



A Fraught Path Forward for Ukraine's Liberated Territories

Europe Report N°271 | 20 June 2024

Headquarters

International Crisis Group

Avenue Louise 235 • 1050 Brussels, Belgium

Tel: +32 2 502 90 38 • brussels@crisisgroup.org

Preventing War. Shaping Peace.

Table of Contents

Executive Summary.....	i
I. Introduction	1
II. The Hard Legacies of War	2
A. Littered With Mines.....	2
B. Bleak Demographics	4
C. Political Marginalisation.....	5
III. Dealing with War Criminals and Collaborators.....	7
A. The Aftermath of Atrocities	7
B. Collaboration with the Occupiers	10
1. A sweeping new law.....	11
2. Fights over the law’s reach	12
3. A burgeoning caseload	15
4. Reform vs. stasis.....	16
IV. Looking Ahead.....	19
A. Plotting the Recovery of Liberated Areas	19
B. Strengthening War Crimes Investigations	20
C. A More Pragmatic Approach to Collaboration	20
V. Conclusion	23
APPENDICES	
A. Lack of Judges in Ukraine	24
B. About the International Crisis Group	25
C. Crisis Group Reports and Briefings on Europe and Central Asia since 2021.....	26
D. Crisis Group Board of Trustees	27

Principal Findings

What's new? Most of the land Ukraine reconquered late in 2022 remains under Kyiv's control. Heavily mined, economically devastated and substantially depopulated, these areas are struggling to recover while investigations into Russian war crimes and cases of suspected collaboration are hampered by scarce resources and a flawed legal framework.

Why does it matter? While the government's attention is understandably absorbed by the war effort, Kyiv should not neglect its liberated areas, first because of the many urgent needs there and secondly as living proof that the Ukrainian state is better able to protect and provide for its civilians than Russian occupiers.

What should be done? Ukrainian authorities, with foreign backing, should redouble efforts to clear mines, appraise local needs and rebuild channels of political representation. Fine-tuning anti-collaboration laws to avoid unfairly punishing those citizens who simply tried to survive will send an important message of support to others formerly and presently under Russian occupation.

Executive Summary

As it battles for survival and fends off Russian advances from the east, north and south, Ukraine also faces the hard task of reintegrating the territories overrun by Russian troops in early 2022 and liberated by Ukrainian forces later that year. An estimated 19,000 sq km of land were reconquered then, and although Russia is slowly advancing, nearly all the territory liberated in the autumn of 2022 remains under Kyiv's rule. But the ebb and flow of the war saddles residents of these areas with immense challenges. Minefields and devastated infrastructure impede any swift return to normality. Ukraine's legal system is ill equipped to deal with prosecuting war crimes and authorities must administer a vague, overbroad anti-collaboration law. To render these regions fully habitable, peaceful and productive once more, the Ukrainian government should take steps to shore up their economic prospects and ensure that the justice system can handle war crimes and collaboration cases with a dose of pragmatism.

Ukraine has seen dramatic ups and downs in its battlefield fortunes since Russia launched its all-out invasion on 24 February 2022. Russian forces made significant early gains in the east and the south. But the Ukrainian army parried Russia's thrust at Kyiv, shifting the war's momentum. By the end of 2022, it had clawed back a great deal of territory – almost 19,000 sq km in total. Its long-awaited counteroffensive in 2023 brought disappointing results, however, and Moscow soon seized the initiative once more. At present, Russian units are again inching forward as Kyiv labours to enlist the troops and secure the ammunition it needs to hold the line.

Even as it continues to resist the Russian onslaught, the Ukrainian government faces the challenge of reintegrating the territories it has recaptured; eventually, Kyiv might also see more land fall under its control should the Ukrainian army beat the invaders back once again. Despite the many demands on its attention and resources, the government should do all it can to revive these regions so as to boost national cohesion and demonstrate to the public it is investing in communities that have endured the brunt of fighting. A plethora of problems afflict these areas, including frequent air raids, land mines and economic devastation. International funding tends to pour into Kyiv, which then doles it out. But the regions that need help the most have little say over the distribution of these budgets.

At the same time, the Ukrainian legal system is struggling to investigate war crimes cases expeditiously. Liberated areas do not have enough police, prosecutors, lawyers and judges to give survivors of war crimes and those accused of collaboration a fair day in court.

Besides a lack of specialists, the legal framework to go after collaborators is riddled with problems. A set of laws hurriedly adopted in the invasion's first weeks aimed to deter Ukrainians from helping Russia. These laws, under which in June 2024 some 8,150 people face charges, are so broad that they could send tens of thousands to prison, even if the collusion with occupying forces of which they are accused caused no identifiable harm. The crackdown on collaboration also risks depriving liberated territories of experienced state employees just when their expertise is sorely needed.

The government in Kyiv and civil society organisations understand these laws are too broad, but the prospect of amending them generates little enthusiasm. With the government focused on addressing the needs of soldiers, veterans and internally displaced persons, advocating for individuals who could be accused of collaboration is not a cause most politicians are eager to adopt.

Both the Ukrainian government and donors can help ease these communities' reintegration and prepare for the eventual restoration of Kyiv's rule over Russian-held territory in the future, by devoting more funds to clearing mines, gauging public needs and kick-starting economic recovery in liberated areas, and ensuring they do not lose out to less needy – but politically better represented – regions. Legal reform is also important. More resources are needed for war crimes prosecutions, and Ukrainian laws should be brought up to international standards. To encourage those who stayed, those who returned and those who might still come home, Ukraine should amend the anti-collaboration law to send a clear message that all are presumed innocent and that only people whose actions can be linked to harm will be prosecuted for collaborating.

Ukraine is fighting for its life as an independent state and that must remain Kyiv's priority. But as the government and its backers work to signal Ukraine's cohesion and resilience both at home and abroad, they and the Ukrainian people would be well served by improving their efforts to reintegrate communities that are brought in from the cold.

Kyiv/Brussels, 20 June 2024

A Fraught Path Forward for Ukraine's Liberated Territories

I. Introduction

More than two years into Russia's full-scale invasion, Kyiv is locked in a battle of endurance with Moscow. The prelude to this war came in March 2014, when Russia annexed Crimea and later that spring established separatist statelets in parts of the Donetsk and Luhansk regions, collectively known as Donbas. For seven years, the battle lines were stable as the two sides skirmished, but neither was able to seize or reoccupy territory. In February 2022, all that changed, as Russian armoured columns rumbled forward at multiple locations.

At first, Russia advanced quickly. Using Crimea as a launchpad in the south, Russian forces brought the city of Kherson – on the far side of the Dnipro River – under their command within a week. The Russian attack from the north was also overwhelming: towns such as Kupiansk and Trostianets fell in a matter of hours or days. Once they penetrated deeper into Ukraine, however, Russian soldiers encountered stiffer resistance, slowing the assault. Five weeks into the invasion, Ukrainian forces eventually halted the Russian offensive outside the country's two largest cities, Kyiv and Kharkiv.

Months later, in the autumn of 2022, Ukraine mounted a spirited counteroffensive, retaking swathes of land that Russia had overrun in February and March of that year. Ukrainian troops drove Russian forces out of the north-eastern Kharkiv region in September 2022; two months later, it pushed back the Kremlin's troops in the south, liberating all occupied lands on the western bank of the Dnipro, including the port city of Kherson. A second counteroffensive in 2023 sputtered, but the Ukrainian army held on to almost all the territory it had retaken the previous year. Save for two small areas in the Kharkiv region that Russia reoccupied in May 2024, the entirety of this land mass, some 19,000 sq km, roughly the size of Slovenia, remains under Ukrainian control.¹

This report examines the challenges Kyiv faces as it re-establishes its writ in the liberated lands and reintegrates the population into the Ukrainian body politic. It is based on some 50 interviews with Ukrainian government officials, parliamentarians, civil society representatives and foreign experts working in Ukraine, as well as residents of the territories in question. Twenty-two of the interviewees were women. The report also draws upon Crisis Group's years of fieldwork in Ukraine since 2014, as well as pertinent reports from Ukrainian human rights groups, aid agencies and other international organisations.

¹ For a comprehensive account of the state of the war in Ukraine, see Crisis Group Europe Report N°270, *Ukraine: How to Hold the Line*, 28 May 2024.

II. The Hard Legacies of War

Territories liberated from Russian control face huge obstacles to their physical and social recovery, including the presence of mines, forced displacement of residents and a general lack of political clout. They may also lie close to the war's shifting front lines, meaning that some are within the range of heavy Russian glide bombs and ballistic missiles. The quick Russian advance into the Kharkiv region in May 2024 showed that the danger of fresh territorial losses remains high. Ukrainian troops have struggled to build strong fortifications that can protect these areas. As a result, attacks like the one in the Kharkiv region could be repeated across other sectors of the front and the Russian border, depriving the people who live in these areas of certainty as to their safety and the future of their communities.

A. Littered With Mines

Russia's invasion has turned Ukraine into the most heavily mined country in the world. The government treats most areas Russia has occupied or crossed through – some 156,000 sq km, or just over a fourth of Ukraine's territory – as potentially mine-infested.² A quarter of that war-affected area has since returned to Ukrainian control, first in the early spring of 2022 when Russian troops had to abandon their advance on Kyiv and northern Ukraine, and secondly during Ukraine's autumn counteroffensive in the same year, when Kyiv regained swathes of territory in the Kharkiv and Kherson regions. In their attempt to hold on to territory and maximise fatalities among Ukrainian troops and civilian returnees, Russian troops have double- and triple-mined roads and plots of land.³ In some cases, they have even embedded explosives in dead bodies and items such as refrigerators and toys. While Moscow's troops are responsible for the vast majority of mines, Ukrainian forces have also resorted to using the devices.⁴ As a result, the liberated areas in Kharkiv and Kherson regions are now among the most mine-contaminated in the country.⁵

Removing mines and unexploded ordnance is the top priority in liberated areas, but it is slow going. The Economy Ministry, which took over coordination of humanitarian demining in June 2023, has given precedence to clearing roads, power lines and water infrastructure to ensure residents have access to essential services. The ministry has set the goal of clearing 80 per cent of potentially mined agrarian land within a decade, with preference given to farmland that had been planted at the time of the invasion and is now safely outside the combat zone.⁶ The net effect is that much farmland will have to await deminers for years, in some cases, and remain unproduc-

² In late 2023, the Economy Ministry regarded 174,000 sq km as potentially mine-infested. Remarks by Economy Minister Julia Svyrydenko at a donor conference for humanitarian demining in Zagreb, Ministry of Economy, 11 October 2023 [Ukrainian]. A senior ministry official said 18,000 sq km of this area turned out to be mine-free, as determined by interviews with locals and studies of the military activity that took place there. Crisis Group interview, Kyiv, 22 April 2024.

³ "Walking on Fire, Demining in Ukraine", GLOBSEC, 4 April 2023.

⁴ "Ukraine: Banned Landmines Harm Civilians", Human Rights Watch, January 31, 2023.

⁵ "Scale of the mine tragedy in Ukraine as a consequence of the Russian war", Voice of America, 28 July 2023 [Ukrainian].

⁶ "We don't have 700 years for demining", LB.ua, 12 October 2023 [Ukrainian].

tive – or dangerous – in the meantime. Sappers will attempt to clear forests and the banks of rivers and lakes only if residents report the presence of mines in those areas.⁷ While this hierarchy of priorities is understandable, it means that activities supplementing rural livelihoods – such as fishing, mushroom picking and collecting firewood – remain risky ventures.

The need for demining far exceeds the funds at hand. The World Bank estimates clearing Ukraine of explosives will cost \$34.6 billion through 2033; as of April 2024, Ukraine had raised just \$700 million.⁸ The Economy Ministry is developing a compensation scheme in which landowners pay 20 per cent of the demining costs and a state fund foots the remaining 80 per cent of the bill. But the ministry says budget constraints mean it cannot pay demining costs that exceed the value of the land itself. Owners of land that is densely mined or scarred by craters will likely have to wait for charitable demining organisations to help defray the expense of making their tracts productive again.⁹

Besides limited funds, there is a lack of capacity to meet the demand for mine clearance in Ukraine. Every step of the demining process, from detecting mines to removing them, is supposed to be carried out by individuals or firms that have been certified by Ukrainian authorities. Obtaining a certificate takes six to eight months, twice as long as before the full-scale invasion, and the costs for prospective demining operators are high.¹⁰ The Economy Ministry has tried to expand the pool of commercial deminers; as of May, the country had a total of fifteen operators licensed for technical surveying, eleven for manual demining and one for mechanical demining.¹¹ Increasing the number of specialists requires speeding up the certification process for operators, their staff and equipment.

The lack of certified surveyors and deminers has economic consequences for farmers. Until a certified assessor has found that the land is indeed mine-contaminated, farmers and landowners must continue to pay tax on it, even if they refrain from cultivating it because of the potential dangers. It is, of course, almost impossible to sell damaged tracts.¹² The dearth of state-provided or state-subsidised demining services means that unlicensed operators are in high demand: not only are they cheaper, but

⁷ Crisis Group interview, head of regional state emergency service, north-eastern Ukraine, 8 February 2024.

⁸ See “Ukraine: Third Rapid Damage and Needs Assessment, February 2022–December 2023”, World Bank Group, February 2024; and “Over USD 700 million committed by international partners for humanitarian demining projects in Ukraine for 2022–2027”, press release, Economy Ministry, 4 April 2024.

⁹ Crisis Group interview, senior Economy Ministry official, Kyiv, 22 April 2024.

¹⁰ Crisis Group interview, international demining expert who advises the Economy Ministry, Kyiv, 20 March 2024. The head of an eastern region’s administration said the costs of certification had discouraged many potential demining operators. Crisis Group interview, eastern Ukraine, 31 August 2023.

¹¹ “Register of Issued Certificates”, Interregional Demining Centre of the Civil Protection Ministry, 27 May 2024. “We are working toward certification of private demining operators in under a month – Julia Svyrydenko”, press release, Economy Ministry, 8 June 2023 [Ukrainian]. “Humanitarian demining: In January more than 21,000 hectares of agrarian land have been surveyed in Ukraine”, press release, Economy Ministry, 31 January 2024 [Ukrainian].

¹² Crisis Group interview, international demining expert who advises the Economy Ministry, Kyiv, 20 March 2024.

they tend to be readily available. They do not, however, offer documentation or guarantees that a field is safe.¹³

Even after the mines are gone, remnants of explosives pose a lingering threat. Heavy-metal contamination of farmland that saw intense artillery fire may limit future food production or, at the very least, reduce yields. Soil scientists say the crop loss from such contamination could reach \$15 billion.¹⁴ Farmers need to know how bad the contamination is before deciding whether to pursue costly soil removal. Around the sites of the fiercest battles, mines, unexploded ordnance and other pollutants like leaked fuels – combined with bomb craters and trenches – may render the soil irrecoverable.¹⁵

B. *Bleak Demographics*

In addition to physical destruction, unexploded mines and the threat of fresh Russian advances in certain areas that were liberated in 2022, these regions' governments are dealing with a looming demographic disaster. As of early 2024, the UN estimates that 6.5 million of Ukraine's prewar population of over 40 million have fled abroad and another 3.4 million have been internally displaced.¹⁶ The destruction and uncertain futures of liberated areas mean that many or most former residents who can make a living elsewhere will not return.¹⁷ At the same time, there is little paid employment to go around. Only 5 per cent of the businesses operating in Kherson region before the war had returned by January, fourteen months after liberation.¹⁸ The net effect is that the few job seekers in liberated areas will have a hard time finding work outside state employment.

An additional demographic challenge is that these regions' residents tend to be older. About half the residents in liberated territories fled their homes in 2022 and by the end of that year, 30 per cent were still living elsewhere. Among people aged eight-

¹³ Crisis Group interviews, head of civilian protection NGO in southern Ukraine, Kyiv, May 2023; head of international demining organisation, Kyiv, 15 November 2023. An executive at a large agricultural conglomerate that offers commercial demining services told Crisis Group most farmers cannot afford the service, since the cost often exceeds the price of the land itself or even the profit a farmer can hope to get out of a field for the next five to seven years. In such cases, it is easier for farmers to take the risk of do-it-yourself demining, pay the rent on their land without turning a profit or find a way not to pay rent and shift the financial loss to the landowners. Crisis Group interview, Kyiv, 25 April 2024. On ad hoc mine clearing crews in Kharkiv region, see Julian Borger and Artem Mazhulin, "We couldn't wait: Ukrainian farmers improvise to clear their land of mines", *The Guardian*, 19 June 2023.

¹⁴ Julia Vergin, "Ukraine: How the war is making soil and water toxic", *Deutsche Welle*, 3 July 2023. This estimate is preliminary; only close examination of the soil through thousands of samples can determine where the poison lies. Crisis Group interview, senior staff member of UN agency, Kyiv, 9 October 2023.

¹⁵ "The Effect of Russia's War on Ukraine on the State of Ukraine's Soils: Research Results", *Ecodiya*, 2023 [Ukrainian].

¹⁶ See UN Operational Data Portal Ukraine Refugee Situation, 27 May 2024; and IOM Displacement Tracking Matrix, 27 May 2024.

¹⁷ Crisis Group telephone interview, advocacy specialist in international humanitarian organisation, 8 February 2023.

¹⁸ "Only 5 per cent of businesses have returned to Kherson region after de-occupation", *Ukrinform*, 9 January 2024 [Ukrainian].

een to 29, three quarters were back home; for those over 60, the figure was nearly 90 per cent.¹⁹ A disproportionately older population entails many female-headed and single-woman households, at least partly because the life expectancy of Ukrainian women – 74 – exceeds that of their male peers by eleven years.²⁰ That raises the proportion of households likely to struggle economically. Households led by women over 60 make up a third of all food-insecure households.²¹ Women have lower wages and more precarious employment than men, and many hold only part-time jobs to give themselves time to do unpaid care work.²²

The combination of scarce economic activity and an abundance of pensioners and civil servants means that these regions will struggle to provide public services and rebuild. A decentralisation drive that began in 2015 allowed regions to retain the lion's share of their tax revenue, but at the same time they were tasked with providing services such as education and health care.²³ The demographic composition of liberated territories means that these regions have a limited tax base and will struggle to keep health clinics and primary schools afloat. To make matters worse, local authorities also find it hard to determine how many services they need to provide. Millions of people remain mobile – that is, they do not live in permanent homes and often are not residing where they are registered – so population levels are almost impossible to pin down. A solid needs assessment for the provision of services is necessary but hard to conduct under the circumstances.

C. Political Marginalisation

Despite the immense needs of recovered territories, reconstruction funds are more likely to go to regions that are less hard hit. Authorities in Kyiv receive and disburse most of this money, meaning that local governments with better-staffed planning departments have an edge in competing for these budgets. Investing where it is safe to do so makes sound economic sense, but it deepens inequality between more war-affected regions and more stable ones. Looking at the list of reconstruction projects his office receives, said a senior Infrastructure Ministry official, one might believe the war had devastated the west of the country rather than the east.²⁴

Mayors in conflict-hit areas, meanwhile, are reluctant to demand more support. Under legislation from May 2022, which is tied to the imposition of martial law, the

¹⁹ “Legal Protection of People Who Suffered from Russia’s War Crimes, 23-26 December 2022”, Sociological Group Rating, 15 February 2023, p. 7 [Ukrainian]. This study considers the northern regions of Chernihiv, Sumy and Kyiv (though not the city of Kyiv) – all of which were partly occupied in the first weeks of the invasion – to be liberated areas. It is likely that in Kharkiv and Kherson, areas that were occupied longer, the share of elderly people is even higher.

²⁰ “Life Expectancy at Birth – Ukraine”, World Bank Open Data.

²¹ “Ukraine: Third Rapid Damage and Needs Assessment, February 2022-December 2023”, *op. cit.*, p. 78.

²² “Rapid Gender Analysis Ukraine”, CARE, October 2023.

²³ Municipalities can keep 60 per cent of personal income taxes and all corporate and communal financial institution taxes, as well as property tax on real estate, land and vehicles.

²⁴ Remarks by Mustafa Nayyem, then head of the State Agency for Restoration and Infrastructure Development at the “Shaping the New Ukraine: Delivering Resilient Recovery” conference, London, 20 June 2023. Nayyem attributed this bias to stronger planning and lobbying departments in the west.

government can fire elected mayors if they break the law.²⁵ The central government has since been accused by the mayors of Kyiv and Lviv of removing recalcitrant local officials for political reasons while citing criminal charges against them, deterring other local politicians from making moves that might attract the government's disapproval.²⁶ Local officials are thus hesitant to voice discontent with central government policies, ask for more money or appeal to foreign donors for direct funding.²⁷

While the Verkhovna Rada, Ukraine's parliament, should in theory provide a forum for politicians from liberated regions to advocate for their constituents, the legislature has lost influence since the start of the invasion. Once Russian troops rolled in, the executive branch began tightly controlling the Rada's agenda and stalling legislation it did not like.²⁸ In addition, in the last election – held in 2019 – about a third of votes from the Kharkiv region and a fifth from Kherson went to pro-Russian parties, which the government banned within a month of the invasion.²⁹ Many of these parliamentarians kept their seats as independents, but vote with the majority to avoid accusations of being Russian stooges.³⁰

New elections that could give Ukrainians a chance to vote for representatives who better reflect their current priorities are not impossible, but unlikely while the war rages. Even if lawmakers worked out how to square free elections with martial law, Ukraine would have to find ways to let soldiers and displaced people vote and give opposition candidates fair media access.³¹ Well aware of the risks involved, nearly two thirds of Ukrainians oppose polls before the war is over.³²

²⁵ See “On the introduction of changes to some laws concerning the functioning of the state service and municipal administration in the period of martial law”, adopted by Verkhovna Rada, 12 May 2022.

²⁶ The case of Vladyslav Atroshenko, a former mayor of Chernihiv in northern Ukraine, offers an example. Atroshenko took part in his city's defence, earning a medal from President Volodymyr Zelenskyy for doing so. The president, however, had Atroshenko removed from office in December 2022 for unapproved use of a government vehicle (in essence, Atroshenko had his driver use a state-issued car to ferry his family to safety when Chernihiv was shelled). Although Atroshenko had previously been accused of corruption, his dismissal drew condemnation from other mayors, who saw his ouster as a case of the central government pushing aside regional leaders who are not to its liking. Atroshenko was allegedly punished for accusing Zelenskyy of not doing more to repel the Russian advance at the beginning of the war. “The mayor of Chernihiv Atroshenko lost his post for a year: How and why this happened”, BBC Ukraina, 1 February 2023 [Ukrainian]. Konstantin Skorkin, “Ukraine's other battle: Zelensky vs. the mayors”, Carnegie Endowment for International Peace, 25 May 2023.

²⁷ Crisis Group interviews, legal specialist at an anticorruption NGO, Kyiv, 29 March 2023; city mayor, southern Ukraine, 29 August 2023.

²⁸ Crisis Group interview, opposition MP, Kyiv, 4 September 2023.

²⁹ The ban followed a ruling by the National Security Council and primarily concerns the Opposition Platform – for Life (OPZZh), the second strongest party in the 2019 elections and the dominant force in Donetsk and Luhansk regions. In June 2023, a court of appeals confirmed this decision. “OPZZh”, Polit Hub, 2024 [Ukrainian].

³⁰ Crisis Group interview, legal specialist at an anti-corruption organisation, Kyiv, 4 September 2023. An influential political analyst jokingly called former OPZZh MPs “prisoners of war”, alluding to the constraints on their voting behaviour. Crisis Group interview, Kyiv, 15 May 2024.

³¹ Crisis Group interviews, opposition MP, Kyiv, 4 September 2023; legal specialist at an anti-corruption organisation, Kyiv, 4 September 2023; big-city mayor, southern Ukraine, 29 August 2023.

³² “Citizen's Assessment of the Situation in the Country”, Razumkov Centre, 11 October 2023 [Ukrainian]. Another survey made very similar findings. “All-Ukrainian Survey”, Centre for Insights in Survey Research/International Republican Institute, February 2024 [Ukrainian].

III. Dealing with War Criminals and Collaborators

When Ukraine liberated territory from Russian forces, the harm perpetrated by the occupiers became plain to see. Occupying troops had committed atrocities in great numbers. By the spring of 2024, Ukraine's General Prosecutor had recorded more than 134,000 war crimes.³³ At the same time, the Ukrainian government has sought to find ways to punish its own nationals who collaborated with occupying forces. In the aftermath of the full-scale invasion, the Rada quickly passed a series of laws to dissuade Ukrainians from collaborating. While it is understandable that the government took a hard stance, its approach spells legal trouble for almost anyone who interacted with the Russians, even if just to survive the occupation. It also risks overloading the judicial system and depriving the Ukrainian state of workers as it wages war and simultaneously tries to revive liberated areas.

A. The Aftermath of Atrocities

The victims of atrocity crimes face serious challenges when it comes to achieving accountability. On one hand, the state has put a premium on judicial accountability for what are surely legitimate reasons – including both a sincere desire to obtain justice for the victims and a wish to make clear to domestic and international audiences that Russian invasion and occupation exposes Ukrainian civilians to grave atrocities.³⁴ There are incentives for victims to pursue accountability, including that those who win cases will be first in line for compensation payments for war crimes or damage they suffered once funds become available through the Ukrainian state.³⁵ On the other hand, the path to achieving judicial redress for victims of atrocity crimes is strewn with obstacles.

There are basic structural challenges. The Ukrainian judicial system lacks the specialists and legal personnel to hear war crimes cases expeditiously. Even if the authorities could deal with these cases quickly, few of those responsible would see jail time, not least because most of the Russians involved are probably no longer in Ukraine. As time passes, memories will fade and evidence become more difficult to gather, frustrating survivors' prospects of legal recourse and compensation payments.

³³ Website of Ukraine's General Prosecutor, 8 June 2024.

³⁴ The push for accountability was especially pronounced after the discovery of the Bucha massacre in April 2022, which marked a turning point in Western support. Dan Baer, "Bucha increases the moral pull for the West to aid Ukraine", Carnegie Endowment for International Peace, 5 April 2022. "Bucha, a turning point in the war in Ukraine", *Le Monde*, 5 April 2022.

³⁵ Ukrainian court rulings on war crimes are no guarantee of eligibility for compensation through the international Damage Register for Ukraine, but according to the deputy head of the Presidential Office, Iryna Mudra, they will count as evidence in the Register's decision-making. "Ukrainian court's verdicts on compensation for damage caused by Russia can be filed with Register of Damage as evidence – deputy Head of President's Office", Interfax, 3 April 2024. Seized Russian assets from abroad could also later be used for compensation. The Register does not yet have an established mechanism for confiscating or exploiting Russian assets, but started to accept claims for compensation of damage, loss or injury caused by Russian aggression against Ukraine at the beginning of April. "Register of Damage for Ukraine to open for claims submission on 2 April 2024", Council of Europe Office in Ukraine, 27 March 2024.

Gathering testimony, the first step in building legal cases, itself poses huge challenges. A lack of adequate victim care and witness protection discourages many survivors from telling their story and leads them to distrust law enforcement.³⁶ Human rights lawyers say some survivors, particularly women, do not report possible war crimes because they downplay what happened to them or blame themselves for ending up in danger.³⁷ Women who suffered sexual violence at the hands of Russian troops may face stigma from their communities and investigators may be suspicious they profited from sexual relationships with Russians.³⁸ Even if victims want to give testimony, they may have trouble figuring out how to do so. Most people do not know what legal support they are entitled to.³⁹ Finding seasoned practitioners to guide them is hard. A politician who regularly travels to a front-line district centre told Crisis Group there was “not a single social worker left” there.⁴⁰

To plug these gaps, Ukrainian law enforcement often shares the work of interviewing victims and witnesses with international and local civil society organisations. International staff prefer to conduct interviews according to their own methodologies rather than rely on existing transcripts, meaning that survivors may have to repeat their story to several different people – often a traumatic and exhausting experience.⁴¹ Ukraine also has too few forensic experts to document evidence, leading to wait times that can stretch to a year or more.⁴²

Ukraine's legal framework for prosecuting war criminals also needs an update. Ukraine is not a state party to the Rome Statute, the treaty that established the International Criminal Court (ICC), though Kyiv has accepted the ICC's jurisdiction over alleged crimes under the Statute occurring on its territory since 21 November 2013.⁴³ Human rights groups have for years pressed the government to ratify the Rome Statute and make Ukraine a state party, which would make more permanent Kyiv's

³⁶ Crisis Group interviews, foreign advisers to the Ukrainian government, Kyiv, 26 January 2023. Experts specified that war crime survivors' distrust of the government reflected the weakness of the legal framework for protecting survivors and their privacy, as well as a lack of communication between state agencies. Another expert said the state had too few resources to guide survivors through the legal, medical and financial challenges resulting from the crimes they had suffered, Crisis Group interview, head of human rights organisation, Kharkiv, 23 January 2023.

³⁷ Crisis Group interview, head of human rights organisation, Kharkiv, 23 January 2023. Survey data confirms this judgment: only 27 per cent of women said they would testify in court to claim compensation damage to their health or property, whereas 42 per cent of men said they would. “Legal Protection of People Who Suffered from Russia's War Crimes, 23-26 December 2022”, op. cit., p. 38.

³⁸ In one Kharkiv town, for instance, a shopkeeper told Ukrainian police after liberation that she had been forced into a sexual relationship with an occupying officer and some of her neighbours continue to believe she entered the relationship freely. Her shop is open, but some now shun it. Crisis Group interviews, local administrators in liberated area, Kharkiv region, 23 January 2023. See also Alice Speri, “Enemies within: A Ukrainian woman protected her daughter from Russian soldiers –and was accused of collaborating with the enemy”, *The Intercept*, 27 September 2023.

³⁹ “Legal Protection of People Who Suffered from Russia's War Crimes, 23-26 December 2022”, op. cit., p. 41. The proportion rises to 60 per cent among people whose homes have been destroyed and to 66 per cent among people over 60.

⁴⁰ Crisis Group interview, MP, Kyiv, 19 January 2023.

⁴¹ Crisis Group interviews, head of documentation in Ukrainian NGO, Uzhgorod, 14 February 2023; foreign advisers, Kyiv, 26 January 2023.

⁴² Crisis Group interview, head of human rights organisation, Kharkiv, 23 January 2023.

⁴³ “Situation in Ukraine”, International Criminal Court, 6 June 2024.

acceptance of the court's jurisdiction, afford it the rights of a state party (such as electing judges or voting on amendments to the Statute) and create impetus for Ukraine to upgrade its criminal code so that it conforms to the Statute.⁴⁴ But even though the ICC already enjoys prosecution powers in Ukraine for the period since 2013, and despite its practice of focusing on the most powerful perpetrators, the government, military and a growing number of veterans worry that soldiers who have defended the country from Russia over the last ten years may face exposure to ICC prosecution if Ukraine becomes party to the Statute.⁴⁵

Whatever role the ICC plays, Ukraine's own prosecutors lack up-to-date legal tools for bringing perpetrators of international crimes to justice. The Ukrainian criminal code contains no definition of crimes against humanity and its provisions on war crimes, armed aggression and genocide are much vaguer than those of the Rome Statute, making them more difficult for prosecutors and courts to work with. In 2021, parliament adopted a draft law that would have introduced Rome Statute concepts into the domestic legal code. But it is still awaiting the president's signature.⁴⁶ Volodymyr Zelenskyy is reportedly concerned that the law would make domestic war crime investigations of Ukrainian soldiers more likely and undermine his standing with the army.⁴⁷

But there are challenges beyond the state of the criminal code. Even once cases are compiled and filed, there is a dearth of courts to rule on the evidence. In the spring of 2024, every third judge position was unfilled.⁴⁸ This shortfall predates the invasion. In 2019, the Rada dissolved the High Qualification Commission that appoints judges, citing concerns about the reputational risk to candidates who underwent the Commission's public vetting.⁴⁹ Ukraine's candidacy for EU membership, however, appears

⁴⁴ "Ukraine and the Rome Statute: Why is it important to ratify this treaty?", Ukrinform, 3 April 2023 [Ukrainian].

⁴⁵ Interviewees in three separate Crisis Group meetings in January 2023 – one the head of a human rights organisation, one a former prosecutor and one an international legal adviser – mentioned that reservations about ratifying the Rome Statute were voiced mainly by members of the military, who feared the potential prosecution of soldiers and their commanders (who fear they would be held accountable for subordinates' crimes under the doctrine of command responsibility). A lawyer involved in drafting collaboration laws said Russia has purposely spread disinformation about the Rome Statute. Crisis Group interview, Kyiv, 30 March 2023. Calls for caution regarding the Statute appeared long before the full-scale invasion. See, for example, "The International Criminal Court as a Threat to Ukraine in a Hybrid War", Ukrainian Institute for the Future, 2021 [Ukrainian].

⁴⁶ "On the introduction of changes to some legislative acts concerning the implementation of norms of international criminal and humanitarian laws", Verkhovna Rada, Draft Law 2689, adopted 20 May 2021.

⁴⁷ Iryna Shtogrin, "Deadly delay: Why the president still hasn't signed the law on war crimes", RFE, 20 September 2021 [Ukrainian].

⁴⁸ High Qualification Commission of Judges in Ukraine, 8 June 2024. Natalia Mamchenko, "Do not expect a new selection of judges through the High Qualification Commission until the end of the war", *Sudovo-Yurydychna Gazeta*, 5 January 2023 [Ukrainian]. To make matters worse, judicial staff are poorly paid, and the courts have had difficulty attracting workers. Crisis Group interview, member of judiciary oversight body, Kyiv, 20 January 2023.

⁴⁹ According to the commission's chairman, Supreme Court judge Ivan Mishchenko, candidates were long afraid that public vetting would leave a "black mark" on their records that they would not be given a fair chance to erase. The vetting process then switched to a "positive approach", in which candidate's potential integrity risks do not get the same public exposure. Viktoria Matola, "Selection to the

to have spurred the government to tackle the lack of judges: when the country received official EU candidate status in June 2022, judicial reform was cited as a hurdle Kyiv would need to clear. Six months later, the government formed a new commission for selecting judges, and in December 2023 – just days before Ukraine began accession talks with the EU – the Rada adopted legislation to simplify the vetting and hiring of jurists.⁵⁰

In all likelihood, the vast majority of Russian perpetrators will not be locked up. But conducting investigations and bringing trials to fruition, including in absentia where appropriate, is important, allowing survivors to have their day in court and laying the groundwork for obtaining compensation for the crimes committed against them.

B. *Collaboration with the Occupiers*

Ukraine's law on collaboration has a long history, beginning when the country's politicians and activists started to call for legislation to punish the crime a decade ago, at the time of Russia's seizure of Crimea and efforts to destabilise the Donbas region. Between 2017 and 2021, lawmakers from various parties tabled a series of draft bills on collaboration.⁵¹ The authors tried to address criticisms that "collaboration" remained too vaguely defined a crime and that the bills duplicated existing laws on trea-

High Qualification Commission: How did the selection of candidates go and why is there a conflict in the court system?", *Suspilne*, 28 March 2023 [Ukrainian].

⁵⁰ Law 10140-D, adopted 9 December 2023. The EU, in a Memorandum of Understanding for the provision of €18 billion in financial aid from January 2023, lists the re-establishment of the High Qualification Commission and the improvement of the selection process for judges as conditions.

⁵¹ The first attempt in 2017 ("About the prohibition of collaborationism", Draft Law 6170, 9 March 2017), proposed by a group around Igor Lapin, an MP and military commander in the Aidar Battalion, was short on detail as to what constituted collaboration, but named Russia and its proxies as the powers with which it should be banned. A legal review by the parliamentary review commission stated that the crimes named in the law were already covered by the criminal code's provisions against treason and terrorism, and that the law's vague definition of collaboration meant it could be used arbitrarily. Lapin and his supporters then tabled a second, much more detailed version of the bill ("About the protection of Ukrainian statehood from manifestations of collaborationism", Draft Law 7425, 20 December 2017), in which the word "Russia" was replaced with "enemy". The parliamentary review again found this text too vague to become law. An MP from the nationalist Svoboda Party, Oksana Savchuk, led the next attempt to introduce collaboration into the criminal code ("About the introduction of changes to Ukrainian laws (concerning the establishment of criminal responsibility for collaborationism)", Draft Law 2549, 6 December 2019). This bill named the side with which collaboration should be forbidden the "aggressor-state" (the term that made it into the current law), distinguishing between actions leading to fatalities and less grievous ones. The parliament's review commission said the crimes targeted were already punishable, while newly minted legal terms like "collaborationism" and "aggressor state" lacked substance, opening the way to arbitrary verdicts. In 2021, a group of parliamentarians close to former President Petro Poroshenko filed a very similar bill ("On the introduction of changes to the Criminal Code and the Criminal Procedural Code (concerning the criminal responsibility for administrative, economic, military, political, military-political and other cooperation with the aggressor state – collaborationism", Draft Law 5135, 23 February 2021), which widened the focus to social media posts and the responsibilities of people taking up administrative jobs in occupied areas. The main criticism from the parliament's review commission was that treason and espionage provisions in the criminal code already covered what the bill tried to achieve.

son, espionage, terrorism, propaganda, disinformation and war crimes.⁵² Successive initiatives petered out as lawmakers realised how hard it would be to apply such a law fairly. But on 3 March 2022, ten days into Russia's full-scale invasion, Ukraine's parliament adopted a law heavily influenced by those earlier initiatives without a real debate on the bill's merits. During this period, parliament was widely seen to be in something of a legislative frenzy to meet the challenges the country was suddenly facing – described by one human rights lawyer as equivalent to “a crazy printer ... [churning] out new laws”.⁵³

1. A sweeping new law

The law that was enacted covers seven vaguely defined forms of collaboration, ranging from speaking out in support of Russia's invasion to helping Moscow wage war. The parliament's legal review commission published its opinion on the draft law just hours before voting. With heavy fighting engulfing the capital at the time, the expert report begins with the disclaimer that legal analysts had had “extremely limited time under extraordinary circumstances”.⁵⁴

This anti-collaboration law was in many ways an heir to earlier drafts, while also reflecting a changed reality. When the previous iterations were introduced, the Minsk II agreement – brokered by France and Germany to stop the worst of the fighting in Donbas and signed in February 2015 – was in effect.⁵⁵ That agreement laid out a roadmap for the reabsorption of the separatist-controlled parts of Donetsk and Luhansk regions into Ukraine. It prohibited the Ukrainian government from prosecuting separatist administrators and fighters.⁵⁶

Minsk II became obsolete, however, when Russia recognised the separatist statelets in Donetsk and Luhansk as independent republics on 21 February 2022, invading Ukraine three days later. The law passed by the Ukrainian parliament afterward does not just permit prosecution of Ukrainian citizens who served as occupation administrators and in the Russian armed forces. It also targets any Ukrainian who worked in an auxiliary role while a territory was under occupation; exchanged resources (one of the law's many vague formulations) with occupying forces; or publicly justified their presence in Ukraine. In addition to the law on collaboration, laws passed in the spring

⁵² All the draft laws stored in the Verkhovna Rada's online archive come with one or several legal opinions from the parliamentary review commissions. These began with laconic statements that draft bills for collaboration laws lack clarity but have grown increasingly detailed, expressing concern that collaboration laws could lead to arbitrary sentencing.

⁵³ Crisis Group interview, head of human rights organisation, Kyiv, 20 January 2023. An MP echoed this view of lawmaking in the early phase of the invasion. Crisis Group interview, Kyiv, 19 September 2022. A person involved in drafting the collaboration law said it had too many authors with too many different agendas. Crisis Group interview, Kyiv, 30 March 2023.

⁵⁴ Verkhovna Rada legal expert commission, legal opinions on Draft Law 5144, 2 March 2022; on Draft Law 5102, 2 March 2022; and on Draft Law 7186, 22 March 2022.

⁵⁵ Crisis Group Europe Report N°246, *Can Peacekeepers Break the Deadlock in Ukraine?*, 15 December 2017.

⁵⁶ “Package of Measures for the Implementation of the Minsk Agreements”, Trilateral Contact Group, 12 February 2015. The agreement explicitly required Ukraine to adopt a law that would “prohibit punishment of persons in relation to the events that took place in certain areas of Donetsk and Luhansk regions”.

of 2022 also made it a crime to justify, deny or glorify Russia's military aggression in Ukraine or to depict the fighting under way since 2014 as a civil war. Parliament also introduced a separate article outlawing "aiding and abetting the aggressor state", under which foreigners who help Russia wage war can be tried.⁵⁷

The penalties are harsh, too. They include a ban from being employed in state jobs, fines, confiscation of property, corrective labour (during which a convict must pay between 10 to 20 per cent of his or her salary into the state budget for up to two years) and jail terms. If an act of collaboration led to loss of life or large-scale destruction, the perpetrator can be subject to a life sentence.⁵⁸

The Rada's legal experts raised concerns that the vagueness of the term "collaboration" in the draft could lead to unintended consequences. For example, the expert commission feared that a Ukrainian citizen calling for a prisoner exchange or negotiating with Russia as part of an official delegation could face indictment. There are myriad other ways in which the vague language of the law could trip up Ukrainians as they try to figure out what behaviour might subject them to punishment, should they fall under occupation. For example, the law does not tell small business owners such as those running groceries or currency exchange bureaux whether obtaining a licence from occupiers to continue operating the business constitutes collaboration.⁵⁹

2. Fights over the law's reach

To further complicate matters, politicians have publicly feuded over the law's interpretation. In one instance, the Ombudsman for Human Rights, Dmytro Lubinets, said in the spring of 2023 that Ukrainians in occupied areas could accept Russian passports issued in their names if it helped them survive. The reintegration minister,

⁵⁷ Justifying, denying or glorifying the military aggression by the Russian Federation is punishable under Criminal Code article 436-2, adopted 3 March 2022. Aiding and abetting the aggressor state is regulated in Criminal Code, article 111-2, adopted 14 April 2022. While similar in spirit to the collaboration law, this article explicitly targets both Ukrainian and foreign nationals (albeit not citizens of a country that has attacked Ukraine, as Russia has), whereas the collaboration law explicitly targets Ukrainian citizens.

⁵⁸ Criminal Code, article 111-1, adopted 3 March 2022: Actions defined as collaboration are: 1) public statements that support or justify the aggression (social media posts make up a large share of indictments under this paragraph); 2) voluntary employment in the administrative bodies of the occupation forces *without* organisational or administrative duties (a category broad enough to include people who work in municipal water or electricity provision or in trash collection); 3) propaganda in institutions of education; 4) handing over resources to the occupation forces or carrying out economic activities with them; 5) voluntary employment in the administrative bodies of the occupation force *with* organisational or administrative duties (for example, a local councillor or mayor); 6) organisation of political events together with the occupation force (for instance, elections or political rallies); and 7) voluntary employment in the law enforcement or judiciary of the occupation force. The eighth paragraph specifies that a perpetrator found guilty of an act of collaboration that led to loss of life or other severe harm can be punished by life in prison.

⁵⁹ Crisis Group telephone interview, human rights monitoring specialists in international organisation, 21 February 2023. In rare cases, obtaining a licence from occupiers counts as exchanging resources with the occupiers and therefore as collaboration. A case pending in a Kyiv court involves a defendant accused of obtaining a licence from occupying forces to run a currency exchange bureau in occupied Berdiansk. See National court register case number 42022102070000305, 7 August 2023.

Iryna Vereshchuk, fired back that people could not take Russian passports and should avoid any form of interaction with the Russians.⁶⁰

Advocates for strict punishment of collaborators point out that the new law will force people to think whose side they are on and avoid working with the enemy should they come under occupation. Those in favour of a tough collaboration law also assert that if Ukraine fails to bring to justice those who betrayed it, the brittle trust the state now enjoys from its citizens could be jeopardised. They argue that the invasion brought a surge of unity and civic engagement; by this token, lack of action against those suspected of collaboration could well bring back the disillusionment that many Ukrainians traditionally harboured toward state institutions.⁶¹ The same argument holds that victims who must continue to live next door to perpetrators would experience fear and stress; soldiers and veterans, too, could feel that a lack of official resolve amounts to neglect of their sacrifice.⁶²

But punishing individuals for alleged crimes of collaboration presupposes that they have a choice in the matter. That is not always the case for people in occupied areas at the mercy of occupying forces. For them, immediate dangers such as arbitrary detention or torture are bound to outweigh the threat of being tried for collaboration after liberation or the need to defend the integrity of the Ukrainian state. Indeed, the expectation that they refuse to interact with occupying forces in any way at all may seem unrealistic.

Many people – including many who are loyal to the Ukrainian state – had no other option than to interact with the Russians, yet that has now made them vulnerable to accusations of collaboration under the terms of the anti-collaboration law. For instance, Ukrainians forced to sell off property may have entered contracts with representatives of the occupying forces. They could be subject to collaboration charges.⁶³ A more disturbing example involves the plight of Ukrainian parents whose children were abducted by Russian forces. Occupying forces separated more than 19,500 minors from their families and sent them into Russian-occupied regions of Ukraine or Russia itself.⁶⁴ In cases where Ukrainian parents contacted Russian institutions to track down their children, many feared enlisting the help of Ukrainian authorities after liberation lest they be accused of collaboration.⁶⁵

⁶⁰ Evhen Kizilov, “Lubinets quarrels with Vereshchuk over Russian Federation passports from occupiers”, *Ukrainska Pravda*, 2 May 2023 [Ukrainian].

⁶¹ Crisis Group interviews, Ukrainian sociologists who study attitudes toward transitional justice, 30 January 2023.

⁶² Crisis Group interviews, volunteers catering to the army, Kriviy Rih, 28 February 2023.

⁶³ Crisis Group telephone interview, international human rights lawyer working on property crimes in Ukraine, 29 June 2023.

⁶⁴ “Children of War” website, Ukrainian Government, 9 June 2024.

⁶⁵ “Why Do Parents of Deported Children Fear Incriminating Themselves with Collaboration Charges?”, Ukrainian Helsinki Human Rights Union, 13 September 2023 [Ukrainian]. Since the full-scale invasion, Russia has forcibly removed civilians from occupied Ukrainian territory and deported them to Russia, including families with children and unaccompanied minors. In March 2023, the ICC issued arrest warrants for President Vladimir Putin and Russia’s presidential commissioner for children’s rights, Maria Lvova-Belova, for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation. “Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova”, International Criminal Court, 17 March 2023.

The line between surviving occupation and profiting from it can be blurry. To be sure, in some cases collaborators cooperated with occupiers to gain power. The Russians allowed pliant officials and businesspeople to take over enterprises and properties, especially from neighbours who had fled or refused to pay Russian taxes.⁶⁶ But other people cooperated with occupying authorities to hold on to their livelihoods or because they feared for their or their families' lives.

Leaving aside those under obvious duress, pressures on people to conform tend to increase the longer occupation lasts.⁶⁷ Some Ukrainian officials recognise that citizens in long-occupied areas face tough choices. Ukraine's chief prosecutor for Crimea and the president's top official for the region both want the collaboration law changed for the peninsula, which has been under Russian control since 2014 and remains unlikely to be liberated soon. Citing the lengthy occupation, they propose to exempt state servants with no decision-making powers and apply punishments more selectively, according to individuals' motivations for supporting the occupying power. Whether the offending acts resulted in major harm to Ukraine's security would be considered as well.⁶⁸

These knotty questions regarding levels of responsibility and freedom of choice are, however, largely shunted to one side within the anti-collaboration law. The law's broad definitions have enticed prosecutors seeking a "quick win" to select easy cases and prosecute people who did not hold influential positions during occupation and did not wish (or manage) to flee with the Russians.⁶⁹ If people in liberated areas increasingly feel that law enforcement misses the big fish while catching petty collaborators, it could undermine a goal lawmakers intended to serve, instead eroding faith in the Ukrainian state.

Ukraine would also suffer a reputational setback if the European Court for Human Rights were to call into question its collaboration cases. It is not inconceivable that Ukrainian citizens prosecuted under these newly enacted laws for conduct in occupied territories would seek to challenge their convictions in the court. Ukrainians objecting to these laws might cite the views of states, including the U.S., that have historically understood international law as barring the displaced sovereign (here Ukraine) from passing legislation governing occupied territory during the period of occupation. The

⁶⁶ Crisis Group interview, former local official and business owner who fled an occupied part of Luhansk region, Warsaw, 14 July 2022. An investigation by Russian opposition outlet *Novaya Gazeta* detailed that if Ukrainian businesses under Russian occupation refused to register with Russian tax authorities, they would be declared "derelict" and often sold to businesspeople with good connections to the Kremlin or proxy authorities. Daria Talanova, Sergey Teplyakov and Antonina Asanova, "How Russia seizes Ukrainian businesses in occupied territories", *Novaya Gazeta*, 25 March 2023.

⁶⁷ Crisis Group interview, head of human rights organisation, Kyiv, 20 January 2023.

⁶⁸ "The prosecutor of the Autonomous Republic: The majority of Crimeans are not traitors and the definition of 'collaborationism' needs to be changed for Crimea", Interfax Ukraine, 6 March 2023; Tamila Tasheva, "Who should be punished for collaboration in Crimea", *Ukrainska Pravda*, January 2023 [Ukrainian]. Tasheva argues that the current collaboration law focuses too heavily on "newly occupied areas".

⁶⁹ Research by the OHCHR seems to confirm the "quick win" thesis. In early 2024, 40 per cent of all guilty verdicts under the anti-collaboration law concerned pro-Russian statements made in public or online, which are easy to attribute and carry only light sentences, meaning that defendants often accept a guilty plea. "Human rights situation during the Russian occupation of territory of Ukraine and its Aftermath. 24 February 2022-31 December 2023", OHCHR, 25 March 2024.

Hague Regulations on the Laws and Customs of War on Land seem to support this view by distinguishing between pre-occupation laws on the books (which the occupying power is obliged to adhere to) and subsequently enacted laws.⁷⁰ Since some of the areas now liberated were already occupied by Russian forces when Ukraine adopted the anti-collaboration law, there may be grounds to challenge Ukraine's prosecution of collaborators in occupied areas under newly enacted laws.

3. A burgeoning caseload

Compared to the vast number of people it could affect if zealously enforced, the anti-collaboration law has so far led to few charges. Nonetheless, because the law is so broad and because war crime cases are also piling up, even spotty application has already led to more cases than the court system can handle. As of June, the General Prosecutor's office has registered some 8,150 accusations of collaboration under the new law, which have resulted in more than 1,600 guilty verdicts.⁷¹

There may be more: the government has classified parts of the national court register (which lists court decisions) on the grounds of security concerns, declining to specify how many cases remain unknown to the public, which makes it harder for lawyers, activists and journalists to grasp the law's full impact.⁷² In May, the Verkhovna Rada made it nearly impossible. Over the vocal protests of rights groups, it adopted a new law that would restrict access to records of every national security case, including collaboration cases, for the duration of martial law and a year thereafter.⁷³

Because lawmakers explicitly created a law to punish collaboration, and not its effects, many actions that caused no harm at all can lead to convictions.⁷⁴ A search in the national court register shows that a fifth of the available verdicts explicitly mention the absence of a harmed party. These include activities that would be permissible under international humanitarian law, which protects workers in occupied areas who provide basic services such as operating a health clinic.⁷⁵

⁷⁰ Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907. in Article 43 of the Hague Regulations on the Laws and Customs of War on Land (Hague IV), which is regarded as reflecting customary international law governing military occupation and provides that the occupying power is obliged to respect "unless absolutely prevented, the laws *in force* in the country" (emphasis added). Article 43 thus seems to distinguish between pre-occupation laws on the books and subsequently enacted laws.

⁷¹ Statistics published on the website of the General Prosecutor's office, 16 June 2024; and the national court register. In early 2024, when the sample size was around 1,000 guilty verdicts, some 68 per cent of the sentenced were men and 32 per cent women. See "Human rights situation during the Russian occupation of territory of Ukraine and its Aftermath, 24 February 2022-31 December 2023", op. cit.

⁷² Crisis Group interview, court reporter, Kyiv, 8 July 2023.

⁷³ Draft Law 7033-D, adopted in the first reading on 23 May 2024. "Despite the criticism of human rights defenders, the Verkhovna Rada has adopted in the first reading a draft law that restricts access to court verdicts", RFE, 23 May 2024 [Ukrainian].

⁷⁴ For example, case number 42022222060000162 in the National Court Register, 6 April 2023, in which the defendant became an administrator in a council housing estate in the Kharkiv town of Kupiansk and received a five-year prison sentence, as well as case number 12022082020000342, 6 February 2023, where a defendant who became the medical director of a health clinic was sentenced to six years in prison.

⁷⁵ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Article 43 and Con-

Research by the UN Office of the High Commissioner for Human Rights suggests that of those convicted of collaboration who by early 2024 had received verdicts for being employed by occupying forces, a third were convicted for providing services the occupiers are required to supply under international humanitarian law. These included workers in emergency services, schools, water services or garbage removal. More than two thirds of these convicted service providers were women.⁷⁶

As the collaboration law is enforced across Ukraine, court verdicts and sentences are being handed down in what is too often an erratic and seemingly unnecessarily punitive fashion. For example, an electrician in the liberated Donetsk town of Lyman helped the Russians restore electricity. He received a three-year prison sentence for collaboration, which a court of appeal later reduced to probation, taking into account the electricians' ageing parents, for whose sake he had stayed in the occupied town.⁷⁷ A woman from the Kharkiv town of Chkalovske was banned from public-sector jobs for twelve years for helping the Russian-installed military administration distribute cash and medicine, which it characterised as humanitarian aid.⁷⁸ In a similar case, a woman in Lyman received the much harsher sentence of five years in prison for taking on an auxiliary role in the occupying administration that also involved coordinating what occupiers called humanitarian aid.⁷⁹ In contrast to the first case, the judge deemed her an administrator, which under the anti-collaboration law requires harsher punishment.⁸⁰

4. Reform vs. stasis

At least eleven draft bills aimed at reforming the anti-collaboration law are pending in parliament. Most have been filed by lawmakers, but Prime Minister Denys Shmyhal has also submitted his own proposal.

Potential changes include better defining what constitutes collaboration by, among other things, introducing detailed lists of actions that would qualify as abetting the enemy; increasing judges' discretion with regard to punishment of small-time collaborators (pending draft laws propose both harsher and more lenient sentences); and offering clearer exemptions for Ukrainian citizens pressed into the ranks of Russian

vention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Articles 50, 51 and 56.

⁷⁶ For tensions between the collaboration law and international humanitarian law, see "Human rights situation during the Russian occupation of territory of Ukraine and its Aftermath. 24 February 2022-31 December 2023", op. cit.

⁷⁷ Oleksiy Arunyan, "Bad energy: How courts first jailed and then freed an electrician from Donetsk region, who renewed the electrical grid in occupied Lyman", *Hraty*, 28 March 2023 [Ukrainian].

⁷⁸ National Court Register, case number 12023226290000170, registered 10 October 2023.

⁷⁹ Oleksiy Arunyan, "In occupation they cared for the vulnerable. Now they're in jail for it", *Open Democracy*, 4 October 2023.

⁸⁰ The vague criteria used to specify crimes of collaboration lead to inconsistent sentencing. In another case, in a town on the Kherson front, a judge did not consider that a woman's compilation of an inventory of municipal property constituted administrative duties – although the defendant was in essence laying out what assets the Russians could extract from the municipality. The judge handed down only a ten-year ban on working in public-sector jobs and no jail time. National Court Register, case number 22023150000000167, registered 8 June 2023.

forces in occupied regions.⁸¹ The prime minister's draft appears to make the most serious attempt to at least partially align the collaboration law with international humanitarian law. It would do so by giving exemptions to those whose collaboration consisted of "transfer[ring] material resources" to or conducting "economic activities" in cooperation with the occupiers, but not for those who were formally employed by the occupying administration.⁸² Reforms to the law could go further, by exempting from prosecution all those whose ostensible collaboration aimed to ensure the continuation of basic services and economic life under occupation, including those who were employed by the occupying administration but did not cause harm to others.

That said, for all its widely observed flaws, the anti-collaboration law will probably remain unchanged for now, as none of the proposed amendments is anywhere close to a parliamentary vote. Adopting a more nuanced approach in dealing with Ukrainians who could be accused of abetting the Russians is not a priority in wartime, particularly when parliament is drafting legislation required for the mobilisation of troops and EU accession (for which the government's action plan does not foresee changes to the collaboration law).⁸³ According to close watchers of Ukrainian politics, MPs fear seeming too soft on Russia's enablers and are unwilling to take up the cause.⁸⁴

Moreover, the stasis over fine-tuning the collaboration law reflects an understandable fear of lingering Russian influence at a time when Ukrainian sovereignty remains under clear threat. Many Ukrainians are sceptical that administrators, police officers or teachers who worked for the Russians in any capacity could help rebuild liberated areas. Anyone convicted of collaboration or aiding and abetting Russia faces a ban from working in public administration, law enforcement or education for up to fifteen years. Several of the proponents of the anti-collaboration law Crisis Group interviewed voiced support for this measure and called for a clean slate: namely, a fresh cohort of administrators beyond suspicion to work in liberated regions.⁸⁵

That may be unrealistic. Quite simply, with the country facing a labour shortage, the liberated territories are unlikely to see an influx of qualified workers from other

⁸¹ Verkhovna Rada, draft bills 7223, 30 March 2022; 7279, 12 April 2022; 7329, 29 April 2022; 7570, 20 July 2022; 7647, 8 August 2022; 8077, 26 September 2022; 8301, 23 December 2022; 8301-1, 5 January 2023; 8301-2, 9 January 2023; 10136, 9 October 2023; and 10136-1, 24 October 2023.

⁸² It would do so by giving exemptions to those whose collaboration consisted of "transfer[ring] material resources" to or conducting "economic activities" in cooperation with the occupiers. That would exempt those who interacted with the Russians in an informal function, for example by helping fix the electricity grid without being officially employed. Notably, such exemptions, once written into law, would apply retroactively, in line with Article 58 of the constitution, so that people who have broken the current law would not be tried after more lenient rules come into force.

⁸³ "Order Nr 33 on the confirmation of an action plan for the fulfilment of recommendations of the European Commission", Government of Ukraine, 9 February 2024.

⁸⁴ Crisis Group interviews, former MP and analyst, Kyiv, 10 July 2023; human rights lawyer, Kyiv, 28 June 2023. According to a March 2024 survey, two thirds of Ukrainians agreed with the statement: "All those who tarnished themselves by working with the enemy in the temporally occupied territories need to go to jail. No exceptions!". See "State of the Public Consciousness in the Third Year of Russia's Full-scale Invasion", Association of Political Psychologists of Ukraine, 1 April 2024 [Ukrainian].

⁸⁵ "Ukrainian universities churn out thousands of young professionals every year", a blogger and opinion leader on the issue of collaborationism told Crisis Group. "It's much better to send young specialists who make some mistakes for three years than having old collaborators in these positions". Crisis Group interview, Kyiv, 18 January 2023.

parts of the country. Ukraine's overall population will not return to its pre-invasion level before 2040, according to estimates, and the drop in working-age people will be particularly severe.⁸⁶ One reason is that women of child-bearing age make up a disproportionate share of the displaced population and are better educated than their male peers. Their absence, and most likely their only partial return, both reduces the number of well-trained workers and slows the recovery of the country's birth rate, with knock-on effects on the future labour market. Ukraine may therefore lose between a fifth and a quarter of its working-age people until at least 2040.⁸⁷ In whatever way the war ends, Ukraine will very likely need all the helping hands it can get, and jobs will be plentiful throughout the country, leaving few workers for the areas worst hit by conflict.

The government realises that finding specialists to drive the recovery of its most devastated regions will be a challenge. A Kyiv state university announced master's programs specifically to train future administrators for war-affected regions.⁸⁸ But with the end of the war still a distant prospect and its outcome uncertain, bright young graduates could find state jobs in less perilous areas instead. In these circumstances, should Ukraine thwart Russian advances, keep hold of territories it has liberated and perhaps reconquer other Russian-held areas, it may have little choice but to let those who interacted with the Russians without harming others back into their jobs.

⁸⁶ Maryna Tverdostup, "The Demographic Challenges to Ukraine's Economic Reconstruction", The Vienna Institute for International Economic Studies, July 2023.

⁸⁷ Ibid.

⁸⁸ The program includes the courses "post-conflict governance" and "governance in front-line areas". Yaroslav Syvakivskyy, "Taking back what's ours on all levels: In Kyiv, the education of experts for liberated territories has begun", 24tv, 12 May 2023 [Ukrainian]. In addition, the National Agency for Civil Service together with the U-Lead Program and German development organisation GIZ have initiated a program to prepare civil servants for the needs of liberated territories. "NADS, U-Lead and GIZ will work together on the issue of preparing cadres for the liberated territories", press release, National Agency for Civil Service, 9 March 2023 [Ukrainian].

IV. Looking Ahead

While Ukraine has few resources to spare as it fights for its existence as an independent state, the way it rebuilds and reintegrates the territories it has already freed from Russian occupation and those others it might still liberate will be crucial to the country's future. The longer an area has been occupied and the more difficult the fight to free it, the more arduous it will be for regions to return to a semblance of normal life. Smooth reintegration can convince people living under occupation that liberation is worth waiting for. Mitigating the dangers of mines and unexploded ordnance, conducting solid needs assessments, coordinating the investigation of war crimes and adopting a pragmatic approach to collaboration are all essential parts of returning to peace in those parts of Ukraine that the state has reclaimed or may eventually retake.

A. *Plotting the Recovery of Liberated Areas*

Ukrainian authorities, together with international partners, must work to make liberated territories inhabitable. The first step toward that is a better understanding of where mines are buried. International partners can help the Ukrainian government streamline the training and licensing of state, non-governmental and private-sector deminers. They can also support a data management system to keep track of where these disparate demining efforts are active. Developing long-term compensation models for people whose farmland is mined or littered with unexploded ordnance will help reduce incidents where people lose limbs or even their lives. Certified demining teams may take years to clear prime land. Subsidies for leaving fields fallow until they can be properly demined would ease the pressure on farmers to take unsafe shortcuts.

Clearing fields of mines is manifestly critical to making communities feel safe again. But foreign donors could do more to help Ukraine's liberated territories become habitable by sending their contributions to local communities. That would help these areas get access to funds without having to compete with more stable regions of the country that boast better-equipped planning departments. Just boosting the number of trained appraisers in these regions could make a difference. It does not require a lot of training to get someone up to speed in documenting damage to buildings and taking soil samples to calibrate the level of contamination. Requalification programs could build up this capacity on a short timeline, creating local jobs and laying the groundwork for faster compensation payments.⁸⁹

Local authorities can best manage the rebuilding effort if they remain accountable to voters and if they can credibly represent the people most affected by war. Elections may remain out of reach for now, but there are steps authorities can take to ensure residents have a say in setting priorities. They can, for example, expand existing online and other tools for political participation, eg, through petitions where people can suggest projects and vote on how budgets should be allocated.⁹⁰ In the meantime, Ukrainian lawmakers should be careful not to erode the political representation of lib-

⁸⁹ Crisis Group telephone interview, city council member in occupied city in Luhansk region, 29 March 2023.

⁹⁰ A new law hands municipalities broad new possibilities for political participation. Draft Law 7283, adopted 17 April 2024, pending presidential signature.

erated areas any further. The government should limit its use of wartime laws that allow it to replace elected local officials with its own appointees, which can further contribute to feelings of disenfranchisement.

B. *Strengthening War Crimes Investigations*

Donors could also help under-funded regions deal with war crimes and collaboration cases. A better staffed and coordinated effort to document war crimes can help forestall any Russian attempt to downplay the abuses its troops have meted out. It can also encourage hesitant survivors to tell their stories and ensure them they will not go through the ordeal of doing so in vain. Speedy investigation of war crimes raises survivors' chances of obtaining judicial redress – and perhaps compensation payments – in their lifetimes. Delays in carrying out these probes, in contrast, will make it harder for investigators to find physical evidence and gather testimony while memories are fresh.⁹¹

Additionally, the Rada should ratify the Rome Statute and the president ought to sign pending legislation that would inscribe crimes against humanity and a Rome Statute formulation of war crimes into domestic law. Reforming Ukraine's criminal code in this manner would bring it more closely in line with international standards and aid in the smooth, impartial administration of justice.

C. *A More Pragmatic Approach to Collaboration*

As it stands, Ukraine's collaboration law casts too wide a net. Even putting moral and legal arguments and the difficulties of investigation and consistency aside, a country struggling to defend its independence, recuperate liberated territories and potentially regain more occupied land cannot afford to lock up thousands of trained specialists or ban them from their jobs. Ukrainian authorities should act quickly to reform the collaboration law and send a clear message to Ukrainians in Russian-held areas: that is, interactions with the occupiers will only lead to punishment if they are proven to have caused violence or other harm.

In reforming the collaboration law, legislators should more explicitly tie judicial repercussions to the provable harm caused by perpetrators' actions. The gains they extracted – be it in wealth taken from others or power usurped from those who gained it legitimately – should be important considerations in deciding on prosecutions and punishments. Using such criteria will help ensure that those who sought and gained influence through collaboration, rather than state employees lower down the ladder,

⁹¹ An international human rights lawyer at an NGO that documents war crimes in Ukraine also underlined that the resources for speedy justice are easiest to obtain when the limelight is on Ukraine and that investigations are likely to run out of steam once international attention moves on. Crisis Group telephone interview, 29 June 2023. Ukrainian human rights activist and Nobel Peace Prize laureate Oleksandra Matviichuk argues that Russia has become accustomed to impunity for its war crimes in Chechnya, Georgia, Moldova, Syria, Libya and Mali and feels emboldened to wage war as it pleases. "Playing the Long Game: The Role of International Courts and Tribunals in the Russo-Ukrainian War", *Judicature Internationale*, June 2023, p. 5.

are targeted for prosecution.⁹² Narrowing the focus in this way would help punish those who consciously undermined Ukraine's national security, while protecting those who interacted with the Russians simply to survive or to help their communities.

The Rada can and should take additional steps so that justice is meted out more fairly in regions that succumbed to Russian rule and were later liberated. First, it can adapt the legal framework on crimes of collaboration to recognise more explicitly the right of Ukrainians living under occupation to work for an adequate income. Secondly, the Rada can acknowledge that under international humanitarian law the occupying power must keep basic services functioning normally, which can only be achieved with local help; local people should not be prosecuted for providing that help. The prime minister has filed a draft bill to partially address this issue (see Section III.B.4).⁹³ Parliament should approve it. But lawmakers should go further, explicitly exempting from prosecution all those whose ostensible collaboration aimed to ensure the continuation of basic services and economic life under occupation, even if that involved employment in the structures of the occupying administration – a change that would, among other things, better align Ukrainian with international humanitarian law.

Legislative change will require political support. International donors can help Ukrainian civil society establish platforms for frank, public debates on what collaboration laws can realistically achieve. State institutions and NGOs could use such platforms to alert Ukrainians to the financial cost of potentially trying tens of thousands of small-time collaborators and punishing the guilty.⁹⁴ An important first step toward providing the public with greater clarity about the pros and cons of the current approach to collaboration would be for Ukraine to make the partially classified national court register of cases more transparent, instead of making access more restrictive as the Rada is now set to do. Debate on these issues could also take into account the many alternative ways to hold people accountable and promote social healing in the aftermath of occupation. Compensation payments could help provide a measure of redress to survivors without requiring prosecution of all those who interacted with Russian occupiers.

None of the above precludes punishment of people guilty of harmful collaboration; the repercussions for this crime can include jail sentences and bans on various forms of employment. But a more fine-tuned approach would help ensure that tens of thousands of people are not prohibited from serving in jobs that are critical to everyday community life. Ukrainian authorities can where needed apply laws that predate the occupation against treason, espionage and propaganda, enabling them to navigate international law and policy considerations that may make cases against collaborators in areas already occupied when Kyiv enacted the anti-collaboration law untenable. As part of this fine-tuning, prosecutors should preselect cases from places and periods to maximise their chances of withstanding scrutiny from the European Court for Human Rights. Donor nations can support Kyiv's efforts on all these fronts financially and with legal advice.

⁹² These steps would reflect developing court practice that stresses the larger share of responsibility shouldered by those who exerted authority over others. Crisis Group interview, person involved in drafting the collaboration law, Kyiv, 30 March 2023.

⁹³ Draft Law 7647, 8 August 2022.

⁹⁴ Crisis Group interview, human rights lawyer, Kyiv, 29 June 2023.

Finally, Ukrainian lawmakers should ensure that new laws take into account the circumstances of areas where more people interacted with occupying forces for longer periods. People who endured years of occupation should not be held to the same standard as people who were under Russian rule for a few weeks. The government sometimes hints that there may be mass amnesties after liberation, but what that policy might look like remains unclear.⁹⁵ Ukraine's pursuit of justice, and its eventual reintegration as a nation, will be better served by a legal code that specifies that no one will be punished for their interactions with occupiers unless they thus caused harm to others.

⁹⁵ For example, in the government's updated action plan for the de-occupation of Crimea, 4 April 2023 [Ukrainian].

V. Conclusion

Although the war is far from over and its eventual outcome remains in the balance, Russia's occupation and the destruction it has already wrought on Ukraine put immense strains on the country's social fabric and state institutions. President Zelenskyy's government is understandably focused on winning the war, leaving little in the way of resources for the recovery of liberated territories. But this issue cannot be neglected, both because of the urgent needs in these areas but also because the Ukrainian state has a chance to prove it is better able to protect and provide for its civilians than Russian occupiers. For successful reintegration of these areas, the government and its foreign backers should redouble efforts to establish where mines are buried, assess which needs are most urgent, strengthen liberated areas' political voice in the capital, and determine which war crimes can be documented and tried with the resources at hand.

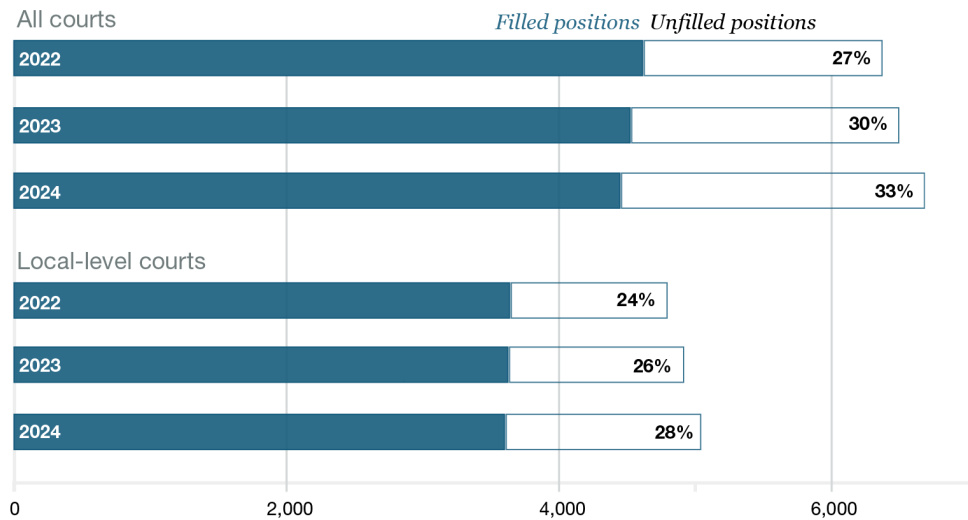
The flaws in Ukraine's hastily adopted anti-collaboration law should also be ironed out. More than 1,600 people have been sentenced for collaboration – and many more could be – often for interactions with Russians that did no harm to anyone. A major reason for adopting the law was to deter locals from providing assistance to Russian occupying forces. But the way the law is currently construed means that tens of thousands of occupation survivors could be banned from working in roles essential for reconstruction, while those still living under the Russian yoke could be discouraged from carrying out essential labour for their communities – or unnerved by the possible legal consequences of Ukrainian reconquest despite being blameless.

Ukraine's achievements in pushing back Russian invaders late in 2022 were remarkable. As Kyiv confronts an unrelenting onslaught along the 1,000 km front, it should not lose sight of the need to bring peace and justice to the areas it has already liberated and to set down clear lines as to what it expects from those now facing occupation.

Kyiv/Brussels, 20 June 2024

Appendix A: Lack of Judges in Ukraine

Ukraine's judges total number of **filled positions** and remaining **unfilled positions** each year in May



Ukraine does not have enough judges to give survivors of war crimes and those accused of collaboration a fair day in court. Source: High Qualification Commission of Judges in Ukraine <https://vkksu.gov.ua/oblik>

Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

Comfort Ero was appointed Crisis Group's President & CEO in December 2021. She first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director in 2011 and then Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the UN Secretary-General in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kyiv, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

Crisis Group receives financial support from a wide range of governments, foundations, and private sources. The ideas, opinions and comments expressed by Crisis Group are entirely its own and do not represent or reflect the views of any donor. Currently Crisis Group holds relationships with the following governmental departments and agencies: Australia (Department of Foreign Affairs and Trade), Austria (Austrian Development Agency), Canada (Global Affairs Canada), Complex Risk Analytics Fund (CRAF'd), Denmark (Ministry of Foreign Affairs), European Union (Instrument contributing to Stability and Peace, DG INTPA), Finland (Ministry for Foreign Affairs), France (Ministry for Europe and Foreign Affairs, French Development Agency), Ireland (Department of Foreign Affairs), Japan (Japan International Cooperation Agency and Japan External Trade Organization), Principality of Liechtenstein (Ministry of Foreign Affairs), Luxembourg (Ministry of Foreign and European Affairs), The Netherlands (Ministry of Foreign Affairs), New Zealand (Ministry of Foreign Affairs and Trade), Norway (Ministry of Foreign Affairs), Qatar (Ministry of Foreign Affairs), Slovenia (Ministry of Foreign Affairs), Sweden (Ministry of Foreign Affairs), Switzerland (Federal Department of Foreign Affairs), United Nations World Food Programme (WFP), United Kingdom (Foreign, Commonwealth & Development Office) and the World Bank.

Crisis Group also holds relationships with the following foundations and organisations: Carnegie Corporation of New York, Friedrich Ebert Stiftung, Global Challenges Foundation, Henry Luce Foundation, John D. and Catherine T. MacArthur Foundation, National Endowment for Democracy, Open Society Foundations, Ploughshares Fund, Pivotal Foundation, The David and Lucile Packard Foundation, Robert Bosch Stiftung, Rockefeller Brothers Fund, Stand Together Trust, Stiftung Mercator, and Wellspring Philanthropic Fund.

June 2024

Appendix C: Reports and Briefings on Europe and Central Asia since 2021

Special Reports and Briefings

Ten Challenges for the UN in 2021-2022, Special Briefing N°6, 13 September 2021.

7 Priorities for the G7: Managing the Global Fallout of Russia's War on Ukraine, Special Briefing N°7, 22 June 2022.

Ten Challenges for the UN in 2022-2023, Special Briefing N°8, 14 September 2022.

Seven Priorities for Preserving the OSCE in a Time of War, Special Briefing N°9, 29 November 2022.

Seven Priorities for the G7 in 2023, Special Briefing N°10, 15 May 2023.

Ten Challenges for the UN in 2023-2024, Crisis Group Special Briefing N°11, 14 September 2023.

Answering Four Hard Questions About Russia's War in Ukraine, Europe Briefing N°96, 8 December 2022.

Ukraine: How to Hold the Line, Europe Report N°270, 28 May 2024.

Turkey

Turkey-Greece: From Maritime Brinkmanship to Dialogue, Europe Report N°263, 31 May 2021 (also available in Turkish).

An Enduring Challenge: ISIS-linked Foreigners in Türkiye, Europe Report N°267, 28 February 2023.

Russia/North Caucasus

Balkans

Relaunching the Kosovo-Serbia Dialogue, Europe Report N°262, 25 January 2021 (also available in Russian).

Managing the Risks of Instability in the Western Balkans, Europe Report N°265, 7 July 2022.

Bosnia and Herzegovina's Hot Summer, Europe Briefing N°95, 26 September 2022.

Northern Kosovo: Asserting Sovereignty amid Divided Loyalties, Europe Report N°269, 2 April 2024.

Cyprus

An Island Divided: Next Steps for Troubled Cyprus, Europe Report N°268, 17 April 2023 (also available in Turkish).

South Caucasus

Post-war Prospects for Nagorno-Karabakh, Europe Report N°264, 9 June 2021.

Nagorno-Karabakh: Seeking a Path to Peace in the Ukraine War's Shadow, Europe Briefing N°93, 22 April 2022.

Averting a New War between Armenia and Azerbaijan, Europe Report N°266, 30 January 2023.

Ukraine

Responding to Russia's New Military Buildup Near Ukraine, Europe Briefing N°92, 8 December 2021 (also available in Russian and Ukrainian).

Responding to Ukraine's Displacement Crisis: From Speed to Sustainability, Europe Briefing N°94, 26 September 2022 (also available in Ukrainian).

Appendix D: International Crisis Group Board of Trustees

PRESIDENT & CEO**Comfort Ero**

Former Crisis Group Vice Interim President and Africa Program Director

CO-CHAIRS**Frank Giustra**

President & CEO, Fiore Group; Founder, Radcliffe Foundation

Susana Malcorra

Former Foreign Minister of Argentina

OTHER TRUSTEES**Fola Adeola**

Founder and Chairman, FATE Foundation

Abdulaziz Al Sager

Chairman and founder of the Gulf Research Center and president of Sager Group Holding

Hushang Ansary

Chairman, Parman Capital Group LLC; Former Iranian Ambassador to the U.S. and Minister of Finance and Economic Affairs

Gérard Araud

Former Ambassador of France to the U.S.

Zeinab Badawi

President, SOAS University of London

Carl Bildt

Former Prime Minister and Foreign Minister of Sweden

Sandra Breka

Vice President and Chief Operating Officer, Open Society Foundations

Maria Livanos Cattau

Former Secretary General of the International Chamber of Commerce

Ahmed Charai

Chairman and CEO of Global Media Holding and publisher of the Moroccan weekly *L'Observateur*

Nathalie Delapalme

Executive Director and Board Member at the Mo Ibrahim Foundation

María Fernanda Espinosa

Former President of UNGA's 73rd session

Miriam Coronel-Ferrer

Former Senior Mediation Adviser, UN

Sigmar Gabriel

Former Minister of Foreign Affairs and Vice Chancellor of Germany

Fatima Gailani

Chair of Afghanistan Future Thought Forum and Former President of the Afghan Red Crescent Society

Julius Gaudio

Managing Director of D. E. Shaw & Co., L.P.

Pekka Haavisto

Member of Parliament and former Foreign Minister of Finland

Stephen Heintz

President and CEO, Rockefeller Brothers Fund

Rima Khalaf-Hunaidi

Former UN Undersecretary General and Executive Secretary of UNESCWA

Mo Ibrahim

Founder and Chair, Mo Ibrahim Foundation; Founder, Celtel International

Mahamadou Issoufou

Former President of Niger

Kyung-wha Kang

Former Minister of Foreign Affairs of the Republic of Korea

Wadah Khanfar

Co-Founder, Al Sharq Forum; former Director General, Al Jazeera Network

Nasser al-Kidwa

Chairman of the Yasser Arafat Foundation; Former UN Deputy Mediator on Syria

Bert Koenders

Former Dutch Minister of Foreign Affairs and Under-Secretary-General of the United Nations

Andrey Kortunov

Director General of the Russian International Affairs Council

Ivan Krastev

Chairman of the Centre for Liberal Strategies (Sofia); Founding Board Member of European Council on Foreign Relations

Nancy Lindborg

President & CEO of the Packard Foundation

Tzipi Livni

Former Foreign Minister and Vice Prime Minister of Israel

Helge Lund

Chair bp plc (UK) & Novo Nordisk (Denmark)

Lord (Mark) Malloch-Brown

Former UN Deputy Secretary-General and Administrator of the United Nations Development Programme

William H. McRaven

Retired U.S. Navy Admiral who served as 9th Commander of the U.S. Special Operations Command

Shivshankar Menon

Former Foreign Secretary of India; former National Security Adviser

Naz Modirzadeh

Director of the Harvard Law School Program on International Law and Armed Conflict

Saad Mohseni

Chairman and CEO of MOBY Group

Nadia Murad

President and Chairwoman of Nadia's Initiative

Ayo Obe

Chair of the Board of the Gorée Institute (Senegal); Legal Practitioner (Nigeria)

Meghan O'Sullivan

Former U.S. Deputy National Security Adviser on Iraq and Afghanistan

Kerry Propper

Managing Partner of ATW Partners; Founder and Chairman of Chardan Capital

Ahmed Rashid

Author and Foreign Policy Journalist, Pakistan

Nirupama Rao

Former Foreign Secretary of India and former Ambassador of India to China and the United States

Juan Manuel Santos Calderón

Former President of Colombia; Nobel Peace Prize Laureate 2016

Ine Eriksen Søreide

Former Minister of Foreign Affairs, Former Minister of Defence of Norway, and Chair of the Foreign Affairs and Defence Committee

Alexander Soros

Deputy Chair of the Global Board, Open Society Foundations

George Soros

Founder, Open Society Foundations and Chair, Soros Fund Management

Darian Swig

Founder and President, Article 3 Advisors; Co-Founder and Board Chair, Article3.org

GLOBAL CORPORATE COUNCIL

A distinguished circle of Crisis Group supporters drawn from senior executives and private sector firms.

Global Leaders

Aris Mining

Shearman & Sterling LLP

White & Case LLP

Global Partners

(2) Anonymous

APCO Worldwide Inc.

BP

Chevron

Eni

Equinor

GardaWorld

Sempra Energy

TotalEnergies

CRISIS GROUP EMERITII

Mort Abramowitz – Founder and Trustee Emeritus

George Mitchell – Chairman Emeritus

Gareth Evans – President Emeritus

Lord (Mark) Malloch-Brown – Founder and Chairman Emeritus

Thomas R. Pickering – Chairman Emeritus