



UNIVERSAL JURISDICTION: Justice for Ukraine

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Structure

1. *Lithuania's role in Ukraine's justice process.*
2. *Project scope, plan, stakeholders.*
3. *Current situation analysis:* What is universal jurisdiction and why it is important? Lithuanian experience.
4. *Best practices:* what is the situation in the other countries and what can we learn from it?
5. *Results and solution:* toolkit.



I.

Why
should universal
jurisdiction be applied
in the case of Ukraine?



Lithuania took responsibility for Justice / Accountability from President's Zelenskiy's 10-points Peace Plan

Special tribunal



Crime of aggression

International Criminal Court (ICC)



War crimes
-
Limited resources,
slow

Universal Jurisdiction



War crimes

IN UKRAINE DURING THE WAR:

71 776

Registered crimes of aggression and war crimes

16 852

Registered crimes against national security

639

Suspects

461

Killed Children

927

Injured children

Data collected on: 2023-02-28

Source: <https://gp.gov.ua>

Justice Architecture

Special
tribunal



Crime of
aggression

International Criminal
Court (ICC)



War crimes
-
Limited
resources,
slow

Universal Jurisdiction allows every country to pursue the prosecution of international crimes, regardless of where the crime is committed and the perpetrator's or victim's nationalities.



War crimes

20 countries started Universal Jurisdiction in Ukrainian Case

Lithuania	Poland	Estonia	Latvia	Slovakia
Romania	Belgium	Canada	Czech	France
Germany	Ireland	Italy	The Netherlands	Norway
Spain	Switzerland	Sweden	The Great Britain	USA

Ukraine: why national court system needs help?

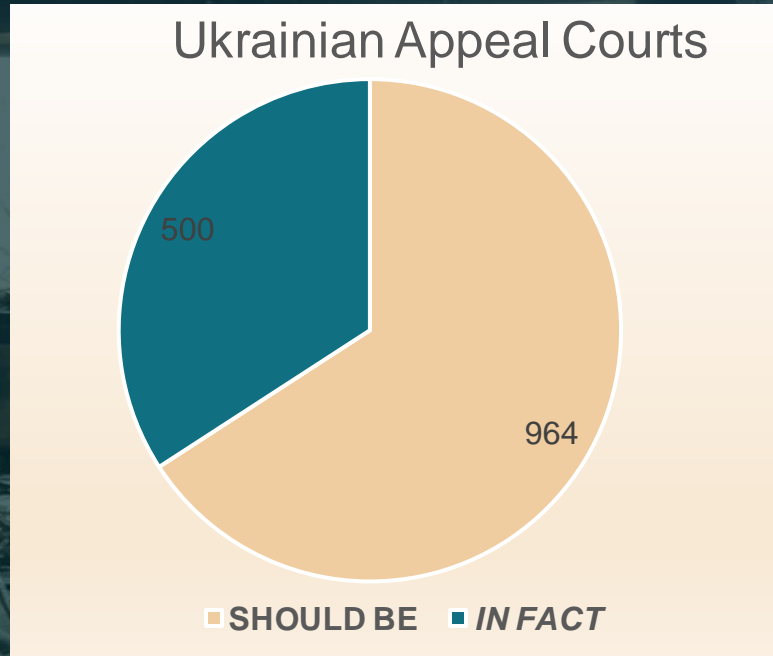
Data gathered by authors from State Judicial Administration of Ukraine. 2022-10-30.

Ukrainian courts situation:

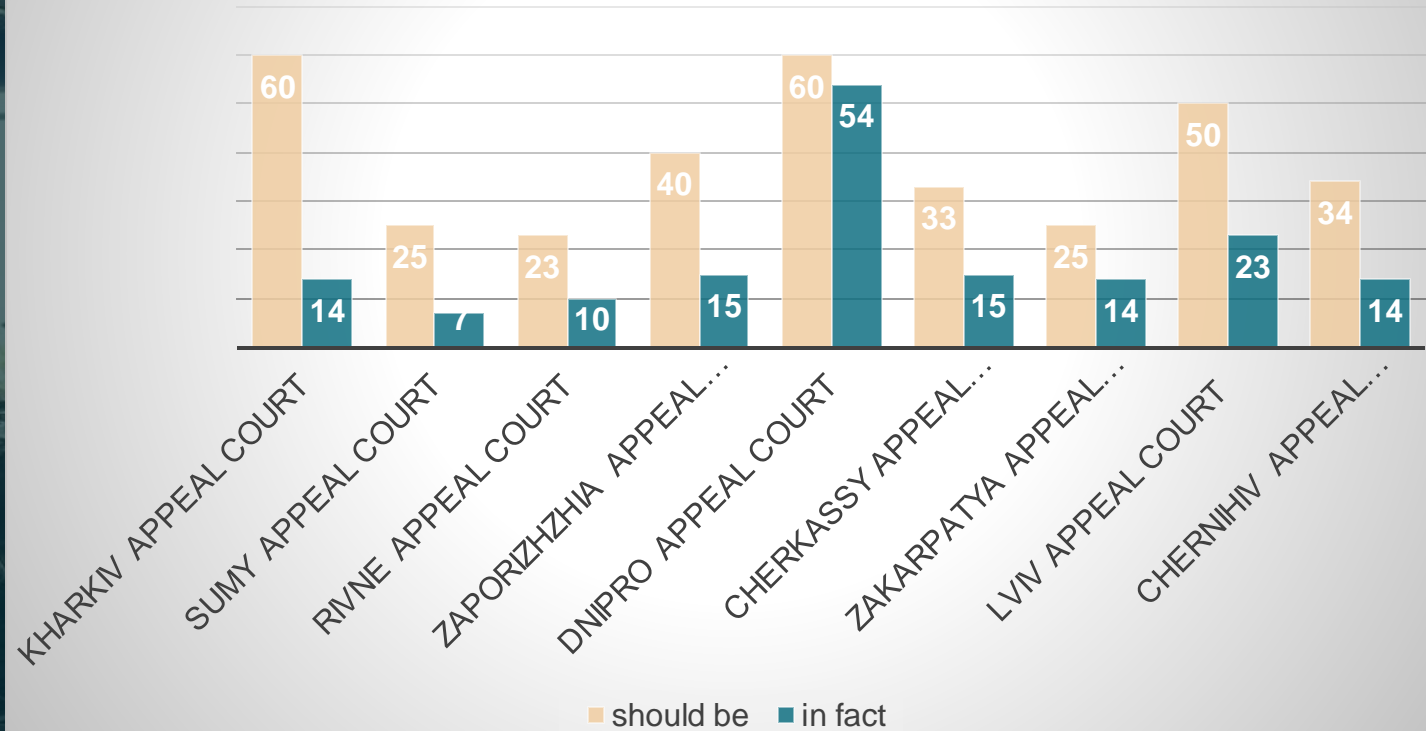


Courts	%	Numbers/ Notes
Do not administer Justice	14%	94
Damaged or destroyed	11%	105 (damaged premises) 12 (entirely destroyed)
Not controlled by Ukraine	9%	Located in the territories temporarily not controlled by the Ukrainian authorities

Ukraine: Lack of judges



Justice is not fully administered in some courts due to the lack of judges



II.

***Project scope, plan,
stakeholders***

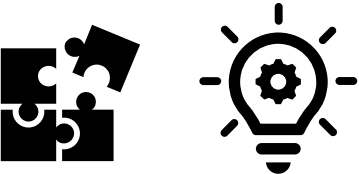
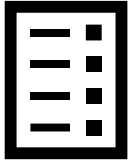
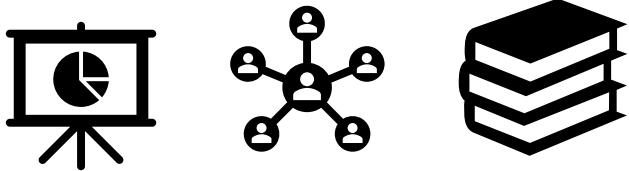


Current situation analysis


Roundtable

Best practices

Toolkit



Our project:



III.

*Current situation
analysis*



WHAT IS UNIVERSAL JURISDICTION (UJ)?

The principle that allows every country to pursue the prosecution of international crimes, regardless of where the crime is committed, the nationalities of the perpetrator and a victim.



UNIVERSAL JURISDICTION: ESSENTIAL TOOL OF INTERNATIONAL JUSTICE and challenges

- ✓ **Limited jurisdiction** of international courts (ICC and others)
- ✓ **Local police and prosecutors** in the country, where crime occurs, are **unwilling or unable to prosecute it**
- ✓ **Difficulties in evidence collection and extradition.**

WHO USE UNIVERSAL JURISDICTION? LT in this context

LITHUANIA (totally)



- 1 Ukrainian case
- 2 Belarusian cases (2021-2022)

GERMANY (since 2013)



- 60 CASES
(e.g. Anwar Arslan's and Eyad al-Talib cases 2021-2022, related to Syria's war).

GLOBALLY (since 2014)

- 214 CASES

Data: gathered by authors through UJ TRIAL database, 2022

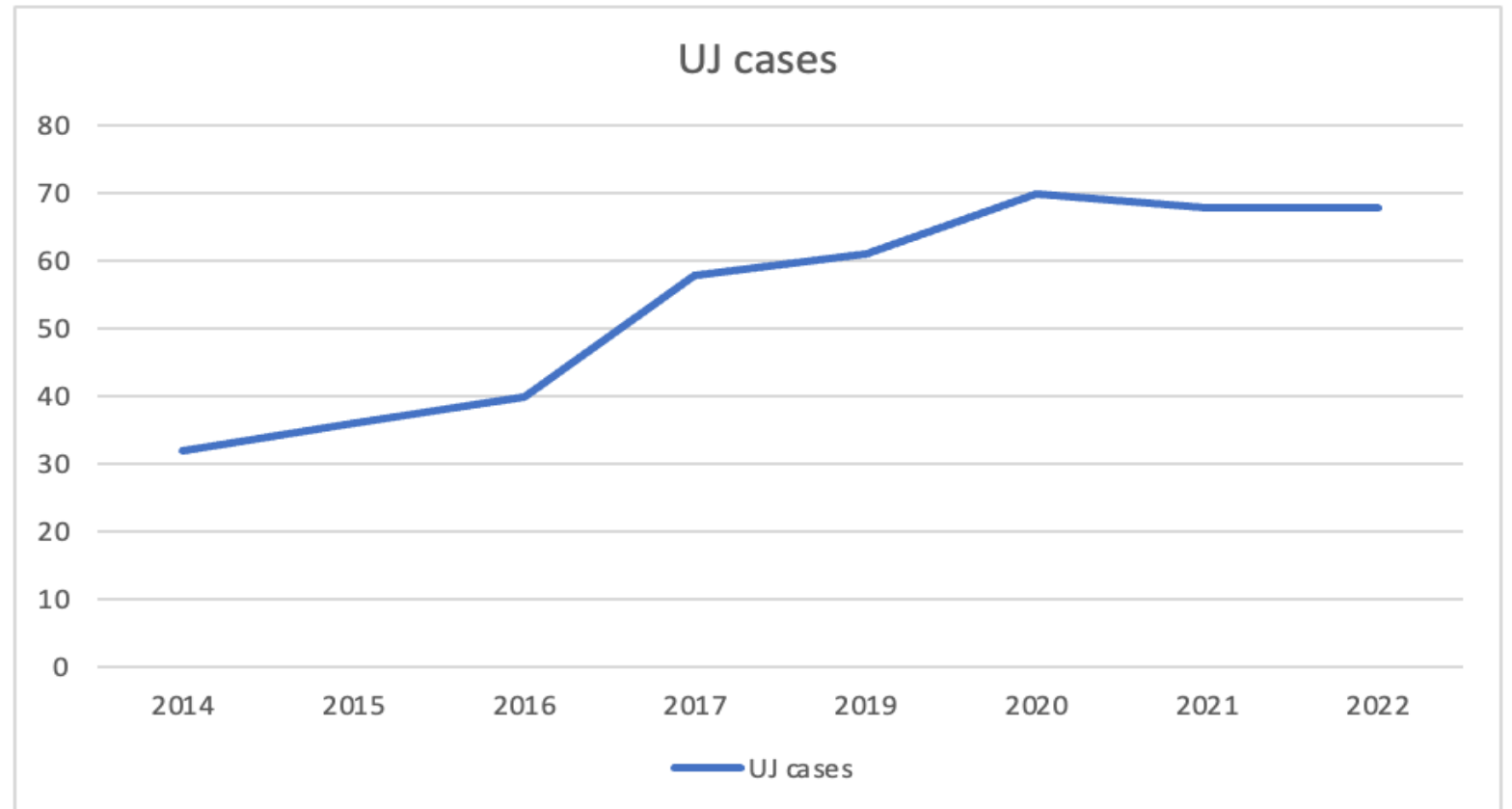
IV.

Best practices:
situation in the other
countries and what can
we learn?



22 countries use Universal Jurisdiction to fight impunity

COUNTRIES	
Germany	Italy
France	Lithuania
Sweden	Norway
Spain	Canada
Switzerland	Brazil
The Netherlands	Chile
UK	Finland
USA	Hungary
Belgium	Ghana
Argentina	Senegal
Austria	South Africa



Data: gathered by authors through TRIAL database, 2022

v.

***Results and solution:
toolkit***



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UNIVERSAL JURISDICTION

TOOLKIT

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NO SAFE HAVEN
FOR PERPETRATORS



UJ Toolkit consists of 3 parts:

I BLOCK Overview

- Universal Jurisdiction
- Scope
- Principles

II BLOCK PRE-TRIAL TOOLS

- how to collect evidence at a distance,
- what digital tools can be used,
- cooperation inside and outside the country;

III BLOCK TRIAL TOOLS

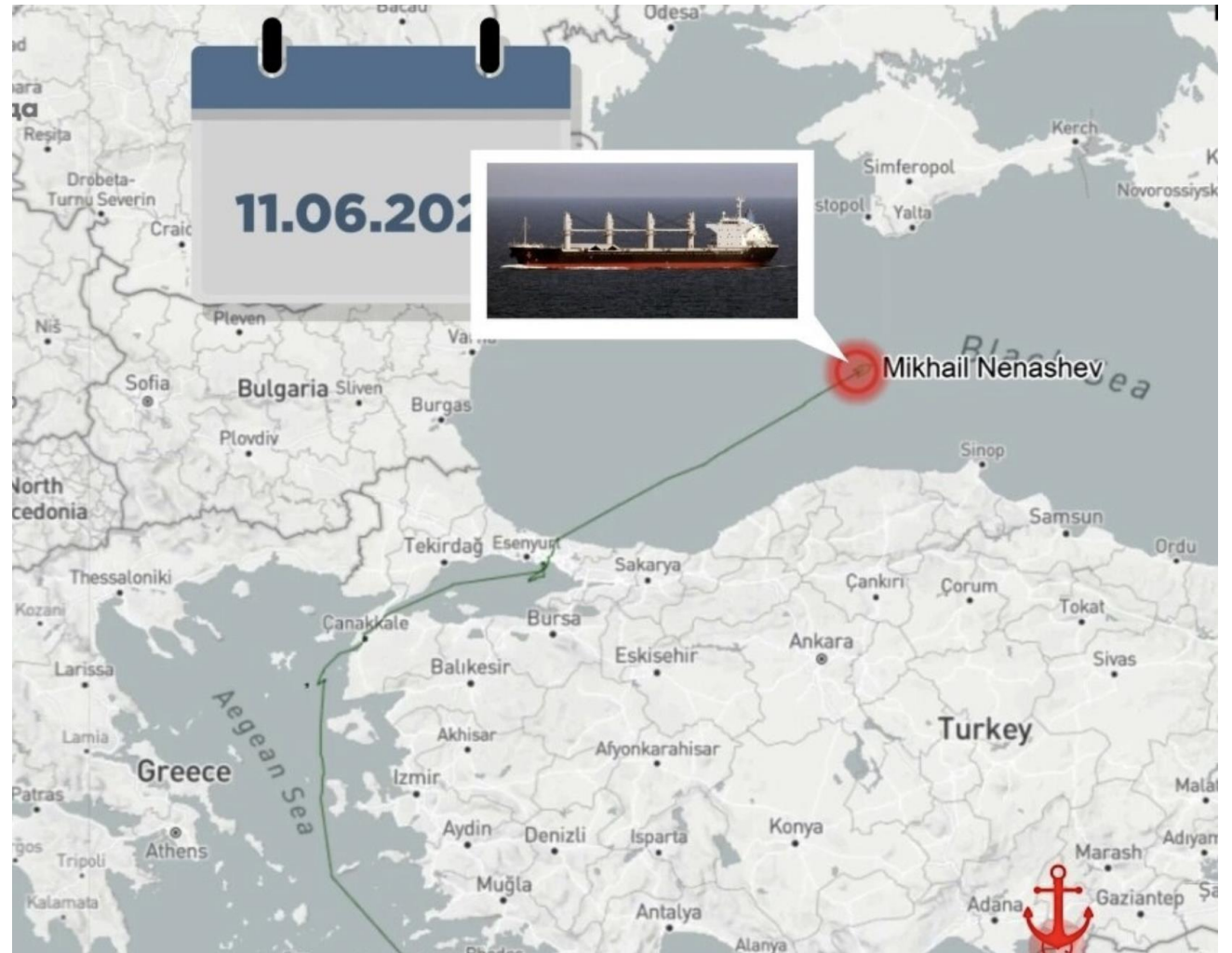
- how to have fair trial *in absentia* (practice of European Court of Human Rights etc).

Digital tools

How to collect evidence in a distance?

- **analysis of satellite images** (e.g. mass murders in Bucha: satellite images helped to prove that the bodies appeared during the Russian occupation)
- **monitor radars and Marine Traffic vessel's official monitoring systems** (e.g. russia exported stolen Ukrainian grain to Turkey by vessel Mikhail Nenashev)

Source: <https://www.pravda.com.ua/eng/news/2022/07/5/7356362/>



CRIME SCENE REVIEW

Drones and 3D-scanner tools

Video: Vasil Bilous, Khakiv, Ukraine



INVESTIGATION PROCESS: evidence collection

Joint Investigation Team
Lithuania was the 1st who initiate JIT
+ 5 more countries

**PROSECUTOR'S
OFFICE**



**INTERNATIONAL
CRIMINAL COURT**
Office of the Prosecutor



EUROJUST



TRIAL

Atrocity Crimes Advisory Group for Ukraine

- Created in May 2022 by the EU, USA and Great Britain
- 42 international experts
- 10 more international expert organizations joint to this initiative
- Provide strategic advice, operational assistance and trainings



Photo: Vasil Bilous, Khakiv, region, Ukraine



**MINISTRY
OF JUSTICE**
OF THE REPUBLIC OF LITHUANIA



Lietuvos Respublikos
prokuratūra



LAW AND DEMOCRACY
CENTER
JUSTICE HUB



Thank you!





THANKYOU!



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Create Lithuania



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