



REPORT

# Strategic Report

## Supporting Defence Counsel in Conflict-Related Criminal Cases in Ukraine

Update April 2026



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## Executive Summary:

This report is the Asser Institute's second update to its June 2025 Strategic Report, reporting on progress made between December 2025 and April 2026 in strengthening the defence function in Ukraine's conflict-related criminal cases. It draws on the March 2026 dialogue in Lviv with Ukrainian government representatives and on the Defence Consortium's first quarterly meeting of 2026, held in the context of an exposure visit to The Hague from 20 to 24 April 2026.

Three priorities have emerged as requiring urgent action. The first is sustained government engagement, including the financial and professional recognition needed to encourage qualified lawyers to take on this work. The second is resources, understood not simply as remuneration, but as the capacity to build functioning defence teams supported by investigators and experts. The third is connecting specialisation, training and appointment, so that accredited expertise feeds into how the Coordination Centre for Legal Aid Provision allocates conflict-related cases.

The most significant development of the period was the direct, in-person participation of senior government representatives from the Ministry of Justice, the Verkhovna Rada of Ukraine Committee on Legal Policy, and the Office of the Deputy Prime Minister for European and Euro-Atlantic Integration in the Consortium's work for the first time. This marks a meaningful forward step in institutional ownership, although it has not yet been formalised into a structured dialogue mechanism. Reform momentum has also accelerated more broadly: the Cabinet of Ministers' bar reform working group, established in January 2026, is now active; the National Programme for Adaptation to European Union Law, approved on 1 April 2026, includes legal profession reform within Ukraine's harmonisation obligations; and the Rule of Law Roadmap commits Ukraine to adopting a bill on attorney activities by Q4 2026 and to updating free secondary legal aid standards, with the December 2025 "Kachka-Kos priorities" reinforcing those commitments.

The most structurally pressing issue remains resources. Defence counsel typically work alone against a resourced prosecution, not necessarily due to legal constraints but rather the practical availability of resources and financing mechanisms to support such cooperation, and the proposals under discussion include a source of investigative and expert support for the defence that is funded through, but structurally independent of, the prosecution and the appointing authority, and confidential to the defence; a proposed departure from the current contractual model, under which counsel taking this category of cases would be retained or salaried rather than paid only on completion of a case stage; and a revised remuneration model permitting interim or staged payment. Remuneration of counsel who cooperate with the free legal aid system is governed by the special legal aid legislation, subordinate legislation and the calculation methodology, in particular, Cabinet of Ministers Resolution No. 465, so an interim model would be introduced through revision of that methodology rather than by amendment to the Criminal Procedure Code. Directive (EU) 2016/1919 and Article 47 of the EU Charter require effective legal aid of adequate quality, which supports adequate and timely resourcing. A revised payment model could support these obligations.

There is no formalised specialisation in Ukraine. What currently operates is self-specialisation: advocates assess their own competence under the Rules of Professional Conduct, and again when they accept or decline a particular assignment through the legal aid system. Building specialisation linked to training and appointment remains a reform proposal, measured against comparable EU and



tribunal practice, and is not foreclosed by the current self-assessment mechanism. For quality monitoring, the report distinguishes monitoring the provision of legal aid within the system mandate from the assessment of professional conduct, ethics and disciplinary responsibility, which sits with bar self-government bodies. For conflict-related cases specifically, quality review may carry different demands from routine legal aid work, and the question of who assures the quality of representation in these cases is not yet resolved. The peer review pilot that ended when the Bar withdrew on self-governance and confidentiality grounds illustrates a current question on where responsibility lies that EU accession reform will need to settle, since effective quality assurance of legal aid is a Chapter 23 requirement.

Lawyer safety and bar independence have also advanced. Law No. 4547-IX was adopted by Parliament in July 2025 and sent to the President for signature, but has not yet been signed and is not yet in force. Once in force, it will introduce liability for interference with advocacy guarantees and offer further legislative safeguards. Until then, it does not create operational guarantees, and the report distinguishes adoption by Parliament from entry into force and practical implementation. In March 2026, Ukraine signed the Council of Europe Convention for the Protection of the Profession of Lawyer. The operationalisation of these guarantees, however, must also be tailored to operation amid ongoing conflict and the risks associated with conflict-related casework.

A number of steps can be taken immediately, without waiting for legislative change or new funding. Structured dialogue between defence counsel, prosecutors and judges can be convened using existing premises. Regional bar councils are one platform for this, but courts, the prosecution, the free legal aid system, professional associations and international partners may also share responsibility. On the budget, a costed proposal for the conflict-related caseload should be developed now, for inclusion in the Ministry of Justice budget request.

Community building and peer support can also begin now, drawing on Consortium relationships and the openness of the Association of Defence Counsel practising before International Courts and Tribunals to collaboration, including possible temporary or associate membership, and building on the three peer support platform models developed during the April workshop, including a tiered messaging structure, a structured online message board, and a legal clinic model. Part of this could also involve Ukrainian lawyers with experience in war crimes cases so far sharing their practical expertise and approaches with colleagues.

The priority next step is a dedicated working session between the Defence Consortium and government partners to map which reforms require primary legislation, such as a Criminal Procedure Code amendment for interim payments and the creation of an independent expert and technical support body, and which can be achieved through the Coordination Centre for Legal Aid Provision's internal procedures. This will allow for an enhanced understanding of where responsibilities lie and which can be actioned throughout 2026.



## Introduction:

1. The Asser Institute has been working to strengthen the knowledge of defence counsel in Ukraine in conflict-related cases on international legal standards, including international criminal law and fair trial guarantees. In June 2025, the Institute published its [\*Strategic Report: Supporting Defence Counsel in Conflict-Related Criminal Cases in Ukraine\*](#), identifying fourteen recommendations across four thematic areas: roles and responsibilities; defining defence counsel; resources and educational opportunities; and opportunities for dialogue. In December 2025, a [further update](#) was published following a strategic meeting of the Defence Consortium, identifying twenty concrete follow-up opportunities for Consortium members to progress implementation.
2. This report serves as a second update, reflecting on progress made since December 2025. This includes firstly the outcomes of broader dialogue discussions between the Asser Institute and its' project partners with Ukrainian government representatives in March 2026 in Lviv which highlighted the recent establishment of the Bar reform thematic working group, and where it was recommended that work continues among Ukrainian authorities on aligning relevant legislation with international and European *acquis*, centralising an educational curriculum and connecting expertise to appointment processes, and continuing work on bolstering the safety and independence of lawyers.
3. It also takes into account the outcomes of the Defence Consortium's first quarterly meeting of 2026, held in the context of an exposure visit to The Hague during the week of 20 to 24 April 2026. The exposure visit brought together Ukrainian defence and victims' counsel, institutional partners, representatives of the Coordination Centre for Legal Aid Provision (CCLAP) and interregional centres, Ukrainian Bar Association (UBA), civil society organisations, and, for the first time, government representatives including delegates from the Ministry of Justice, the Verkhovna Rada of Ukraine Committee on Legal Policy, and the Office of the Deputy Prime Minister for European and Euro-Atlantic Integration. International partners, including the European Union Advisory Mission to Ukraine (EUAM), the International Bar Association (IBA) and Chemonics UK, were also represented, together with international defence counsel and legal experts.
4. The programme combined structured thematic sessions at the Asser Institute with institutional visits: a visit to the Netherlands Bar Association; the International Criminal Court (ICC); Kosovo Specialist Chambers (KSC); and a meeting with the Association of Defence Counsel practising before International Courts and Tribunals (ADC-ICT) at the International Residual Mechanism for Criminal Tribunals (IRMCT). A public [Benjamin Ferencz Lecture](#) on effective defence in international crimes trials was held on 22 April 2026. The strategic meetings during the visit served as the first in-person Defence Consortium meeting of 2026. **Important: the positions set out in this report reflect the Asser Institute's view alone, taking into account the range of opinions shared in the meetings.**
5. The meetings identified three key priorities requiring urgent action: resources, understood not as remuneration alone, but as the capacity to build functioning defence teams with expert and technical support; the missing link between specialisation, training, and appointment with oversight; and the need for sustained government communication and financial and professional recognition to encourage lawyers to take on conflict-related cases. These priorities frame the key



developments set out in this report and are reflected throughout the progress table and new opportunities below.

6. First steps towards addressing the priority areas can be taken immediately, without waiting for legislative change or additional funding. Regional bar councils, the governance bodies operating at the oblast level within the Ukrainian National Bar Association (UNBA), are well placed to convene structured discussions between defence counsel, prosecutors, and judges at no significant cost, drawing on their existing premises and relationships across the whole profession. On funding, the route runs through the Ministry of Justice budget request as the main spending unit whose remit includes the CCLAP. Under the medium-term framework, the Cabinet of Ministers has approved the Budget Declaration for 2027 to 2029, which sets indicative expenditure ceilings, and ministries prepare their budget requests against that Declaration and the Ministry of Finance instructions. The 15 September date is the deadline for the Cabinet to submit the draft State Budget to the Verkhovna Rada of Ukraine. CCLAP resource needs for conflict-related cases should therefore be documented, costed in advance, linked to a specific budget programme, and accompanied by an identified financing source or reallocation, so that they can feed into the Ministry of Justice request early in the cycle. The Budget Declaration for 2027 to 2029 sets the Ministry of Justice expenditure ceiling at UAH 23,403.5 million for 2027, UAH 23,655.1 million for 2028 and UAH 23,858.5 million for 2029, and projects the number of people seeking free legal aid rising each year over the period. The fiscal framework is constrained and rests on an assumed improvement in the security situation, so a bare documentation of needs will not, on its own, produce additional expenditure. This means that it is necessary to prepare a rigorous, costed proposal now rather than to defer it. The accession obligations, in particular the [National Programme for Adaptation to European Union \(EU\) Law](#) and the [Rule of Law Roadmap](#), give the request a policy basis that strengthens it against the ceiling, since a line tied to a binding commitment is more defensible than a discretionary one.
7. In accordance with Article 156 of the [Rules of Procedure of the Verkhovna Rada of Ukraine](#), the Committee on Legal Policy formulates its proposals for the draft law on the State Budget of Ukraine for the following year and submits them to the Committee on Budgetary Matters. Among the main budget administrators whose proposals the Committee on Legal Policy supports and advocates for at meetings of the Committee on Budgetary Affairs is the Ministry of Justice of Ukraine, whose remit includes the CCLAP. Therefore, engaging with this Committee can also support collective action towards greater resources. Finally, the peer network, mentorship and collegial support can begin to form now, drawing on the relationships built through the Defence Consortium. This report identifies where these first steps fit within the broader reform agenda.
8. Given the progress made, this report departs from the section-by-section structure of the previous reports. It opens with a narrative account of key developments and strategic discussions in the first half of 2026, then presents a consolidated progress table tracking the twenty opportunities identified in December 2025 grouped into nine thematic areas and concludes with three new opportunities arising from this period.



## Key Developments: First Half of 2026:

### Government Engagement and Institutional Ownership

9. The most significant development in the first half of 2026 has been the direct, in-person engagement of senior government representatives with the Asser Institute and Defence Consortium for the first time, directly addressing the priority of institutional ownership and the need for communication between parliamentarians, legislators, and the defence community. Delegates from the Ministry of Justice, the Verkhovna Rada of Ukraine Committee on Legal Policy, and the Office of the Deputy Prime Minister for European and Euro-Atlantic Integration participated in the first quarterly Consortium meeting, held in The Hague in April 2026, attending both working sessions and the public lecture. Discussions covered policy and legislation on bar reform and operationalising the [Rule of Law Roadmap](#), the development of legislative approaches to specialisation for conflict-related cases, and how the defence function directly supports EU accession benchmarks on access to justice and rule of law under Chapter 23 of the accession negotiations. This engagement, while not yet formalised into a structured dialogue mechanism, signals a meaningful shift in government recognition of the defence function as a policy priority.
10. The bar reform working group established by the Cabinet of Ministers in January 2026 is now active, and in February 2026, the European Commission called for accelerated momentum on bar reform as part of the EU accession process. These developments create both pressure and opportunity for reform. [The National Programme for the Adaptation of Ukrainian Legislation to EU Law](#), approved by the Cabinet of Ministers on 1 April 2026, includes legal profession reform among its 1,875 legislative harmonisation tasks, making bar reform and the alignment of legal aid standards with EU requirements a formally committed obligation. [The Rule of Law Roadmap](#), approved by the Cabinet of Ministers in May 2025, sets out specific commitments directly relevant to the defence function: it mandates the development and adoption of a bill to improve the legal regulation of attorney activities by the fourth quarter of 2026; requires reform of bar self-governance bodies to ensure transparent, competitive, and accountable leadership; commits to updating standards for the provision of free secondary legal assistance in criminal proceedings; and includes optimisation of criminal procedure in line with international standards. In December 2025, Ukraine and the EU agreed on a targeted ten-point reform plan, the 'Kachka-Kos [priorities](#),' identifying urgent measures in anti-corruption and rule of law policies for 2026, reinforcing the Roadmap's commitments.
11. Strategic discussions this quarter confirmed that government engagement must be sustained and deepened: without state-level commitment on resources, legislative reform, and public communication, the structural barriers facing defence counsel cannot be resolved through Consortium activity alone. A key finding was that communication between parliamentarians, legislators, CCLAP, prosecution, and the defence community is both necessary and achievable without significant cost. Bar councils and interregional legal aid centres already have premises that can host structured discussions, and facilitators can be engaged to coordinate them. Government participants expressed interest in continued dialogue and future Consortium participation. The key challenge ahead is translating this interest into formal mandates and dedicated resources, including



financial and professional recognition that reflects the public interest character of conflict-related cases and encourages qualified lawyers to take on these appointments.

12. A critical gap identified in strategic discussions is the absence of a clear, agreed map of which specific legislative changes are required to strengthen the defence function in conflict-related cases. Some reforms can be achieved without new primary legislation: CCLAP's internal appointment algorithm is already governed by internal procedures under existing legal aid regulations, meaning CCLAP can revise its appointment criteria through standard operating procedures (SOPs). Reforming the payment structure so that legal aid counsel receive remuneration during proceedings, rather than only on completion of a case stage, may not require an amendment to the Criminal Procedure Code (CPC). Remuneration of counsel who cooperate with the free legal aid system is regulated by the special legal aid legislation, subordinate legislation and the calculation methodology, in particular, the [Cabinet of Ministers Resolution No. 465](#). An interim or staged payment model would therefore require revision of that methodology, which is a lower barrier than primary legislation, and in practice a revision of the calculation model as a whole, since the current system is not an hourly timesheet model and takes account of procedural stages and outcome. [The Bosnia and Herzegovina precedent, where criticism led to a CPC amendment allowing interim payments, could be a relevant model to consider.](#) [Directive \(EU\) 2016/1919](#) and Article 47 of the [EU Charter](#) require legal aid that is effective and of adequate quality, which supports adequate and timely remuneration and provisional legal aid. While the Directive does not mandate the payment model, the Rule of Law Roadmap [commits Ukraine to strengthening legal aid as part of accession](#).
13. Establishing an independent expert and technical support institution under the Ministry of Justice would similarly require new primary legislation. A further set of questions was explicitly left unresolved in discussions: whether case allocation criteria should remain internal to CCLAP or be codified in legislation; which model of quality monitoring should be adopted; and whether any form of specialisation filter would need amendments to the [Law on the Bar and Legal Practice](#) or the [Law on Free Legal Aid](#), or could be implemented through softer processes alone. Until this mapping is completed, it is difficult to assign clear responsibility or a sequence of reform efforts. A dedicated working session between the Defence Consortium and government partners, including the Ministry of Justice and the Verkhovna Rada of Ukraine Committee on Legal Policy, to produce this mapping is identified as a priority action for the second half of 2026.

### Specialisation, Quality, and Accreditation:

14. A meaningful step in the educational field since the initial Strategic Report is the discussions surrounding accreditation by the UNBA of the EUAM-led pilot educational concept on upholding the right to effective defence and procedural fairness in conflict-related cases. This concept involves longer-term training, which could be recognised as professional capacity development, gaining continuing professional development (CPD) credits. This builds on already existing certified and/or thematic programmes which have been delivered in Ukraine, such as on child-friendly justice, international humanitarian law and war crimes defence. To date, this [course](#) on war crimes defence for counsel is a useful example of certified training, alongside a range of other non-accredited programmes mentioned in previous Strategic Reports delivered by international and



national partners, which participants can attend as self-study. To date, creating a formal link between specialist training and professional recognition has not been formalised as a stable or institutionalised national system of specialisation. However, at the same time, if specialised training programmes were centralised or cumulatively recognised professionally (as certifications and/or CPD), this could bridge a gap in the institutional framework and allow CCLAP to include completion of such trainings in the appointment criteria of lawyers to conflict-related cases. This would directly address the priority of the missing link between lawyers' expertise/knowledge and their appointment to conflict-related cases.

15. Strategic discussions on specialisation and quality assurance examined comparative models from the ICC, IRMCT, Bosnia and Herzegovina, Serbia, and the Netherlands, using a framework that distinguished between before-the-case mechanisms such as specialisation filters, accreditation criteria, and case allocation systems and after-the-case mechanisms addressing ongoing quality monitoring and discipline. International defence practitioners highlighted how institutional support directly impacts representation quality, while the Dutch experience of organic, market-driven specialisation through private firms raised questions about whether such an approach could function within a state-funded legal aid system.
16. There was still no consensus on how specialisation could be introduced in Ukraine and how this interacts with the existing legal aid appointment framework, a contractual and registry-based framework designed to ensure transparent procurement and rapid appointment of lawyers in criminal proceedings. Views were divided between those favouring an open roster, i.e. one that lawyers can join over time as they meet relevant criteria, rather than a fixed list decided at a single point, and those favouring self-specialisation, under which lawyers determine and build their own competence organically. Within the UNBA framework, this could operate as a sub-roster within the overall [Unified Register of Lawyers of Ukraine](#) (URLU). Discussion also examined the existing mediation roster model within the legal aid system as a potential reference point, while raising the question of whether any roster should extend beyond lawyers already registered to provide legal aid. Counsel themselves raised, both in the strategic meetings and in comments on the initial report, the concern that restricting conflict-related appointments to a specialised roster could interfere with the accused's right to choose their own counsel. However, in the free secondary legal aid context, where counsel is appointed by the state, the accused cannot demand a particular appointed advocate or replacement on personal grounds without justified reasons, as confirmed by the Criminal Cassation Court on 21 November 2024 in case [No. 748/1972/19](#). Further, a specialised roster existing alongside the legal aid framework would also be compatible with the right to choose counsel rather than in tension with it. Another structural difficulty was whether victim representatives would appear on the same list. It was not universally agreed that these two functions require distinct skill sets, and that separate recognition for specialisation and victim/witness representation specialisation may be warranted.
17. Currently, specialisation (areas of practice) is not a prerequisite for obtaining a licence to practice and does not restrict the right to handle other cases. In accordance with the decisions of the UNBA, lawyers may, at their own discretion, indicate key areas of practice in their profile. Information on areas of expertise and fields of law is recorded in the URLU on the basis of a lawyer's personal application. The areas listed in the register do not constitute a state 'licence' for a specific type of activity, but serve as a guide for clients regarding the lawyer's specialist experience. While it could



be valuable to identify international crimes-related expertise on lawyers' profiles, the extent to which this could then be translated into appointment criteria is debatable.

18. A further gap requiring attention is the blanket nature of Article 438 of the [Criminal Code of Ukraine \(CCU\)](#) and the extent to which further specificity therein would affect the need for specialisation. Underlying all of these questions was a more fundamental one that remains unresolved: **what Ukraine would concretely gain from introducing specialisation, and whether the benefits in terms of defence quality would justify the constraints a roster or filter would impose.**
19. Discussions clarified the current system: lawyers self-assess competence under [the professional conduct code](#); lawyers may indicate non-availability for specific case types; and interregional legal aid centres coordinate appointments among those who have indicated willingness and availability. In practice, appointments occur through an offer-based mechanism: a lawyer is offered a specific case and retains the ability to refuse participation at the assignment stage. The system performs monitoring through analysis of procedural participation and compliance with legal aid standards. Currently, CCLAP perceives formal assessment of the quality, timeliness, and completeness of legal provision as conducted by bodies operating at different levels of the bar's institutional framework: qualification and disciplinary commissions established at the level of regional bar councils, and national committees such as the Committee on Standards of the Legal Profession operating within the UNBA. Yet, UNBA has also [noted](#) that CCLAP holds certain powers regarding quality monitoring. The potential for CCLAP to develop internal procedural guidance connecting training completion to appointment criteria without requiring immediate legislative reform and increasing the qualitative assessment of legal aid provision was affirmed as a realistic pathway, yet the current pushback is that professional specialisation is a matter of professional development and quality assessment to be regulated by the UNBA.
20. Another governance tension also surfaced: the 2018-2020 peer review pilot demonstrated that peer-based quality assessment could work in practice, but collapsed when the UNBA withdrew, asserting that external assessment of lawyers' work violated professional self-governance and attorney-client confidentiality. This tension between interregional Free Legal Aid Centres' legal aid monitoring mandate and the UNBA's jurisdiction to assess professional conduct remains unresolved and is the central institutional obstacle to any meaningful quality monitoring reform. **It mirrors the broader bar reform debate now required for EU accession and cannot be resolved without a clear political decision about the respective roles of the state, the legal aid system, and the bar in ensuring the quality of legal aid for conflict-related defence. Engaging regional bar councils and their qualification and disciplinary commissions directly may offer a more productive entry point for piloting quality monitoring approaches at the regional level, where relationships between practitioners and bar governance bodies are closer and more operational.**
21. In practical terms, effective quality monitoring would also require monitoring staff to have free, real-time and on-demand online access to court hearing recordings. Under the current framework, obtaining a technical recording of a court hearing is available only to participants in the proceedings and is subject to a court fee under the Law of Ukraine "[On Court Fees](#)", creating an additional financial burden. To avoid this, free online access to court hearing recordings should be made available for monitoring staff. At present, such free online viewing is available on YouTube only for proceedings before the High Anti-Corruption Court (HACC) and the HACC Appellate Chamber.



## Lawyer Safety, Bar Independence, and Comparative Lessons:

22. The visit to the Netherlands Bar Association provided important comparative context on the relationship between bar independence, lawyer safety, and the quality of the legal profession. There, professional solidarity, the obligation to support colleagues facing pressure or threats, is framed as a binding professional duty, not a preference. Research commissioned by the Dutch bar found that approximately 55% of lawyers had experienced some form of threat, intimidation, or pressure in recent years, and the bar has developed structured mechanisms to identify risk, provide support, and respond to threats.
23. Ukraine has taken steps in this direction: in July 2025, the Verkhovna Rada of Ukraine adopted legislation creating administrative and criminal liability for interference with the guarantees of advocacy activities, which when in force will provide a legal mechanism for protecting lawyers' professional rights (Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal and Criminal Procedure Codes of Ukraine to Ensure Compliance with the Guarantees of Advocacy" (formerly [Draft Law Registration No. 12320](#)), enacted as Law No. 4547-IX). In March 2026, Ukraine signed the [Council of Europe Convention for the Protection of the Profession of Lawyer](#), a significant international commitment to safeguarding the independence and security of legal practitioners, including those working on sensitive conflict-related cases.
24. Ukraine's bar is in a structurally different position. Its reform has stalled despite EU accession requirements, and it has historically resisted external oversight of professional quality. The bar reform working group established in January 2026 represents an opportunity to address this, but the bar's institutional culture and governance model will need to change substantially if it is to fulfil the role that EU accession and fair trial standards require. The [Rule of Law Roadmap's](#) commitment to reforming bar self-governance, including transparent and competitive procedures for leadership elections and increased accountability of governing bodies, provides a framework within which this change can be pursued. While there is certain overlap with the pressures facing counsel on an international level or in other national jurisdictions, the unique context of Ukraine's cases amid ongoing conflict matters for the design of support structures, as mechanisms developed in the context of international tribunals or in universal jurisdiction cases cannot be transposed directly to the Ukrainian wartime context without adaptation.
25. Particular attention must also be given to the practical wartime conditions directly affecting defence counsel in Ukraine. Mobility restrictions, including curfews, checkpoints, and travel limitations, significantly impede counsel's access to clients, courts, and detention facilities. Security risks, including missile strikes and mine contamination, pose a constant threat to the life and safety of lawyers, particularly those operating in frontline or de-occupied territories. Societal pressure on defence counsel representing persons accused of conflict-related crimes remains significant and may take the form of threats, stigmatisation, and public condemnation. Operational difficulties in frontline and de-occupied territories, including destroyed infrastructure, the absence of secure premises for confidential client meetings, and limited access to electronic communications, further complicate the provision of effective legal assistance. Mobilisation-related challenges also substantially affect the continuity of legal aid provision and lawyer availability: the mobilisation of lawyers into the Armed Forces of Ukraine (AFU) reduces the pool of available qualified practitioners, and the need to replace mobilised counsel places additional strain on the legal aid



system and may adversely affect the quality of representation. Where the prosecution has institutional mechanisms of reservation or exemption from mobilisation while defence counsel do not, the resulting asymmetry affects the continuity of representation, the replacement of counsel, the availability of qualified defence and the quality of preparation in complex proceedings. These factors must be taken into account in the design of any reforms aimed at strengthening the defence function in conflict-related cases.

### Resources: The Most Pressing Structural Barrier:

26. Consortium members identified a lack of resources as the most pressing issue, understood broadly to encompass not only remuneration, but the ability to build a functioning defence team with expert, technical and analytical support. This goes directly to the priorities of equality of arms and resources for CCLAP. The prosecution operates with investigative teams, forensic resources, and institutional support; appointed defence counsel in conflict-related cases typically works alone. Article 47 of the [EU Charter](#), which Ukraine is required to align with as part of its accession process, guarantees the right to effective legal aid, as in not merely formal access to a lawyer, but representation of sufficient quality to constitute a genuine defence. [Directive 2013/48/EU](#) on the right of access to a lawyer similarly requires that access be effective in practice. This is a structural inequality that training alone cannot resolve. It was noted that appointing two lawyers with identical procedural rights does not solve the problem; rather, what is needed is the capacity to build a team to build the defence case prior to reaching the court, including specialists, forensic support, and support staff behind the lawyer, with remuneration structured to enable the lawyer to hire people. The state bears primary responsibility for this under its fair trial obligations.
27. Concerning solutions to the lack of resources, participants proposed the creation of an independent expert and technical support institution accessible to defence counsel, potentially under the Ministry of Justice, with the mandate to assign specialists, analysts and forensic support upon application by counsel in complex conflict-related cases, modelled on how forensic teams for the prosecution operate. Currently, the [ability](#) of defence counsel in Ukraine to obtain expert support is only exercisable indirectly through application to investigators, prosecutors or investigative judges, and compromised due to the lack of possibility to access original evidence. The legal and/or procedural status of such an institution would need to be clarified in law.
28. As the Ministry of Justice runs the legal aid system, this support cannot be structured in a way that exposes defence strategy or compromises equality of arms. Funding and control are separate matters: the Ministry may fund the capacity, but the capacity itself must be structurally independent of the prosecution and confidential to the defence, so that the proposal is not read as placing defence investigative and expert support inside a government ministry.
29. A complementary proposal discussed was a retained or salaried model for conflict-related defence lawyers, under which counsel taking on such cases would be paid on a regular basis rather than only on completion of a case stage. Such a model could be funded through interregional legal aid centres, with monthly payments replacing the current payment-on-completion structure. This proposed departure from the existing contractual model would address the current payment structure barrier. Legal aid counsel carry costs throughout proceedings without reimbursement



until a stage concludes, which discourages thorough case preparation. The challenge is also reinforced by the broader procedural architecture of criminal proceedings, and especially the duration of cases. It should be noted that ['The Procedure for Payment of Services and Reimbursement of Expenses for Attorneys Providing Free Secondary Legal Aid'](#) and the ['Methodology for Calculating the Amount of Compensation for Attorneys Providing Free Secondary Legal Aid'](#) is the subject of a study by the Expert Group on Legal Institutions Related to Justice in 2026, conducted in accordance with the Procedure for Legal Monitoring in the Areas of the Judicial System and Judicial Proceedings, Criminal Justice, Citizens' Access to Justice and Free Legal Aid, the Practice of Law, forensic activities, the enforcement of court decisions and decisions of other bodies (officials), and bankruptcy, approved by [Order of the Ministry of Justice No. 1261/5](#) dated April 29, 2024.

30. It cannot be excluded that ensuring sustainable and adequate remuneration for defence counsel in Ukrainian war crimes proceedings may eventually require [the creation of an international funding mechanism or trust-based structure](#). However, such mechanisms would likely require a coordinated position among states and international institutions, similar to the multilateral process currently underway regarding the establishment of the Special Tribunal for the Crime of Aggression against Ukraine.
31. In the short-term, participants identified interim actions requiring no additional legislation or funding: CCLAP-led regional platforms for peer exchange using existing bar council (UNBA's) and interregional legal aid centre premises; formal CCLAP budget submissions to document resource gaps and make the case to government and donors; and the development of peer networks, since defence lawyers work alone in a way that firm-based lawyers do not, and practitioners expressed strong appetite for the mentorship and peer support.

### Community Building and Peer Support:

32. Progress on community building this quarter included a meeting with the ADC-ICT at the IRMCT, whose peer-based discipline, training, and knowledge-sharing model served as a reference point. The ADC-ICT confirmed readiness to explore collaboration with Ukrainian defence counsel, including temporary or associate membership possibilities. A blueprint workshop produced three distinct design models for a peer support platform. The first was a tiered messaging structure, in which national practitioners discuss issues among themselves before selected questions are filtered through to a smaller group and then escalated to international experts, a model designed to manage volume, protect confidentiality, and avoid burdening international experts with routine queries. The second was a structured online message board with searchable categories, templated question submission, moderation, and expert assignment by topic, with a rating system to evaluate responses and a proactive analytical dimension to keep the community forward-looking. The third was a legal clinic model, in which practitioners submit requests through a platform or hotline, categorised by complexity and assigned to national and international experts with confidential responses within agreed timeframes, with neither the requester's nor the expert's identity disclosed.



33. All three models prompted substantive discussion around confidentiality, security verification, and the balance between speed of response and protection of case-related information. Participants noted risks that encrypted channels could be compromised and that case details might inadvertently reveal location or counsel strategy. A key principle emerging across all models was that trust, i.e. knowing who participates and verifying their qualifications, may be essential, with access restricted to counsel known to CCLAP, the UBA, or international Consortium partners serving as a verification mechanism. A key challenge not fully resolved is where responsibility should lie for hosting these platforms, whether within CCLAP, UBA, or among lawyers directly.
34. An additional point which has been flagged in recent discussions is the extent to which student clinics, or international law firms offering *pro bono* work, could be engaged to support in mentorship or in addressing some of the resource gaps identified. The cross-cutting work of the Asser Institute and partners in developing legal education in partnership with Ukrainian universities on relevant areas of international law is relevant. The possibility of such support is a topic worth further exploration.
35. The IBA/UBA pilot mentorship programme, which pairs experienced international defence lawyers with Ukrainian counsel working on conflict-related cases, continues to develop as a complementary strand of community building; outcomes from the pilot are expected to inform whether and how the model can be scaled. It is worth noting that a formal professional association does not in itself constitute a genuine community of practice united by shared goals, values, and mutual support for members' independence, and building that community requires deliberate effort beyond institutional membership. Encouragingly, momentum is already building: practitioners are independently organising dialogue groups or events in their cities and regions to bring together like-minded colleagues, demonstrating that the appetite for community exists and is translating into action.

### Victim Representation:

36. Strategic discussions on victim representation examined Ukraine's obligations under the [EU Victims' Rights Directive \(Directive 2012/29/EU\)](#) as part of the EU accession process. Key requirements include individual vulnerability assessments from first contact, access to free specialist support services that are independent of the criminal justice process, and state compensation schemes. Ukraine currently has no systematic mechanisms equivalent to most of these requirements. The main victim support body, the Coordination Centre for the Support of Victims and Witnesses, was established within the Office of the Prosecutor General (OPG) in 2023. While it provides psychological support, practical assistance, and referrals, its location within the prosecution creates a structural independence concern directly at odds with what the Directive requires. Legal aid lawyers and the Centre operate in parallel without formal coordination.
37. Victim participation in Ukrainian conflict-related proceedings tends to be procedural rather than substantive: lawyers attend hearings, file documents, and submit civil claims, but active, informed advocacy on behalf of the victim is often not possible within the current framework. Unlike free legal aid for the defendants, the state is not obliged to provide secondary legal assistance to all victims participating in criminal proceedings. The appointment of secondary free legal aid lawyers



to represent victims is constrained to specific categories of harm suffered (Art. 14, "[Law on Free Legal Aid](#)"), and limited assistance is to be provided. The future Special Tribunal on Crimes of Aggression against Ukraine will incorporate victim participation through legal counsel, and Ukrainian lawyers may undertake this work, making the development of substantive victim representation capacity a forward-looking priority and an EU accession obligation. It is important that victim representation is not inadvertently de-prioritised in the reform agenda. Victim representatives play a critical enabling role in proceedings: without adequate support and representation, victims may refuse to cooperate with authorities, which in turn affects whether proceedings can be initiated or sustained at all. The defence function and the victim representation function are interdependent, and both require dedicated attention in training, resourcing, and institutional design.

### Societal Pressure and Public Dialogue:

38. Strategic discussions on media engagement drew on experience from a former journalist and prosecution communications specialist to explore how defence counsel navigate interaction with journalists in conflict-related cases, directly addressing the priorities of pressure from society and awareness raising, *in absentia* proceedings, and presumption of innocence. Practitioners described challenges of journalists deploying provocative techniques, anonymous Telegram channels spreading unverified information about cases and lawyers, and the risk of being publicly identified with their client's position in ways that generate professional and personal danger. The particular challenges of *in absentia* proceedings were highlighted: counsel cannot coordinate their public position with clients who are absent, yet they face media scrutiny as the only visible party in the case, with the presumption of innocence undermined by coverage that treats the accused as guilty before any verdict.
39. [Directive 2016/343/EU](#) on the presumption of innocence and the right to be present at trial, which Ukraine is required to align with under its accession commitments, directly addresses this: it prohibits public authorities from presenting suspects as guilty before conviction and requires member states to take appropriate measures to ensure that media coverage does not prejudice fair trial rights. Legislation adopted in 2025 prohibiting public identification of counsel with their client provides a partial domestic safeguard, though it carries transparency concerns (Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal and Criminal Procedure Codes of Ukraine to Ensure Compliance with the Guarantees of Advocacy" (formerly [Draft Law Registration No. 12320](#)), enacted as Law No. 4547-IX)".
40. The discussion highlighted the importance of proactive, sustained media engagement to maintain narrative control rather than avoiding engagement entirely. The Dutch experience in the MH17 proceedings illustrates how transparent communication can support process legitimacy even amid disinformation. Many defence lawyers already manage media engagement carefully in practice, keeping communications brief, in plain language, and within ethical bounds, but a structured framework would help formalise and share this practice more widely.
41. A complementary approach worth exploring is the development of legal reporting education for journalists covering conflict-related cases to improve the accuracy and fairness of reporting on



defence proceedings. These discussions identified the foundational elements of a defence-media engagement toolkit: clarifying the purpose and limits of media engagement; identifying risks and red lines; providing practical communication guidance before, during, and after interactions; and addressing social media risks. The increasing number of defence lawyers facing accusations of collaboration with Russian authorities was also raised as a troubling trend compounding existing professional pressures.

42. Work to enhance the quality and accuracy of legal reporting by journalists and civil society on international crimes cases in Ukraine and dialogue with legal professionals involved in such cases is underway as a parallel initiative by the Asser Institute, the Organisation for Security and Co-operation in Europe (OSCE), and other national CSOs in Ukraine.

### Opportunities Progressed:

43. The table below consolidates the twenty opportunities identified in the December 2025 update into nine thematic groups, tracking progress and priority next actions as of the first half of 2026.



| Thematic Group                                                      | Opportunities covered                                                                                                     | Status      | Key development since December 2025                                                                                                                                                                 | Priority next action                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Government dialogue and institutional ownership, public recognition | 1 - Ministry of Justice dialogue, 2 - public conference, 6 - UBA event on collaboration cases, 7 - parliamentary advocacy | In progress | First in-person government engagement at April 2026 meeting; <a href="#">Benjamin Ferencz Lecture</a> held 22 April 2026; UBA event on collaboration and national security cases held December 2025 | Continue dialogue with Ministry of Justice, Verkhovna Rada, and EU Integration; plan broader conference for 2026-2027                                                                                                                                                                                                               |
| Legislative reform for the defence function                         | 4 - travel exemptions, 5 - media advocacy and lawyer protection legislation                                               | In progress | CCLAP draft travel exemption amendment in preparation; media and lawyer safety issues identified as priority                                                                                        | Draft legislation to grant male lawyers the right to travel abroad for a specific purpose and for a defined period, analogous to permissions for civil servants, MPs and judges; engage government on lawyer protection legislation; convene dedicated session to map which legislative changes are needed for the defence function |
| Specialisation, appointment criteria, and quality                   | 8 - CCLAP active defence indicators, 10 - CCLAP appointment guidance                                                      | In progress | Linkage to appointment is still needed; comparative quality frameworks reviewed                                                                                                                     | CCLAP to develop SOPs linking training completion to appointment criteria; explore accreditation and linkage; government to clarify institutional responsibility for quality monitoring                                                                                                                                             |
| Conflicts of interest and victim representation                     | 9 - CCLAP conflicts of interest guidance                                                                                  | In progress | Child deportation cases growing (16 indictments); session on victim support and EU Victims' Rights Directive alignment; prosecution-linked victim support centre identified as structural concern   | Continue monitoring victims support initiatives and impact on representation, with defence and victim representation as interdependent                                                                                                                                                                                              |



|                                                         |                                                                                                                         |                        |                                                                                                                                                                        |                                                                                                                                                                                                        |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Privately instructed counsel and professional inclusion | 11 - private sector lawyers                                                                                             | In progress            | Collaboration and national security caseload growing; counsel instructed privately rather than through the legal aid system remain largely outside training structures | Broad outreach to privately instructed counsel through regional bar council registers and direct contacts, include privately instructed counsel in upcoming training activities and reform discussions |
| Defence community, peer support, and mentorship         | 3 - pluralistic system / international membership, 12 - ADC-ICT membership, 13 - UBA Committee, 19 - IBA/UBA mentorship | In progress / advanced | ADC-ICT confirmed openness to collaboration; platform hosting under exploration; blueprint workshop produced three platform models; IBA/UBA mentorship pilot ongoing   | Formalise ADC-ICT cooperation; develop concrete platform design proposal; share IBA/UBA pilot outcomes with Consortium and explore scaling                                                             |
| Education, curriculum, and training formats             | 14 - EUAM curriculum, 16 - mock trials, psychological and media training, 17 - pioneer counsel / ToT                    | In progress            | Accreditation being pursued, not yet confirmed; mock trials well-received; psychological and media training still largely absent                                       | Incorporate psychological resilience and media modules into upcoming programmes; continue building cross-actor trainings                                                                               |
| Knowledge resources and translation                     | 15 - electronic library, 18 - translation                                                                               | In progress            | Library at <a href="http://warcrimes.legalaid.gov.ua">warcrimes.legalaid.gov.ua</a> expanding; Handbook Ukrainian translation released mid-2025; Cassese distributed   | Provide translations of key texts such as European Court of Human Rights (ECtHR) litigation                                                                                                            |
| Consortium coordination and public engagement           | 20 - dedicated Consortium meetings                                                                                      | Advanced               | First in-person Consortium meeting held April 2026; quarterly meetings planned                                                                                         | Continue quarterly meetings on curriculum, community platform, conference planning, and legislative mapping                                                                                            |



## New Opportunities:

44. Three new opportunities have been identified in this update, arising from strategic discussions in the first half of 2026:

**Opportunity 21:** Development and distribution of a defence-media engagement toolkit, based on the outputs of the media engagement discussions, providing practical guidance on purpose, risks, red lines, and communication approaches for defence counsel engaging with journalists and trial monitoring actors in conflict-related proceedings.

**Opportunity 22:** Development by the Defence Consortium, drawing on the outputs of the community blueprint workshop, of a concrete design proposal for a tiered peer-support platform for defence counsel, specifying governance, membership verification, moderation, confidentiality safeguards, and a psychological support component.

**Opportunity 23:** A dedicated working session between the Defence Consortium and government partners, including the Ministry of Justice and the Verkhovna Rada of Ukraine Committee on Legal Policy, to produce a clear mapping of which specific legislative changes are required to strengthen the defence function in conflict-related cases, which can be achieved through secondary instruments or internal procedures. This mapping is a prerequisite for sequencing reform efforts and assigning clear institutional responsibility.

## Conclusion:

45. The first half of 2026 marks a turning point for the Defence Consortium's work. For the first time, government representatives engaged directly and substantively with Consortium members and international partners, addressing the long-standing gap in institutional ownership and government-level communication. The pursuit of accreditation of the EUAM pilot curriculum, even though not yet confirmed, may become an important institutional development in the educational field, helping to create a link between training and professional recognition. The community blueprint workshop produced detailed design proposals for a peer support platform, responding to the priority of professional isolation and the need for peer networks. The public lecture fulfilled Recommendation 14. Strategic discussions on media engagement generated foundational elements of a toolkit that practitioners have long identified as practically necessary.

46. Three key priorities identified in the strategic meetings: resources as the capacity to build effective defence teams with expert and technical support, the missing link between training and appointment, and the need for government communication and state-provided financial and professional recognition for lawyers working on conflict-related cases - remain only partially addressed. Resources emerged as the single most pressing problem: defence counsel cannot build effective teams, cannot access expert and technical support, and are paid in ways that discourage thorough preparation. Addressing this will require coordinated action across institutions: the Ministry of Justice and CCLAP are best placed to develop the case for an independent expert and technical support institution and a reformed payment structure; bar councils and interregional legal aid centres can host peer exchange platforms immediately using existing premises; and the



Defence Consortium, together with international partners, can support the documentation of resource gaps and the development of peer networks that practitioners have long sought.

47. Two governance tensions identified this quarter, between CCLAP's quality monitoring mandate and the UNBA's self-governance jurisdiction, and between the obligations of the legal aid system and the current resourcing of the defence function, will require sustained dialogue between the UNBA, CCLAP, the Ministry of Justice, and the Verkhovna Rada of Ukraine to resolve. Ukraine's EU accession framework provides a shared reference point for all parties: Chapter 23 benchmarks require an independent and effective legal profession; [Directive 2016/1919/EU](#) requires adequate resourcing of legal aid; Article 47 of the [EU Charter](#) requires effective rather than merely formal legal representation; and the [National Programme for the Adaptation of Ukrainian Legislation to EU Law](#), approved in April 2026, makes legal profession reform a formally committed legislative obligation.
48. The momentum built in the first half of 2026, through government engagement, curriculum accreditation, community design, and public dialogue, provides a strong foundation for the collaborative, cross-institutional effort required for the next steps. Sustaining and deepening that collaboration, across government, the bar, the legal aid system, civil society, and international partners, is the central task ahead.



### About this project:

This report has been produced as part of the '[Restoring Dignity and Justice in Ukraine: Phase II](#)' consortium programme, focusing on advancing accountability for international crimes committed in Ukraine. The programme is funded by the Dutch Ministry of Foreign Affairs and is implemented by the International Development Law Organisation (IDLO), in partnership with the T.M.C. Asser Institute, the Center for International Legal Cooperation (CILC), and the Netherlands Helsinki Committee (NHC).

The project aims at institutional strengthening and capacity development needs of the key parties in Ukraine dealing with international crimes: prosecutors, police, judges, as well as journalists and civil society organisations. We believe that with the support of the international community, Ukraine can advance accountability for these crimes.

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## About the Asser Institute, Centre for International and European law

The Asser Institute's mission is to contribute to the development of international and European public and private law.

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- **Independent legal research:** We conduct fundamental, policy-oriented, and applied legal research in international and European public and private law.
- **Knowledge dissemination:** We initiate and facilitate academic and expert meetings, (professional) education, and public events aimed at disseminating knowledge of international and European public and private law. We further share our legal knowledge by adding to the public debate.

