



British Embassy
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Centre of Policy and
Legal Reform

Concept of reforming Law and Order “Ukraine after the Victory” Vision of Ukraine - 2030

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In the longer term (taking into account the consequences of the war), the following reforms are needed to reform the law enforcement sector:

1. In the area of *war justice*:

- determine, which law enforcement agencies should carry out pre-trial investigation of war crimes – a specialized body or an interagency groups of representatives from different agencies;
- provide necessary resources for ensuring proper specialization of investigators/detectives of these agencies and additional security measures or other guarantees for employees of respective body/bodies;
- ensure institutional independence of the prosecutor's office that provides procedural guidance in this category of cases (either in the format of a Department within the Office of the Prosecutor General or a specialized prosecutor's office, such as the SAPO) or to develop specialization of military prosecutors, while maintaining the uniform status of a prosecutor in the prosecution system;
- determine, which courts will examine this category of cases: judges of district courts of general jurisdiction or whether it is necessary to establish a specialized court for war crimes in the judicial system of Ukraine (an analogy can be drawn here with the HACC and the would-be High Court of Intellectual Property);
- improve the system of international legal assistance in criminal proceedings (Interpol, Europol, enforcement of sentences, etc.).

2. In the area of *military justice*:

- temporarily, for the period of martial law, vest in the Military Law Enforcement Service (MLS) the functions of a pre-trial investigation agency for effective prevention and counteraction of military crimes that undermine the combat capacity of the Ukrainian army;
- develop specialization of military prosecutors while maintaining a uniform status of prosecutor in the prosecution system;
- make organizational and managerial decisions to ensure unimpeded access of investigators of the State Bureau of Investigation (or – in the event of change of jurisdiction – the MLS investigators) and military prosecutors to the places of military crimes, as well as the possibility to carry out investigative and procedural actions against the perpetrators.

3. In the area of other critical issues related to *activities of agencies within the criminal justice system*:

- position of the Prosecutor General should be further depoliticized. Although the Prosecutor General is currently politically neutral, the political procedure for his/her appointment has a significant impact on maintaining such neutrality. Therefore, it is recommended to improve the procedure for appointing the Prosecutor General, at least by revising the criteria, giving preference to career prosecutors, and conducting a ranked selection from among several candidates nominated by the appointing entity based on the results of competition for the position;
- determine the ultimate direction of reforming the Security Service of Ukraine – depriving it of its pre-trial investigation function and transforming it into a classic counter-intelligence agency;
- in view of the transformation of the SSU's role, it is necessary to consider the principles of further development of the State Bureau of Investigation – on the one hand, focusing on the priorities for which it was created (investigation of human rights violations and other crimes committed by law enforcement officials), and on the other hand, taking into account the transfer of crimes against national security and terrorism, the jurisdiction over which is currently assigned to the SSU but is planned to be gradually transferred to the SBI;
- in order achieve the goals of preventing criminal offenses, instead of responding to criminal offenses that have already been committed it is necessary to address the following *criminal procedure* issues: 1) conducting criminal proceedings under the state of emergency, martial law and the state of war; 2) standardizing the rules of jurisdiction taking into account the limits of improvement of law enforcement agencies; 3) improving the institute of measures aimed at

ensuring implementation of criminal proceedings; 4) completing the institute of criminal misdemeanors; 5) improving the principles of operational and investigative activities of law enforcement agencies. It is envisaged that

4. In the area of *public order*:

- outline clearly the phased legalization of weapons for the civilian population (expanding the categories of persons who can own weapons and the conditions for the use therefor) – it is necessary to focus both on expanding the ability of the civilian population to use weapons for self-defense, and on the measures aimed to withdraw from circulation the weapons that were used to repel the aggressor, if they are not used directly in the combat zone;
- reduce negative political influence on the leadership of law enforcement agencies at all levels, and provide more opportunities for heads of local law enforcement agencies to take the initiative in organizing security in their region, taking into account military threats, proximity to the contact line, allocation of resources by the state, logistic burden on the infrastructure resulting from displacement of economic and social processes, etc.;
- implement comprehensive framework regulation of activities of public law enforcement formations (VFTC, civilian formations, municipal guards, etc.) in order to unify their status and provide a real opportunity for them to work and ensure order in the territorial community;
- provide real opportunities for community police officers (CPOs) to work as an independent unit of police service, which is supported at the grassroots level and is partially funded by the population;
- taking into account the requirements of martial law, develop and implement comprehensive measures to prevent terrorist, sabotage and other acts in public places, especially with regard to functioning of critical infrastructure facilities.