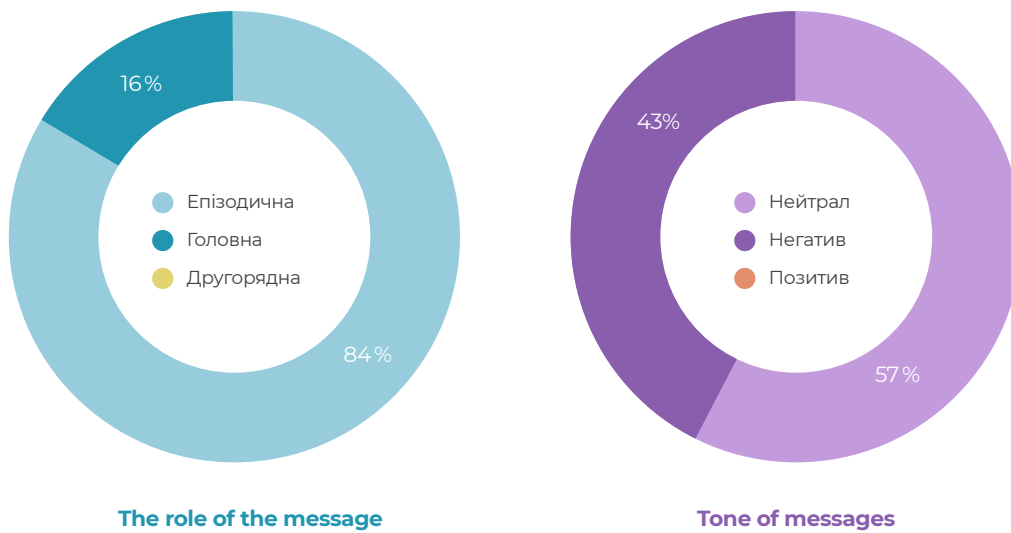
SUSPILNE NEWS

First trial against Russian soldier. Who is Shishimarin

and what is he accused of? May 20, 2022, 14:45 Nikita Galka

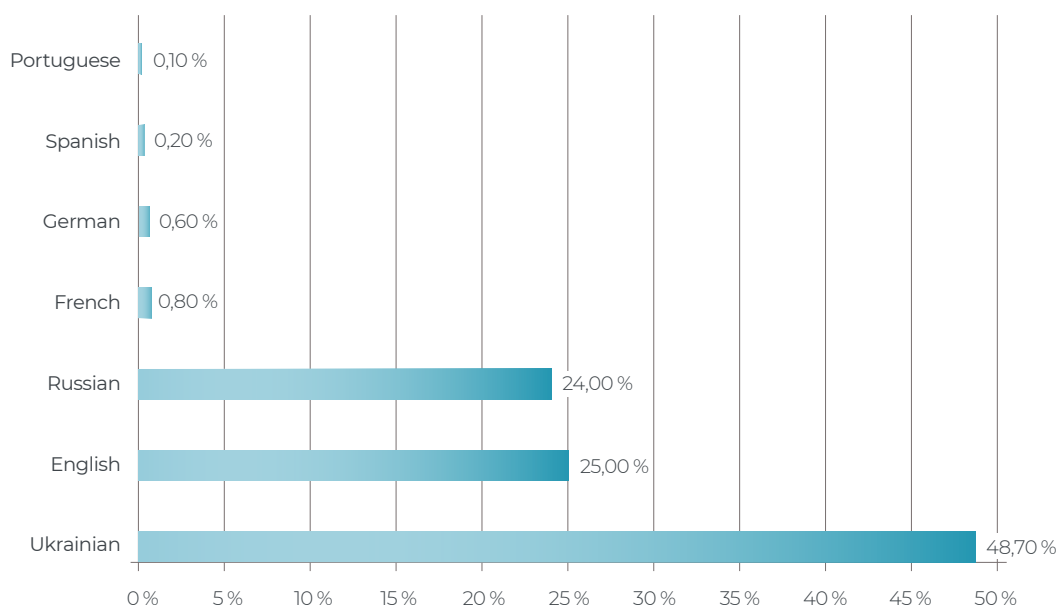
The reports are either episodic (84%) or mainstream (16%). This indicates that war crime cases for many media outlets remain as separate news events. Such outlets as the Graty, Court Reporter, ZMINA, and Suspilne cover war crime proceedings in a systemic manner.

Chart 1.3. Tone and role of messages



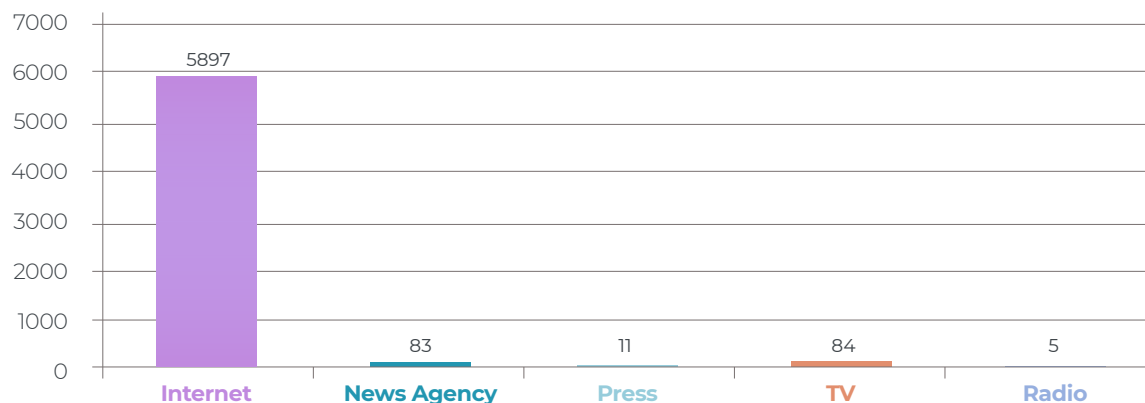
Classification of messages by language: 49% in Ukrainian, 25% in English, and 24.5% in Russian. It is important to note that the majority of these reports belong to Ukrainian media, as Russia does not cover war crime trials (the percentage is less than 1%).

Chart 1.4. Message Language Map



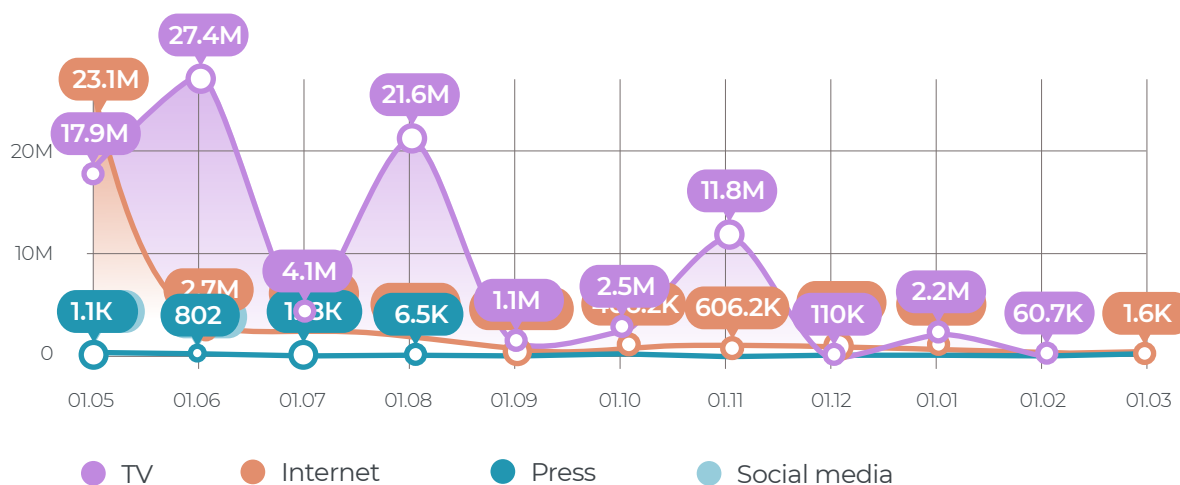
The sources and coverage are mostly news feeds of media outlets or government websites. The highest coverage of these cases was provided by the Internet (95%), news agencies (1.5%) and TV (1.5%). When analyzing the dynamics of coverage by type of media, television has the advantage: national outlets – 16%, regional outlets – 21%, little-known outlets – 43%, and the top 100 most popular outlets – 19%.

Chart 1.5. Types of Media Actively on Covering War Crime Cases



Journalists are not always aware of how the trial proceeds and have different expectations from it. For example, at the event with the Prosecutor General, Ukrainian journalists asked why the trial lasted so long, while foreign journalists (0414, BBC) asked why it ended so quickly. It is not uncommon to come across reports in foreign media about the speed of the trial. Journalists occasionally confuse war crimes with military crimes.

Chart 1.6. Coverage Dynamics by Media Type



The Shishimarin case is the highest profile case; it accounts for 65.5% of all the content we reviewed as part of our monitoring. The case was actively covered on the information platforms of the Prosecutor General's Office, the Prosecutor General, and the Security Service of Ukraine. Thus, the Prosecutor General's Office had almost a million audience reach when reporting on the case. However, the highest coverage of this case remains with the New York Times, The Guardian, and bbc.co.uk. In addition, Ukrainska Pravda and the Prosecutor General's Office were included in the TOP 10 list.

Table 1.3. Top 10 Sources by Audience, %

No	Source	Audience(mln)	%
1	The New York Times	3,5	19,43
2	The Guardian	1,9	10,52
3	bbc.co.uk	1,3	7,28
4	AOL	1,2	6,54
5	BBC	0,96	5,33
6	npr.org	0,92	5,1
7	CNN	0,87	4,86
8	Ukrainska Pravda	0,86	4,8
9	Prosecutor General's Office	0,8	4,5
10	wsj.com	0,67	3,7

In reporting on the court hearings, the media usually provide two points of view – those of prosecution and defense. Instead, foreign media say a lot about the importance of this trial for international justice. The materials contain additional opinions on the issue, as well as comments from analysts, experts, and politicians. Reports from the courtroom are common in both Ukrainian and foreign media. The foreign outlets favor analytical materials. They not only report the news about the case but also provide context, opinions, and more information about the blatant and massive human rights violations by Russian troops in Ukraine. For example, the NYT announced a hearing in the Shishimarin case on May 18, which provided a broader picture, not just the circumstances of the case. The New York Times is perhaps the only edition that quoted the judge and the name of the court that handed down the verdict in the case. The Prosecutor General's Office was the chief official commentator in the case. In this case, the defense also actively communicated the trial to national and international outlets.

There was no reference to information from the court's press service. The judge was quoted in the reporting materials.

While reviewing the Western media, it becomes apparent that war crime cases are crucially important. Even the available critical materials of foreign media emphasize the importance of these trials. As far as the Ukrainian media are concerned, information on war crime cases sounds like one of the current cases.

How experts in foreign media comment on the Shishimarin case

The Washington Post:

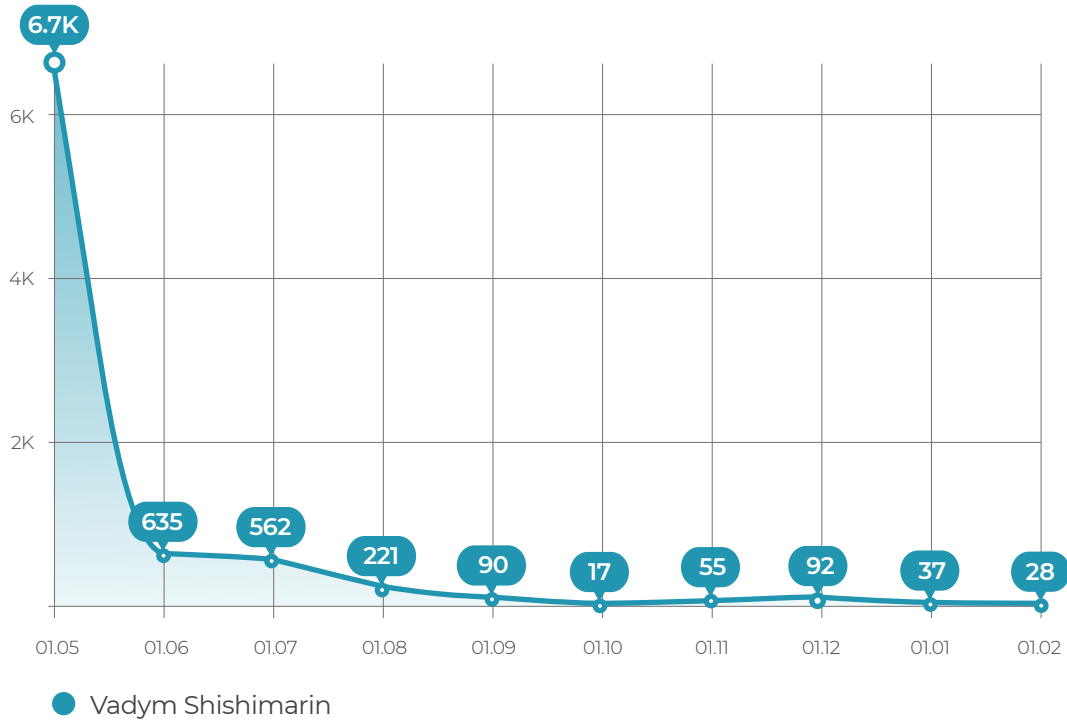
“There is little international precedent in recent decades for putting captured soldiers on trial for war crimes, and it is even rarer to do so in the middle of a conflict, according to Robert Goldman, a war crimes and human rights expert at American University’s Washington College of Law.

The advantage of holding a trial now rather than at the end of the war, he said, is that access to fresh evidence, including eyewitness testimonies, can bolster a case. “The evidence is very fresh in Ukraine, and it’s being gathered very professionally, from what I have seen,” Goldman said.”

The New York Times:

“War crimes trials typically stem from violations of international laws related to conflict. The best-known trials, such as those in the German city of Nuremberg at the end of World War II, have largely taken place once a conflict has finished. the United Nations human rights chief, Michelle Bachelet, said that the bodies of more than 1,000 civilians had been recovered in areas north of Kyiv that Russian forces had occupied, including several hundred who were summarily executed and others who were shot by snipers.”

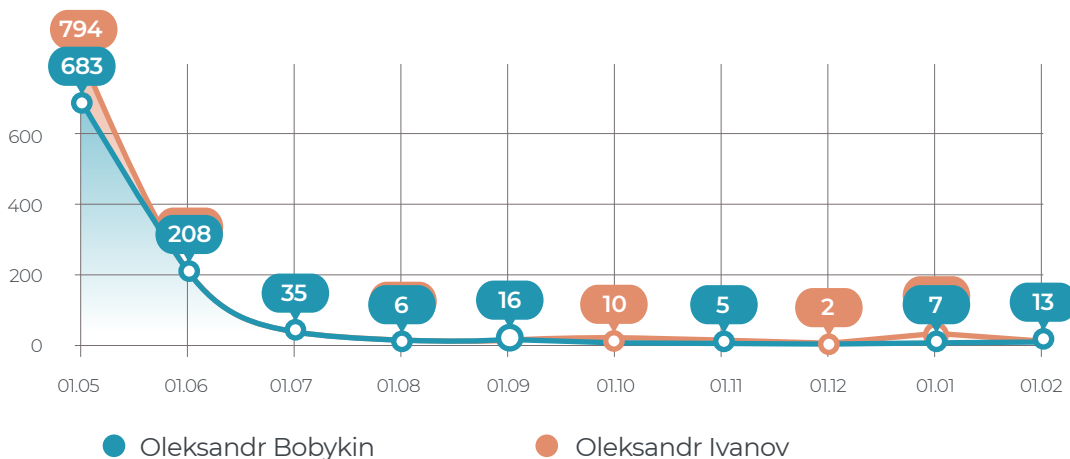
Charts 1.7. Dynamics of Mentions of the Shishimarin Case



Another high-profile case is that of Oleksandr Bobykin and Oleksandr Ivanov. Thus, 95% of the coverage of this trial is provided by the Ukrainian media. The regional outlets refer to the court's press service. CNN writes with reference to the court's website:

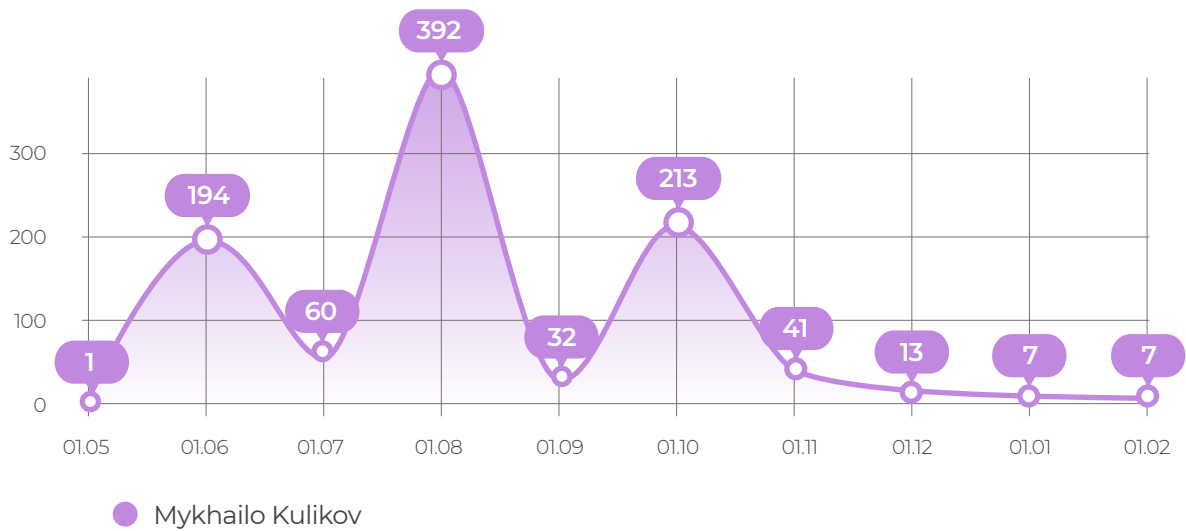
"... According to the case details made public on the court website, the men fired artillery and damaged "objects of civil and critical infrastructure, including private homes" in Kazacha Lopan and Veterynarne in the Kharkiv region."

Chart 1.8. Dynamics of Mentions of the Case of Oleksandr Bobykin and Oleksandr Ivanov



The next most high-profile case is that of Mykhailo Kulikov. The interest in the case in foreign media is much lower, so Ukraine covers 96% of all information. It is worth noting that the links to the court's website are often broken, when reviewing the press reports.

Chart 1.9. Dynamics of Mentions of Kulikov case



In the foreign outlets, one can also observe "general" stories about war crimes in Ukraine, with stories about trials interwoven. Along with reports about these trials, the foreign press says that Ukraine is desperate for justice, justice in this war, and accountability.

The Washington Post:

“As long as Ukraine’s justice system is functional, Ukrainian authorities have the primary responsibility to investigate alleged violations of international law committed on Ukrainian territory, said James Gow, professor of international peace and security at King’s College London.”

2. MONITORING COURT WEBSITES FOR COVERAGE REGARDING WAR CRIME PROCEEDINGS

2.1. Monitoring methodology

Terminology

In this report, the term "war crime cases" refers to court cases under Article 438 of the Criminal Code of Ukraine (hereinafter - the CCU) "Violation of the Laws and Customs of War."

The term "war crimes" is not used in the Criminal Code of Ukraine. However, it is a term of international law enshrined in Article 8 of the Rome Statute of the International Criminal Court and means brutal violations of international humanitarian law (violations of the laws and customs of war), for which individuals are criminally liable at the national and international levels. Thus, Article 438 of the Criminal Code of Ukraine defines violation of the laws and customs of war as war crimes in the terminology of international law.

Currently, courts use the term "cases related to armed conflict" or "cases related to war". This category covers a wide range of cases, which usually include crimes against the foundations of national security of Ukraine (Articles 109-114-2 of the CCU), military crimes⁷ (Articles 401-435-2), criminal offenses against peace, security of mankind and international legal order (Articles 436-447 of the CCU).

Although the subject of the study is a narrower category of cases, the conclusions and recommendations on the coverage of war crime cases can be applied to other cases related to the armed conflict.

Research subject: publications on war crime cases published on the courts' websites during the research period.

Research period: April 1, 2022 – April 1, 2023

Justification of the research subject: After the full-scale invasion of the aggressor state, Ukrainian society and the international community witnessed the commission of international crimes in our country on an unprecedented scale.

International crimes include crimes of aggression⁸, genocide⁹, war crimes¹⁰, and crimes against humanity¹¹.

The monitoring focuses on court coverage of war crime proceedings in Ukraine, as these are the most common cases in current court practice compared to other international crimes.

⁷ *Criminal offenses against the established order of military service (military criminal offenses).*

⁸ *Article 437 of the CCU "Planning, preparing, or unleashing an aggressive war or military conflict".*

⁹ *Article 442 of the CCU "Genocide".*

¹⁰ *Article 438 of the CCU "Violation of the laws and customs of war".*

¹¹ *Not provided for by the current CCU.*

According to the Supreme Court, in 2022, 66 criminal proceedings under Article 438 of the Criminal Code of Ukraine were pending in courts, of which 16 were heard during the year (see Annex 2.5) ¹².

In total, law enforcement agencies opened more than 80,000 criminal proceedings for war crimes committed by Russians in Ukraine from February 24, 2022, to May 1, this year.¹³ Moreover, bringing to justice those who committed war crimes in Ukraine is currently the highest demand of our society as an element of achieving justice. Therefore, coverage of the trial and outcome of these cases through effective communication of the judiciary is one of the components of the way to this justice.

Goal:

To review publications about war crime trials on court websites to see how complete, accessible, accurate, and understandable the information on these cases is for the media and the public.

Objectives:

- developing a monitoring methodology;
- collecting publications on war crime cases by monitoring the Judiciary of Ukraine website, which contains the websites of Ukrainian courts;
- conducting content analysis of materials from court websites;
- identifying challenges in the written coverage of war crime cases on court websites.

Monitoring stages

First stage: monitoring of court websites on the Judiciary of Ukraine website. During the monitoring, we examined the websites of 552 courts of first and appellate instances and the Supreme Court ¹⁴ regarding coverage of war crime cases (see Annex 2.4 ¹⁵).

¹² As of February 20, 2023, by statistics, the courts received 75 criminal proceedings on charges under Article 438 of the Criminal Code of Ukraine, 19 of which have already been considered. Source: Supreme Court. Adherence to war crime standards confirms that Ukraine is a state governed by the rule of law with a European future, February 24, 2023 - <https://court.gov.ua/press/news/1387427/>

¹³ Suspilne. Ukrainian courts received more than 4,000 cases of war crimes - Head of the Council of Judges, May 4, 2023, <https://suspilne.media/466295-do-ukrainskih-sudiv-nadijslo-ponad-4-tisaci-sprav-sodo-voennih-zl-ociniv-golova-radi-suddiv/>

¹⁴ Administrative and commercial courts were not covered.

¹⁵ For the analysis, we used data from the Diia website, which contains the List of Courts with the USREOU Code, Legal Addresses and Email Addresses, see Annex 2.1. Access mode: <https://bit.ly/3py2wTK>
Based on the available data, Annex 2.4 with the list of court website links was prepared.

The monitoring was carried out through a search engine on the websites of each court by entering keywords, namely “438” and “violation of the laws and customs of war.” Since not all war crime cases were covered on court websites, we also conducted a search in the Unified Register of Court Decisions of Ukraine to identify court decisions on charges under Article 438 of the CCU adopted during the research period. Links to court decisions from the register are provided in Annex 2.2.

Second stage: content analysis of publications on war crime cases.

After collecting the publications, we analyzed their content for completeness, accessibility, and clarity of case coverage. Thus, we used the criteria for assessing the content of an information message on the court's website, such as:

1. Completeness of the information on the essence (content) of the court decision:

Is information about the accused provided?

Is information provided on the nature of the charges?

Is there a description of the circumstances of the case under consideration?

Is there information about the victims and the damage they suffered?

What crimes was the defendant found guilty of?

Justification of the court judgment.

2. What trial stages were covered on the court's website.
3. The efficiency of information coverage on the website.
4. Marking the status of the judgment as final.
5. Link to the register or case/proceeding number.

2.2. Monitoring results

The monitoring of court websites revealed **31 publications** on war crime cases during the research period. They covered various trial stages, such as the receipt of the case in court, the appointment of a hearing, announcements of adjournments, information on the adoption of an interim procedural decision, or the trial results on the merits. Publications announcing the summons of the accused under Article 438 of the CCU¹⁶, as well as publications of other bodies¹⁷ or media posted on the Judiciary of Ukraine website¹⁸ were not included, as well as publications duplicated by the press center of the Judiciary of Ukraine website in the News section¹⁹.

Table 2.1. Courts and Number of Cases Heard

N°	Court name	Case number	Publication number
1	Supreme Court	1	2
2	Kyiv Court of Appeal	1	8
3	Solomianskyi District Court of Kyiv City	2	4
4	Darnytskyi District Court of Kyiv City	1	0
5	Shevchenkovskiy District Court of Kyiv City	1	0
6	Kyiv-Sviatoshynskiy District Court of Kyiv Oblast	2	1
7	Kotelevskiy Raion Court of Poltava Oblast	2	6
8	Oktyabrskiy District Court of Poltava City	2	1
9	Chernihiv Raion Court of Chernihiv Oblast	4	4
10	Novozavodskiy District Court of Chernihiv City	3	1
11	Desnianskyi District Court of Chernihiv City	1	1
12	Bobrovytskyi District Court of Chernihiv City	2	0
13	Trostianets Raion Court of Sumy Oblast	1	1
14	Romny City District Court of Sumy Oblast	1	1
15	Lychakivskiy District Court of Lviv City	1	1

¹⁶ For example, *Obolonskyi District Court of Kyiv City, Summons to Abrochnov M.O., Bredykhin A.V., Butenko V.V., Yeriomichev R.V., Kryvonis Y.S., Kulinich M.V., Slepnirov S.O., Yevdokimov V.V., October 3, 2022, <https://ob.ki.court.gov.ua/sud2605/gromadyanam/11/1328008/>*

¹⁷ For example, *"Life imprisonment for murder of a civilian in Sumy Oblast - the first sentence for a Russian military officer," May 23, 2022, <https://court.gov.ua/press/news/1276974/>*

¹⁸ For example, *"10 years in prison for collaboration with occupiers, 12 years in prison for torturing a civilian: who was punished by court", March 13, 2023, <https://dsa.court.gov.ua/dsa/pres-centr/news/1393808/>*

¹⁹ For example, *"Court sentenced a serviceman of the armed forces of the Russian Federation," February 21, 2023, <https://court.gov.ua/press/news/1385671/>*

All publications contained information on 24 court cases that were pending in 15 courts, 13 of which were first instance courts, 1 - the Court of Appeal and the Supreme Court (see Annex 2.2). Of the 15 courts that have considered/consider war crime cases: 6 courts located in Kyiv city and Kyiv oblast, 4 in Chernihiv oblast, 2 in Sumy oblast, 2 in Poltava oblast, 1 in Lviv oblast.

Of the 24 cases posted on court websites, 19 were decided on the merits, one case was reviewed by the court of appeal, and 5 cases have not yet been decided and are still under consideration.

Out of 20 cases in which court decisions were made on the merits, only 10 of them (50%) were published on court websites.

16 cases (67%) out of 24 were/are being considered in absentia, i.e., without the participation of the accused. Two cases cover events prior to the large-scale invasion of Ukraine by the aggressor state. Another 24 cases involved the prosecution of 35 people, 30 of who were citizens of the Russian Federation (85%), and 5 were citizens of Ukraine who sided with the aggressor country (15%).

Content analysis

The content analysis was conducted in publications on cases, in which a decision was made on the merits, i.e., a judgement was adopted (nine verdicts and one court of appeal ruling). It resulted in ten publications (see Appendix 2.3).

Completeness of the specified information on the essence (content) of the court decision

9 out of 10 publications did not specify the circumstances of the case at all. Statements of facts in 20 cases were represented briefly in one publication on the website of the Trostianets Raion Court of Sumy Oblast ²⁰. In 8 publications, the courts provided the full names of the accused, while only two publications did not provide the names of the accused (1 - "Russian soldier," 1 - only the first letters of the surnames and date of birth). In the majority of publications (6 out of 10), the description of the charges contained only an article from the Criminal Code of Ukraine, while in 4 reports the essence of the charges was reduced to a short phrase, for example: "for shelling civilian objects in Kharkiv oblast ²¹," "ill-treatment of civilians ²²," "ill-treatment of civilians in the village of Yahidne ²³," "used physical and moral coercion against the protected civilian to obtain information he needed, measures that caused physical and moral suffering to civilians." ²⁴

²⁰ <https://tr.su.court.gov.ua/sud1818/pres-centr/news/1389942/>

²¹ <https://kt.pl.court.gov.ua/sud1613/pres-centr/news/1279826/>

²² <https://cn.cn.court.gov.ua/sud2523/pres-centr/news/1369658/>

²³ <https://cn.cn.court.gov.ua/sud2523/pres-centr/news/1369654/>

²⁴ <https://cn.cn.court.gov.ua/sud2523/pres-centr/news/1385630/>

The publications did not contain information about the victim or victims and the harm caused to them by the accused. In 4 publications, the victims were identified as follows: "several local residents,²⁵" "civilian²⁶," "civilians²⁷," "civilian population²⁸."

The courts did not provide information about the evidence or the reasoning behind the judgment, nor did they provide information about the position of the parties in the case.

What trial stages were covered on the court's website?

Only 3 out of 10 cases published information on intermediate stages of the case and provided links to online broadcasts.

Marking of the status of the judgment as final.

The information that the verdict had not yet entered into force was mentioned in 5 publications (50%).

Reference to the Register or case number

In only one publication did the court mention the case number – Trostianets Raion Court of Sumy Oblast: "The text of the court decision can be found in the Unified State Register of Court Decisions by searching for case number 588/1009/22."²⁹

Prompt coverage of information on court decisions

Thus, 4 articles were posted on the courts' websites on the day of the ruling. Other 6 publications appeared on the website within 1-4 days.

²⁵ <https://tr.su.court.gov.ua/sud1818/pres-centr/news/1389942/>

²⁶ <https://cn.cn.court.gov.ua/sud2523/pres-centr/news/1385630/>

²⁷ <https://cn.cn.court.gov.ua/sud2523/pres-centr/news/1393196/>

²⁸ <https://cn.cn.court.gov.ua/sud2523/pres-centr/news/1369658/>

²⁹ <https://tr.su.court.gov.ua/sud1818/pres-centr/news/1389942/>

ANNEXES

Annex 1.1. Media Monitoring. The Annex contains the media monitoring in Excel format, with links to media materials categorized by the names of those accused of war crimes.

Annex 2.1. List of courts. The Annex contains a complete list of courts posted on the Diia website, which we used to prepare a list of courts for analysis with links to courts' websites posted on the Judiciary of Ukraine official general website.

Annexes 2.2-2.3. Table of cases and content analysis. The Annexes contain the list of cases covered on court websites and a content analysis of the reports on them on court websites.

Annex 2.4. List of court websites. The Annex contains the list of analyzed court websites posted on the Judiciary of Ukraine official general website.

Annex 2.5. The Letter of the Supreme Court No. 111/0/18-23 dated 04/10/2023. The Annex contains statistical reporting data of general courts on specific articles of the Criminal Code of Ukraine.
