

## INVESTIGATION OF CRIMINAL OFFENSES COMMITTED UNDER MARTIAL LAW: FORENSIC AND PROCEDURAL ASPECTS

INVESTIGACIÓN DE DELITOS COMETIDOS BAJO LA LEY MARCIAL: ASPECTOS FORENSES Y  
PROCESALES

*Mykhaylo Korniyenko*\*

*Iryna Dubivka*\*\*

*Viktor Nikitenko*\*\*\*

*Anna Myrovska*\*\*\*\*

---

**Abstract:** The article examines the forensic and procedural aspects of the investigation of criminal offenses committed under martial law. In that sense, particular attention is paid to the transformation of law enforcement practice and the adaptation of the criminal procedural legislation of Ukraine to new security challenges; the issues of admissibility of evidence in national and international jurisdictions are analyzed, in particular in the context of interaction with the International Criminal Court (ICC); the advisability of making amendments to the Criminal Procedure Code (CPC) of Ukraine in terms

---

\* Doctor of Law, Professor. Senior Researcher at the Dnipro Humanitarian University. ORCID ID: <https://orcid.org/0009-0006-6424-839X>. [mykhaylokorniyenko@gmail.com](mailto:mykhaylokorniyenko@gmail.com).

\*\* Candidate of legal sciences. Associate of professor of the National Academy of Internal Affairs. ORCID ID: <https://orcid.org/0000-0002-7189-3630>. [irinadubivka@ukr.net](mailto:irinadubivka@ukr.net).

\*\*\* Doctor of Philosophy in Law. Associate Professor, Associate Professor of Department of legal support of business activity of the State University of Trade and Economics. ORCID ID: <https://orcid.org/0000-0002-2798-1668>. [viknik2411@ukr.net](mailto:viknik2411@ukr.net).

\*\*\*\* Candidate of legal sciences. Associate Professor, Professor at the Department of Criminalistics and forensic medicine of the National Academy of Internal Affairs. ORCID ID: <https://orcid.org/0000-0001-5714-1873>. [a.mirovskaya@ukr.net](mailto:a.mirovskaya@ukr.net).

of detailing international cooperation in the investigation of war crimes, improving the procedure for clarifying the rights of participants in the criminal process during individual investigative (search) actions is indicated, based on the experience of the functioning of individual legal systems in international conflicts; the emphasis is placed on the need to harmonize the criminal procedural legislation of Ukraine with the provisions of international humanitarian law and improving the mechanisms of interdepartmental and international investigative cooperation; and the need for legal regulation of the use of modern digital and analytical tools in forensics is substantiated, which also requires increasing technical awareness, acquiring new skills in working with analytical methods and products, and establishing constant close cooperation with other entities of documentation and investigation. The results of the study have practical significance for increasing the efficiency of the investigation of crimes committed during the armed conflict, while ensuring compliance with human rights and the principles of the rule of law.

**Keywords:** Investigation, War crimes, Evidence collection, Investigative (search) actions, Forensic support.

---

**Resumen:** El artículo examina los aspectos forenses y procesales de la investigación de delitos cometidos bajo la ley marcial. Por ende, se presta especial atención a la transformación de la práctica policial y a la adaptación de la legislación procesal penal de Ucrania a los nuevos desafíos de seguridad; se analizan las cuestiones de admisibilidad de pruebas en jurisdicciones nacionales e internacionales, en particular en el contexto de la interacción con la Corte Penal Internacional; se señala, con base en la experiencia del funcionamiento de los distintos sistemas jurídicos en conflictos internacionales, la conveniencia de modificar el Código de Procedimiento Penal de Ucrania para detallar la cooperación internacional en la investigación de crímenes de guerra y mejorar el procedimiento para aclarar los derechos de los participantes en el proceso penal durante las acciones de investigación (búsqueda); se hace hincapié en la necesidad de armonizar la legislación procesal penal de Ucrania con las disposiciones del derecho internacional humanitario y de mejorar los mecanismos de cooperación investigativa interdepartamental e internacional; y se justifica la necesidad de regular legalmente el uso de herramientas digitales y analíticas modernas en la ciencia forense, lo que también requiere un mayor conocimiento técnico, la adquisición de nuevas habilidades en el uso de métodos y productos analíticos, y el

*establecimiento de una estrecha y constante colaboración con otras entidades de documentación e investigación. Los resultados del estudio tienen relevancia práctica para aumentar la eficiencia de la investigación de los crímenes cometidos durante el conflicto armado, a fin de garantizar también el respeto de los derechos humanos y principios del Estado de derecho.*

**Palabras clave:** *Investigación, Crímenes de guerra, Recolección de pruebas, Acciones de investigación (búsqueda), Apoyo técnico y forense.*

---

**Summary.** *I. Introduction. II. Main changes in the criminal procedural legislation of Ukraine caused by the introduction of martial law. III. Organizational problems of documenting and investigating war crimes. IV. Technical-forensic and analytical support for the investigation of criminal offenses committed under martial law. V. Conclusions. References.*

## **I. INTRODUCTION**

The current military-political and socio-economic situation in Ukraine is characterized by a contradictory, syncretic period, complex external and internal political processes (Sakovsky & Myrovska, 2024), which requires measures to overcome crisis phenomena. A feature of recent military conflicts is that they are hybrid in nature, that is, they are carried out by combining military, quasi-military, diplomatic, informational, economic and other means in order to achieve strategic political goals, while each of the military and non-military methods of conducting a hybrid conflict is used for military purposes, that is, as a weapon (Yavorska, 2016). Under such conditions, the timely and effective response to criminal offenses by national law enforcement agencies becomes particularly important. This requires amendments to legislation to ensure the effective functioning of all state institutions, including criminal

procedural legislation (remote interrogation of people; simplified recording of evidence through photography and videography; in absentia consideration of cases for war criminals, etc.). Since criminal proceedings under martial law are a relatively new phenomenon, they require detailed scientific analysis.

The examination of investigative and judicial practice, along with scientific literature on these issues, made it possible to identify the main problems in investigating criminal offenses committed under martial law. The primary organizational, tactical, and procedural difficulties in collecting evidence include clearing of crime scenes by occupiers (burning bodies, destruction of documents, etc.), shelling, mining of territories that hinder the work of law enforcement agencies, and lack of access to witnesses in temporarily occupied territories. In that sense, the purpose of the article is to provide a scientific analysis of the theoretical and applied forensic and procedural aspects of investigating criminal offenses committed under martial law.

## **II. MAIN CHANGES IN THE CRIMINAL PROCEDURAL LEGISLATION OF UKRAINE CAUSED BY THE INTRODUCTION OF MARTIAL LAW**

On February 24, 2022, by Presidential Decree No. 64/2022, martial law was introduced in response to the full-scale invasion of the Russian Federation into the territory of Ukraine (Presidential Decree No. 64/2022, 2022). Active hostilities in many areas, as well as regular shelling of critical infrastructure facilities, have led to the detection of a large number of criminal offenses against the foundations of national security, as well as peace, human security, and international law and order.

According to article 1 of the Law of Ukraine “On the Legal Regime of Martial Law”, martial law is a special legal regime introduced in Ukraine or in specific localities in the event of armed aggression, a threat of attack, or a danger to the state’s independence and territorial integrity. It grants the relevant state authorities, military command, military administrations, and local self-government bodies the powers necessary to avert threats, repel armed aggression, and ensure national security. It also provides for temporary restrictions –due to the threat– on constitutional rights and freedoms of individuals and citizens, as well as on the rights and legitimate interests of legal entities, indicating the duration of such restrictions (Law of Ukraine No. 389-VIII, 2015).

Under such conditions, a special procedure for the functioning of state authorities applies, but it does not fully regulate situations arising from armed conflict. International humanitarian law also establishes the legal framework governing the conduct of both sides in an armed conflict and recognizes the most serious international criminal offenses as violations of the laws and customs of war. Since February 2022, law enforcement agencies have increasingly recorded such acts. In addition to these offenses, war crimes have also been documented, including killings of civilians, attacks on civilian objects, and sexual violence. These require proper documentation and thorough investigation, taking into account international standards and case law. Alongside war crimes, criminal offenses against national security are frequently committed, while general criminal offenses (theft, robbery, bodily harm of varying severity) recede into the background. Therefore, in the context of the growing number of criminally punishable acts, it is crucial that the criminal

procedural legislation of Ukraine enables their investigation and regulates this process.

The specifics of conducting pre-trial investigations under martial law are outlined in Section IX-1 of the CPC, the provisions of which must be observed in criminal proceedings. If there is no technical feasibility, the decision to initiate a pre-trial investigation is made by the investigator, inquirer, or prosecutor, who issues a corresponding resolution. In urgent cases, before such a resolution is issued, an inspection of the scene may be conducted, and procedural actions are documented in the appropriate procedural records, as well as through technical means of recording, except when technical reasons make such recording impossible (CPC, 2012). To ensure prompt and effective investigation of crimes under martial law, especially in areas of active hostilities or nearby territories, changes have been introduced regarding the procedure for handing over a corpse, examining a person, detaining individuals, and selecting or extending the term of detention. Among the innovations introduced since February 24, 2022, the following should be noted:

- The possibility of forming an interdepartmental investigative group as a form of interaction between investigative units and inquiry bodies of law enforcement agencies has appeared, the creation of which is formalized by a resolution with the mandatory approval of the head of the relevant body.

- The conduct of investigative (search) actions is recorded by available technical means with the subsequent drawing up of a protocol. Inspection and search can be carried out without the involvement of witnesses, and in the case of their involvement, these actions can be carried out only if their safety is ensured, which must be recorded by continuous video recording.

- A special procedure for pre-trial investigation allows for the conduct of investigative (search) actions at night.

- The examination of a person is supplemented by the possibility of conducting an inspection of the person's clothing, and this investigative (search) action is carried out by a person of the same sex.

- In the event that it is impossible for a defense attorney to arrive at the place of a separate procedural action, their remote participation via video communication is allowed.

- If there are circumstances that prevent the participation of an interpreter in criminal proceedings, the translation of testimony or documents may be carried out by the investigator and prosecutor, if they have a level of foreign language sufficient for these actions.

- During martial law, a person may be detained for nine days from the moment of detention, without a decision of the investigating judge or a resolution of the Head of the Prosecutor's Office.

- The terms for notifying a person of suspicion have been increased to 72 hours.

- Heads of Prosecutor's Offices have been granted the authority to choose a preventive measure repeatedly for up to one month; however, such authority may be exercised only in exceptional cases provided for by separate articles of the CPC of Ukraine.

- The suspect has the right to file a petition to replace a preventive measure with military service upon conscription during mobilization, except for suspicion of serious offenses.

- All materials of criminal proceedings must be scanned, and their copies must be stored in electronic form by the person carrying out these procedural actions.

- Some of the aforementioned procedural novelties require scientific analysis.

In particular, since information obtained during interrogations and other investigative (search) actions, recorded in the relevant protocols, may later be used as evidence in the ICC, which operates under its own rules of evidence (Rules of Procedure and Evidence; Rome Statute of the International Criminal Court, 1998), it is necessary to explain to participants in the process the rights defined not only in the CPC but also in the Rome Statute. Article 55 of this document states that a witness and a victim: a) cannot be compelled to testify against themselves or to admit guilt; b) shall not be subjected to coercion, pressure, threats, torture, or other cruel, inhuman, or degrading treatment or punishment; c) if interrogated in a language they do not fully understand or speak, shall have the free assistance of a qualified interpreter and such translations as are necessary to comply with the requirements of justice; d) shall not be subjected to arbitrary arrest or detention, nor deprived of liberty except on grounds and in accordance with procedures established in the Statute. The same article also provides for corresponding rights of the suspect (Rome Statute of the International Criminal Court, 1998). Such procedural guarantees should be reflected in the provisions of the current CPC.

This is only one of many procedural issues related to the implementation of investigative actions under martial law. Other aspects of evidence collection require detailed attention, including remote interrogation, simplified recording of evidence using photography and videography, special judicial procedures,



international cooperation, and in absentia consideration of cases involving war criminals.

Finally, the conditions of the special legal regime for implementing criminal justice demonstrate the need for changes that comprehensively address the effective investigation of numerous and large-scale violations of the laws and customs of war, as well as other criminal offenses. At the same time, restrictions on fundamental human and civil rights, and their practical implementation, are permissible only if the predictability of the application of legal norms established by such restrictions is ensured (Lessons and Significance of the International Criminal Tribunal for the Former Yugoslavia, 2023). In other words, the restriction of any right must be based on criteria that enable a person to distinguish lawful behavior from unlawful behavior and to foresee the legal consequences of their actions.

### **III. ORGANIZATIONAL PROBLEMS OF DOCUMENTING AND INVESTIGATING WAR CRIMES**

In a preliminary review of the situation in Ukraine, the Prosecutor General's Office indicated that there were reasonable grounds to believe crimes under the jurisdiction of the ICC had been committed. In 2022, public hearings in this case began (The Hague - The International Court of Justice [ICJ] holds public hearings in the case, 2022). Therefore, every witness who can provide information on the killing of civilians, rocket and bomb attacks, or artillery strikes on hospitals, schools, residential buildings, and other civilian objects has the opportunity to submit this directly to the ICC Prosecutor by e-mail. A

special website has also been created to document war crimes (Ukraine Transitional Justice and Documentation, 2024).

Also, it has been established that the majority of criminal manifestations of aggression and war crimes fall under the unlawful acts provided for in article 436 of the Criminal Code of Ukraine (War Propaganda); article 437 of the Criminal Code of Ukraine (Planning, Preparation, or Unleashing and Waging an Aggressive War); article 438 of the Criminal Code of Ukraine (Violation of the Laws and Customs of War); among others. The structural elements of the forensic characteristics of war crimes do not differ from the typical content of the forensic characteristics of most criminal offenses in their quantitative composition (circumstances and situation of the crime, the evidence, the subject of the criminal offense, the method of committing the crime, the identity of the criminal, the identity of the victim).

In that sense, when identifying investigative situations that influence and determine the features of the initial stage of the investigation, as well as the specifics of its organization and planning, it is necessary to take into account the forensic classification of war crimes. The most typical investigative situations at the initial stage of investigating crimes under martial law are:

– Typical situations that are united by the method of commission (war crimes related to sexual violence; torture of persons or other inhuman treatment; causing harm to health; unlawful deprivation of liberty; unlawful deportation; taking of hostages; intentional killing; use of poison weapons; destruction / appropriation of property).

– Typical situations that are united by the subject of the offense (war crimes related to attack on civilian objects; attack on objects involved in the provision of humanitarian assistance/peacekeeping missions; attack on objects

intended for religious, educational, artistic, scientific or other purposes; attack on hospitals and places of concentration of the sick and wounded; destruction of historical monuments).

– Typical situations that are united by the characteristics of the victim (war crimes against civilians; military personnel; subjects involved in the provision of humanitarian aid/peacekeeping missions; children) (Pchelina & Pchelin, 2022, p. 336).

– Typical situations that are united by the mechanism of the weapons used (rocket attacks, the use of guided aircraft munitions, infantry attack supported by armored vehicles).

However, one of the main problems in recording and investigating criminal offenses is the timely detection of traces of illegal acts, along with their proper documentation and removal. Members of investigative and operational groups (IOGs) who arrive at the crime scene often focus primarily on damage to individual objects and corpses. At the same time, they neglect to search for seemingly secondary traces, such as environmental pollution, with the participation of specialists (Note on the Peculiarities of the Investigation of Encroachments on the Environment in Conditions of Armed Conflict, 2022). This results in an incomplete establishment of all the circumstances of the criminal offense and, consequently, in an incomplete investigation.

Likewise, tactical and forensic support for IOGs, as well as guarantees of safety for other participants in criminal proceedings during investigative (detective) actions –such as examination of the scene, searches, investigative experiments, examination of corpses, or exhumations– also present challenges. Many areas in which IOGs and joint investigation teams (JITs) operate are near

the front line and under constant shelling. A significant portion of deoccupied territories, including buildings, roads, vehicles, and corpses, are mined. These conditions pose real risks to life and health and sometimes make investigative actions impossible. Therefore, developing technical forensic tools for evidence collection, as well as methodological recommendations on the tactical aspects of conducting investigative actions and organizing pre-trial investigations of criminal offenses, is of critical importance (Bernaz, 2015, p. 51; Blaguta & Movchan, 2020, p. 26).

Moreover, in addition to the specifics of investigative situations, the investigation of criminal offenses under martial law is also influenced by the interaction of investigators with representatives of other law enforcement agencies within the framework of international cooperation. An effective mechanism in this regard is the JIT, which serves as a form of international legal assistance in criminal proceedings and provides international support for Ukraine during martial law. The JIT's task is to ensure proper exchange of information and to facilitate the investigation of international crimes, including war crimes, crimes against humanity, aggression, and genocide. In 2022, to strengthen cooperation with the ICC, a group of investigators and forensic experts was sent to Ukraine as part of a field mission. In addition, ICC staff may conduct procedural actions in Ukraine if delegated by the ICC Prosecutor and agreed upon with the Prosecutor General (Reznikova, 2024).

The creation of the Core International Crimes Evidence Database (CICED) also deserves special attention. CICED is a specialized database designed for storing and analyzing evidence of international crimes, supporting both national and international investigations (Reznikova, 2024). It facilitates tactical and strategic recommendations on criminal prosecution, the exchange

of evidence and information on core international crimes, and the prevention of re-victimization of victims (Reznikova, 2024; Avdeeva, 2024, p. 223).

In that sense, the current CPC allows for the creation of a JIT but does not regulate the procedure for its operation. According to article 571 of the CPC, JITs may be established to conduct pre-trial investigations of criminal offenses committed in the territories of multiple states or where the interests of such states are affected. The Prosecutor General's Office decides on the creation of a JIT at the request of Ukrainian investigative bodies, prosecutors, or competent authorities of foreign states. Members of the group directly cooperate, agree on key directions of the pre-trial investigation, conduct procedural actions, and exchange information. Also, coordination is carried out by the initiator of the JIT or one of its members, and investigative and other procedural actions are conducted by members of the group from the state in whose territory they take place (CPC, 2012).

During the war in Ukraine, numerous cases of torture and inhuman treatment of detainees have been documented, requiring appropriate tactical skills for their proper recording and investigation. According to the Guidelines for the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the investigator should record the victim's statement both orally (via audio or video recording) and in writing (Istanbul Protocol, 1999). The Istanbul Protocol recommends this dual method to ensure a full and accurate account of the victim's testimony, allowing the person to present their statements completely and impartially, while preventing the use of leading questions during the interview (Istanbul Protocol, 1999).

When working with victims of ill-treatment, it is necessary to ensure that they, along with key witnesses, are interrogated with video recording in accordance with part 2 of article 104, part 5 of article 224, and part 2 of Article 240 of the CPC, in order to preserve evidence in criminal proceedings under martial law. Additionally, when preparing interrogations of victims and key witnesses during the pre-trial investigation, it is necessary to consider conducting such interrogations under the procedure specified in article 225 of the CPC, namely, in a court session during the pre-trial stage.

Finally, some of the problems related to the documentation and investigation of war crimes and other unlawful acts, particularly those concerning technical forensic support, are analyzed in the next part of this study.

#### **IV. TECHNICAL-FORENSIC AND ANALYTICAL SUPPORT FOR THE INVESTIGATION OF CRIMINAL OFFENSES COMMITTED UNDER MARTIAL LAW**

The investigation of criminal offenses under martial law is a continuous activity of state authorities. Their tasks include creating, through regulatory and legal mechanisms, the necessary conditions for law enforcement agencies to investigate criminal offenses, ensuring their technical equipment, organizing relevant units, training personnel, enabling timely detection of illegal acts, and providing information and methodological recommendations for crime investigation and trial. Within this framework, technical-forensic and analytical support for investigations is a narrower concept, as it focuses on documenting and ensuring the quality of evidence collection and verification in criminal proceedings using forensic technology and analytical tools.

At the beginning of the introduction of martial law in Ukraine, law enforcement officers lacked practical experience in promptly and effectively recording, seizing, and investigating traces of criminal offenses. This hindered the resolution of criminal justice tasks, including proper qualification of offenses, determination of the scope and content of circumstances to be clarified, selection of investigative areas and programs, and collection and examination of evidence. Currently, many procedural, organizational, tactical, and informational issues of investigation under these special conditions have been partially addressed. However, some individual problems require closer examination.

The primary task of law enforcement agencies is to collect evidence and information about criminal offenses. The most basic method of information gathering is OSINT (Open-Source Intelligence), which involves collecting and analyzing data from publicly available sources about individuals, organizations, informal groups, events, or processes (Lee et al., 2013, p. 270; Komissarchuk & Cherevko, 2022, p. 452). OSINT is successfully used not only by security and defense agencies of leading countries but also by commercial companies. Its sources include mass media, the internet, public government data, academic publications, commercial data, and "gray" literature. However, one challenge of OSINT is user anonymity. Many users leave personal information online, which can be used to identify and track them, posing risks to privacy, security, and potentially leading to persecution or manipulation.

OSINT is effective for collecting information about war crimes in Ukraine, particularly in detecting and documenting such crimes. It provides access to a wide range of open sources (media, social networks, public reports,

and documents from international organizations), allowing the collection of diverse and reliable information. Likewise, OSINT enables near real-time data collection, which is crucial for detecting and responding to extraordinary events and crimes. It can also be conducted anonymously, ensuring safety for those engaged in such investigations. Another significant advantage is that OSINT information, being publicly available, can be used in international legal proceedings and in documenting crimes.

In other words, developing a new methodology for investigating criminal offenses under martial law, especially war crimes, is essential. These offenses are often complex and large-scale, requiring in-depth analysis. New research methods can improve the efficiency and accuracy of investigations, provide a structured approach to data collection and analysis, and enable the use of modern tools for detecting and documenting crimes.

Special attention should also be given to the use of advanced technologies in documenting individual offenses under martial law. Combating organized crime is a priority for both Ukrainian law enforcement and the state. For this reason, adopting advanced international practices is important. One such approach is the SOCTA (Serious and Organized Crime Threat Assessment) methodology, which analyzes threats posed by organized crime groups, their spheres of influence, and identifies the most dangerous groups and areas of activity. SOCTA provides a structured system and model for assessing threats, relying on indicators grouped into: 1) indicators of organized crime groups; 2) indicators of criminal activity spheres; and (3) indicators of influence (Kovalchuk et al., 2019, p. 75).

Another tool, goTRACE, created by the United Nations, is a system for data exchange and analysis that allows for the rapid and secure comparison of



confidential data from different databases across one or more institutions to identify matches. In Ukraine, a similar tool is the analytical software package YouControl, which provides up-to-date information about companies or individual entrepreneurs from more than 30 state registers. It allows verification of whether a person is a founder of a legal entity or an entrepreneur, provides constituent data, contact information, business activities, financial obligations, ongoing criminal or administrative proceedings, and information about vehicles used by legal entities.

Therefore, the implementation and use of OSINT, SOCTA, goTRACE, and other analytical tools by Ukrainian law enforcement will enhance the accuracy and quality of information collection and analysis regarding criminal groups and individual offenders, as well as improve strategies to counter their activities. At the same time, it is undeniable that these analytical tools must be clearly defined and effective to ensure their results can be properly applied in combating crime under martial law.

## **V. CONCLUSIONS**

The conditions of martial law require a review of approaches to the implementation of criminal procedural law in Ukraine, in particular regarding ensuring proper procedural form, observance of the rights of participants in the proceedings, and compliance of investigative (search) actions with international standards. In this context, the adaptation of the CPC to new security challenges is positively assessed, which includes the institutionalization of interdepartmental interaction, the simplification of certain procedural procedures, and the possibility of remote participation of defense lawyers and

translators. At the same time, the existing novelties should be understood in the context of the principles of the rule of law, prevention of arbitrariness, and procedural justice.

The issue of harmonizing the criminal procedural legislation of Ukraine with the provisions of international humanitarian and criminal law, in particular the Rome Statute of the ICC, remains relevant. The practical necessity of ensuring the admissibility of evidence in international jurisdictions necessitates a clear regulatory framework for the procedures for questioning victims and witnesses, the rules for recording evidence, and guarantees of personal integrity in the context of article 55 of the Statute. Such integration of international requirements into the national procedural code is extremely important in the context of documenting war crimes.

Moreover, law enforcement practice reveals a lack of detail in national legislation regarding the activities of joint investigation teams, interaction with the ICC, the circulation of digital evidence, and the use of analytical databases, such as CISED. The lack of legal regulation limits the potential of international legal cooperation and reduces the effectiveness of investigations. Therefore, it is advisable to provide for a separate procedural order for the interaction of pre-trial investigation bodies with international structures and implement mechanisms for the use of international evidentiary information in national legal proceedings.

Finally, the improvement of criminal procedural legislation should include the creation of a clear legal framework for the use of forensic techniques, OSINT, SOCTA, goTRACE and other criminal analysis tools. Given the risks associated with the violation of human rights during the collection of evidence, it is extremely important to ensure proper legal

regulation of the forms, methods and limits of their use. This will not only improve the quality of the investigation, but also guarantee its compliance with the principles of legality, proportionality and protection of fundamental rights in a democratic society.

## REFERENCES

- Avdeeva, G. (2024). Verification of digital evidence as a means of increasing the efficiency of investigation of criminal proceedings related to the war. Legislative aspects of combating especially dangerous crimes in Ukraine. Materials of the international scientific and practical round table. Kyiv: Alerta. 219-226.
- Bernaz, P. (2015). Innovations – the basis of forensic support for crime investigation activities. South Ukrainian Legal Journal, 4, 49-53.
- Blaguta, R., & Movchan, A. (2020). New technologies in crime investigation: current state and problems of use: monograph. Lviv: Lviv State Internal Affairs Department.
- Criminal Procedure Code of Ukraine. Law of Ukraine. 13.04.2012. № 4651-VI. URL: [zakon.rada.gov.ua/laws/show/4651-17#Text](http://zakon.rada.gov.ua/laws/show/4651-17#Text)
- Istanbul Protocol: Manual on effective investigation and documentation of facts of torture and other cruel, inhuman or degrading treatment or punishment of 09.08.1999. URL: [ukraine.un.org/sites/default/files/2021-06/Istanbul%20Protocol%20in%20Ukrainian.pdf](http://ukraine.un.org/sites/default/files/2021-06/Istanbul%20Protocol%20in%20Ukrainian.pdf)
- Komissarchuk, Yu., & Cherevko, V. (2022). OSINT as one of the tools for gathering information about war crimes committed by the Russian Federation in Ukraine. In the 14th International scientific and practical conference "Modern science: innovations and prospects". SSPG Publish, Stockholm, Sweden. 451-454. URL: [sci-conf.com.ua/wp-content/uploads/2022/10/MODERN-SCIENCE-INNOVATIONS-ANDPROSPECTS-16-18.10.22.pdf#page=451](http://sci-conf.com.ua/wp-content/uploads/2022/10/MODERN-SCIENCE-INNOVATIONS-ANDPROSPECTS-16-18.10.22.pdf#page=451)

Kovalchuk, T., Korystin, O., & Sviridyuk, N. (2019). Hybrid threats in the civil security sector in Ukraine. *Science and law enforcement*, 3 (45), 69-79.

Lee, W., Yun, M., & Park, J. (2013). Intelligence in the internet Era: understanding OSINT and case analysis. *Korean Security Journal*, 34, 259-278.

Lessons and significance of the International Criminal Tribunal for the former Yugoslavia. (2023). URL: [ecpl.com.ua/news/uroky-ta-znachennia-mizhnarodnoho-kryminalnoho-trybunalu-shchodo-kolyshnoi-yuhoslavii/](http://ecpl.com.ua/news/uroky-ta-znachennia-mizhnarodnoho-kryminalnoho-trybunalu-shchodo-kolyshnoi-yuhoslavii/)

Note on the peculiarities of the investigation of encroachments on the environment in conditions of armed conflict. (2022). Kyiv: Office of the Prosecutor General, Training Center of Prosecutors of Ukraine.

On the introduction of martial law in Ukraine: Presidential Decree of 24.02.2022 No. 64/2022. URL: [zakon.rada.gov.ua/laws/show/64/2022#Text](http://zakon.rada.gov.ua/laws/show/64/2022#Text)

On the legal regime of martial law: Law of Ukraine of 12.05.2015 № 389-VIII. URL: [zakon.rada.gov.ua/laws/show/389-19#Text](http://zakon.rada.gov.ua/laws/show/389-19#Text)

Pchelina, O., & Pchelin, V. (2022). Forensic classification of war crimes. In *Modern trends in the development of forensics and criminal process under martial law: abstracts of the International Scientific and Practical Conference of the Ministry of Internal Affairs of Ukraine*. National University of Internal Affairs. Kharkiv: KhNUVS, 334-338.

Reznikova, A. (2024). The work of the joint investigative group in the process of documenting crimes of the Russian Federation: the military experience of Ukraine. Legal platform "JUSTTALK". URL: [justtalk.com.ua/post/robota-spilnoi-slidechoi-grupi-v-protsesi-dokumentuvannyazlochiniv-rf-voennij-dosvid-ukraini](http://justtalk.com.ua/post/robota-spilnoi-slidechoi-grupi-v-protsesi-dokumentuvannyazlochiniv-rf-voennij-dosvid-ukraini)

Rome Statute of the International Criminal Court of 17.07.1998. URL: [zakon.rada.gov.ua/laws/show/995\\_588#Text](http://zakon.rada.gov.ua/laws/show/995_588#Text)

Rules of Procedure and Evidence. URL: [icc-cpi.int/Publications/Rules-of-Procedure-andEvidence.pdf](http://icc-cpi.int/Publications/Rules-of-Procedure-andEvidence.pdf)

Sakovskiy, A., & Myrovska, A. (2024). Forensic support of pre-trial investigation under martial law. Legal scientific electronic journal: electronic scientific professional publication, 1, 635-638.

THE HAGUE – The International Court of Justice (ICJ) holds public hearings in the case Ukraine v. Russian Federation. (2022). URL: [cdnapisec.kaltura.com/index.php/extwidget/preview/partner\\_id/2503451/uiconf\\_id/43914941/entry\\_id/1\\_s308hjlq/embed/dynamic](https://cdnapisec.kaltura.com/index.php/extwidget/preview/partner_id/2503451/uiconf_id/43914941/entry_id/1_s308hjlq/embed/dynamic)

Ukraine transitional justice and documentation. (2024). URL: [ukrainetjdoc.org/](https://ukrainetjdoc.org/)

Yavorska, G. (2016). Hybrid war as a discursive construct. Strategic priorities, 4 (41), 41-48.