

Analytical Report

Criminal-Legal
Regulation in the
Sphere of Narcotic
Substance Circulation:
Effectiveness, Optimal
Limits, Challenges of
Martial Law

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Criminal-Legal Regulation in the Sphere of Narcotic Substance Circulation: Effectiveness, Optimal Limits, Challenges of Martial Law

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Executive Summary (Brief)

The full-scale war has significantly intensified socio-behavioral risks among military personnel in Ukraine, leading to a concerning increase in criminal offenses related to drug use. Concurrently, the criminal justice system, which is predominantly punitive in its orientation, has demonstrated a lack of preparedness for these emerging challenges. This unpreparedness complicates the critical processes of adaptation and reintegration for veterans returning to peaceful life.

The primary objective of this report is to assess the effectiveness of criminal-legal regulation in the sphere of narcotic substance circulation, with a particular focus on its application to military personnel. Furthermore, the report aims to propose specific directions for humanizing drug policy within the demanding conditions of wartime.

The methodology employed for this study involved a comprehensive statistical analysis spanning from 2013 to 2024. This analysis encompassed crime registration data, the number of convicted persons, the structural patterns of offenses, and regional trends, with the aid of the CrimeDataLab platform. Complementing this quantitative approach, an in-depth qualitative study was conducted on over 3,000 court decisions from the Unified State Register of Court Decisions (EDRSR) specifically concerning drug crimes committed by military personnel.

Key findings from this analytical endeavor reveal several critical trends. A striking 98% of military personnel convicted for drug crimes are identified as users, primarily prosecuted under Article 309 of the Criminal Code for possession, rather than as dealers. This observation points to a phenomenon termed the «primitivization of counteraction,» where law enforcement efforts are disproportionately concentrated on «easy targets.» The focus of counteraction is on punishments for possession, while systemic drug distribution networks receive less attention. The consequence of a criminal record further exacerbates veterans' prospects for rehabilitation and erodes their trust in the state. Moreover, the geographical concentration of these cases in frontline regions—Donetsk, Kharkiv, Zaporizhzhia, and Dnipropetrovsk—strongly suggests a direct link to combat stress experienced by military personnel.

If the current policy remains unchanged, several significant risks are projected. These include a continued absence of effective counteraction to widespread drug addiction, leading to increased marginalization and recidivism among veterans. Such a scenario risks fostering deep distrust in the state, which would be perceived as an institution that punishes rather than protects its defenders. Ultimately, this trajectory could lead to a decrease in national defense capability.

In light of these findings, the report puts forth a series of recommendations. In terms of legislation, it advocates for a return to discussions on decriminalizing actions without intent to sell, the introduction of a «treatment instead of punishment» model, and the development of special mechanisms for exempting military personnel from criminal liability in specific circumstances. For

institutions, recommendations include reviewing Key Performance Indicators (KPIs) for police and prosecutors, providing professional training for investigators, prosecutors, and judges with an emphasis on understanding how traumatic combat experience influences veterans' criminal behavior, and establishing multidisciplinary teams for military cases. Regarding

resocialization, the report proposes integrated service centers for veterans, mandatory PTSD screening after rotations, and comprehensive adaptation programs. Finally, regional programs are recommended, such as establishing rehabilitation centers in frontline regions and launching pilot mobile narcological brigades within military units.



Analytical Report: Criminal Law Regulation of Narcotic Substances – Effectiveness, Optimal Limits, and Challenges in the Context of Martial Law.

Introduction

The issue of illicit trafficking of narcotic drugs, psychotropic substances, and precursors among military personnel has acquired particular urgency in the context of the ongoing prolonged war in Ukraine. The profound impact of military operations, coupled with intense psychological stress and the disruption of established social structures, creates an environment conducive to a rise in criminal offenses related to illicit drug circulation within the military community.

The increasing number of convicted military personnel, especially for drug-related crimes, is often a direct consequence of post-traumatic stress disorders, social maladaptation, and the pervasive lack of adequate psychological support and comprehensive rehabilitation programs. The current criminal justice system, designed for general civilian offenses, frequently fails to adequately consider the unique and specific nature of combat experience. This systemic oversight can inadvertently lead to the criminalization of veterans for behaviors that are symptoms of their wartime trauma, rather than facilitating their effective resocialization and recovery. This critical systemic misdiagnosis, where a public health issue (trauma-induced substance use) is treated as a purely criminal matter, highlights that the system, as currently structured, is ill-equipped to handle the complex psychological and social needs of a wartime population. This approach not only fails to address the underlying trauma but actively harms veterans by burdening them with criminal records, making their reintegration into civilian life significantly harder and potentially exacerbating their mental health challenges. The aforementioned points collectively underscore the pressing need to investigate the effectiveness of criminal-legal regulation in the sphere of narcotic substance circulation.

This analytical report was meticulously prepared as an integral part of the larger project titled «Ensuring the right to mental health preservation and access to treatment for civilians and veterans during wartime and the post-war period».

The comprehensive work undertaken for this report involved several key activities:

- A systematic review of official statistics provided by the Prosecutor General's Office and the State Judicial Administration for the period spanning 2013–2024, with a deliberate emphasis on crimes committed by military personnel.
- A thorough analysis of court decisions pertaining to the application of criminal legislation in this specific domain.
- A detailed overview of both international and national legislation governing drug trafficking.
- The formulation of actionable recommendations aimed at improving Ukraine's drug policy and criminal-legal measures.

The conclusions derived from this study are intended to serve as a foundational basis for developing effective mechanisms for criminal-legal counteraction to offenses among military personnel. Furthermore, these findings aim to contribute significantly to ensuring military personnel's fundamental right to mental health and rehabilitation.

1. General Characteristics of Legislative Regulation

Legal regulation serves as a cornerstone in the comprehensive efforts to combat the illicit trafficking of narcotic drugs, psychotropic substances, and precursors. It is through the establishment of legal frameworks that the state defines the boundaries of permissible conduct, specifies accountability for violations, and institutionalizes mechanisms for control. Concurrently, global drug policy is undergoing a period of dynamic transformation. Numerous countries are engaged in extensive discussions regarding the advisability of full or partial decriminalization and legalization of certain types of drugs. This ongoing debate extends beyond purely legal considerations to encompass crucial medical, social, and economic dimensions, with a central focus on prevention strategies, effective addiction treatment, and the minimization of associated social risks.

1. International Standards of Criminal-Legal Regulation in the Sphere of Illicit Drug Trafficking

International legislation addressing illicit drug trafficking encompasses a broad array of treaties, conventions, and protocols specifically designed to combat the production, circulation, and consumption of drugs. This framework integrates a system for controlling drug circulation, facilitates information exchange among nations, promotes cooperation between law enforcement agencies, and includes financial measures aimed at combating money laundering. The legislative provisions also stipulate various penalties, including criminal liability. The foundational international documents in this domain are the United Nations conventions, which establish universal standards and recommendations for participating states.

The international system for controlling the circulation of narcotic drugs and psychotropic substances is built upon three cornerstone UN documents:

- **Single Convention on Narcotic Drugs of 1954 (as amended by the 1972 Protocol):** This pivotal document introduced a unified system of international control over the production, circulation, and utilization of narcotic drugs. It meticulously classifies substances based on their degree of control and obliges signatory states to criminalize activities associated with illicit drug trafficking, including their production, distribution, and sale.
- **Convention on Psychotropic Substances of 1971:** This convention extended international control to encompass psychotropic substances, a category that includes stimulants, hallucinogens, and tranquilizers. It mandates states to implement measures to prevent the illicit production and trafficking of these substances, thereby complementing the scope of the 1954 Single Convention by addressing a wider spectrum of psychoactive compounds.

- **UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (Vienna Convention):** This convention contains comprehensive provisions for international cooperation, particularly in areas such as extradition, information exchange, and the control of border regions. Furthermore, it obliges states to implement measures for controlling the circulation of chemical substances frequently used in drug production (precursors) and to confiscate assets derived from criminal activities.

Within the framework of the Council of Europe, a significant guiding document is the:

- **Council of Europe Action Plan on Drugs (2021-2025):** This plan outlines approaches aimed at reducing both the demand for and supply of drugs. It notably shifts focus beyond mere criminalization to emphasize prevention, treatment, and rehabilitation efforts.

Experience of Individual Countries

Global practice showcases diverse approaches to criminal-legal regulation in the sphere of drug trafficking:

- **Portugal:** In 2001, Portugal implemented a comprehensive decriminalization of drug use and possession. Studies conducted since this reform indicate that, contrary to initial predictions, decriminalization did not result in a significant surge in drug consumption. Instead, available data suggest a reduction in the incidence of drug-related harms.
- **Netherlands:** The Netherlands employs a unique regulatory framework for cannabis circulation, grounded in the principle of «managed tolerance». While cannabis formally remains prohibited, its sale in designated establishments known as «coffee shops» is tolerated, provided strict conditions are adhered to. These conditions include a prohibition on sales to minors, absence of advertising, restrictions on storing large volumes, the sale of only «soft» drugs, and the absence of public order disturbances. Overall, Dutch policy strives for a delicate balance between safeguarding public health, controlling crime, and preventing the marginalization of drug users, although recent years have seen a trend towards increased control and a reduction in the number of coffee shops.
- **USA:** In stark contrast to the European approach, which prioritizes prevention, harm reduction, treatment, and social reintegration, the United States' strategy against illicit drug trafficking predominantly focuses on punishing offenders. The overarching goal is the neutralization of criminals, with key instruments including operational-search activities, specialized services, sophisticated analytics, and robust interagency coordination. This model conceptualizes drug crime within the broader context of national security threats. Significant emphasis is placed on the criminalization of auxiliary actors, such as lawyers or financiers who facilitate criminal schemes. Thus, while the USA operates under the premise of «security through punishment,» the European Union tends to adopt a philosophy of «security through prevention and law».

The detailed comparison of international approaches highlights a global shift towards public health-oriented drug policies, contrasting with the more punitive US model. Given the later findings about Ukraine's focus on criminalization and punishment (especially for possession), the report implicitly positions Ukraine as more aligned with the US punitive model, rather than the evolving European harm reduction approaches. This sets the stage for the recommendations to advocate for a shift towards the European model, recognizing that Ukraine has an opportunity to learn from international best practices and adapt its drug policy to be more humane and effective, particularly in the context of its wartime challenges.

1.2. National Legislation of Ukraine on Counteracting Illicit Drug Trafficking

Overview of the Norms of the Criminal Code of Ukraine

The criminal legislation of Ukraine comprises a comprehensive set of norms specifically designed to combat the illicit trafficking of narcotic drugs, psychotropic substances, and precursors. The principal provisions addressing these offenses are concentrated within Section XIII of the Criminal Code of Ukraine (hereinafter referred to as CC of Ukraine), titled «Crimes in the Sphere of Circulation of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors and Other Crimes Against Public Health». The most frequently encountered criminal offenses in this domain include:

- **Article 307 of the CC of Ukraine:** This article criminalizes the illicit production, manufacture, acquisition, storage, transportation, or shipment of narcotic drugs or psychotropic substances with the explicit purpose of sale, as well as their actual sale.
- **Article 308 of the CC of Ukraine:** This provision addresses the theft, misappropriation, or extortion of narcotic drugs, psychotropic substances, or their analogues, as well as their acquisition through fraudulent means or by abusing an official position.
- **Article 309 of the CC of Ukraine:** This article pertains to the illicit storage or acquisition of narcotic drugs or psychotropic substances without the specific intent to sell them.
- **Article 310 of the CC of Ukraine:** This article prohibits the sowing or cultivation of opium poppy or hemp.
- **Article 311 of the CC of Ukraine:** This provision criminalizes the illicit production, manufacture, acquisition, or storage of precursors, which are substances used in the illicit manufacture of narcotic drugs or psychotropic substances.

The existence of a distinct article for simple possession (Art. 309), which is inherently easier to detect and prosecute than complex trafficking networks, provides the legal basis for law enforcement to focus on «easy targets.» This structural feature of the law, when combined with performance metrics, can inadvertently drive the «primitivization» trend discussed later. This suggests that legislative reform, such as the decriminalization of offenses under Article 309, could be a crucial step in shifting law enforcement focus towards more serious drug crimes and aligning with modern drug policy trends.

2. Methodology

2. Quantitative Methods

For the quantitative analysis of statistical data, the Crime DataLab platform was utilized, an innovative online application developed by one of the co-authors of this report. This platform facilitates the integration of crime counteraction statistics from Ukraine and provides robust tools for visual analytics. The methodological approach underpinning the platform's use in this research can be systematically characterized across three interconnected aspects: legal, algorithmic, and technical.

The **legal aspect** ensures that all input data are rigorously examined through the lens of established and universally recognized principles of legal science. This meticulous attention to legal definitions is particularly critical for understanding concepts such as «criminal offense,» «recorded offense,» and «conviction that has entered into force». The process of crime counteraction, as reflected in the statistical reports, typically involves several stages: law enforcement agencies record certain events as requiring investigation within criminal proceedings; following a pre-trial investigation, a decision may be made to forward case materials to court, which can result in various outcomes including an indictment, a motion for release from criminal liability, or motions for compulsory medical or educational measures; finally, the court's consideration of these materials culminates in a decision, which may be a conviction, an acquittal, the application of compulsory medical measures, or the closure of the case. When a person is found guilty, criminal liability can be implemented through either repressive measures (punishment) or more liberal forms (release from punishment). The raw input data for this study were derived from the publicly accessible annual reports of the Prosecutor General's Office of Ukraine and the State Judicial Administration of Ukraine.

The **algorithmic aspect** emphasizes the platform's design as a tool for reproducible research. Data collection is performed by downloading reports directly from the official websites of the Prosecutor General's Office of Ukraine and the State Judicial Administration of Ukraine, with specific links embedded within the corresponding software scripts. Executing these scripts allows for the creation of local copies of the raw input data. The platform then transforms these raw reports into «clean» data, suitable for automated processing, through specially developed data cleaning scripts. Subsequent automated processing scripts generate curated data selections and summaries, which are then used for further visualizations. These visualizations are also produced by executing scripts that leverage the processed data and standard libraries for graphical data representation.

The **technical aspect** details the tools and environment used for the platform's development. The R programming language was employed, alongside the RStudio integrated development environment, an open-source software. The web application's user interface was built using Shiny R, a software environment that facilitates the creation of interactive applications with a graphical interface based on R. Key R libraries utilized in the application's development include «shiny,» «tidyverse,» and «leaflet». A crucial element of this methodology is that all software products and data used are freely available, providing an additional assurance of the reproducibility of the platform's results.

Thus, the methodology adopted for analyzing crime counteraction statistics is comprehensive, scientifically sound, transparent, and reproducible. This robustness is ensured by the deployment of a specialized online platform, a clear legal foundation, meticulously described data processing algorithms, modern technical tools, and open access to all components of the study. The detailed description of the quantitative methodology, particularly the emphasis on «reproducible research» and «open access,» significantly enhances the credibility and scientific rigor of the report's findings. In a field often characterized by opaque data and methodologies, this commitment to transparency and reproducibility is a strong indicator of the study's scientific integrity. It builds trust in the findings and makes the report more persuasive for policy-makers and academic audiences. This methodological rigor strengthens the call for policy changes, as the conclusions are built upon a verifiable and robust data analysis framework.

2.2. Qualitative Methods

Conducting a detailed analytical study of court sentences pertaining to criminal offenses committed by military personnel presents inherent challenges, primarily due to the complexity of isolating relevant judicial decisions within the Unified State Register of Court Decisions (hereinafter referred to as «USRCD»).

Currently, the USRCD contains an extensive volume of over 1.6 million sentences in criminal cases. As stipulated by Article 3 of the Law of Ukraine «On Access to Court Decisions,» the USRCD's primary function is to serve as an automated system for collecting, storing, protecting, accounting for, searching for, and providing electronic copies of court decisions. The fundamental purpose of this register is to ensure the transparency of judicial activities, the predictability of court decisions, and to promote the consistent application of legislation. Consequently, the existing search capabilities of the USRCD are not directly optimized for conducting analytical research based on specific parameters such as the category of the perpetrator (e.g., «defendant,» «accused,» or «subject of a criminal offense»). The interface of the USRCD's main page notably lacks input fields for such specific search parameters.

Furthermore, intellectual search, analysis, and monitoring systems for legal professionals currently available in the market (e.g., IP LEX, Verdictum, Pravosud, ZakonOnline, ActiveLex, Precedent) are also not entirely effective for the specific analytical objectives of this study. This is largely because most developers offer products primarily tailored for searching court practice related to a specific legal norm or for identifying cases based on the names of judges who rendered decisions. Moreover, these commercial systems often lack certain court decisions that are, in fact, available in the comprehensive USRCD. The difficulties encountered in extracting specific data from the USRCD for analytical purposes highlight a significant limitation in Ukraine's judicial data infrastructure. This structural limitation means that conducting targeted, evidence-based research crucial for policy development (e.g., understanding crime patterns within specific groups like military personnel) is inherently

challenging. The system, while providing transparency for individual cases, does not facilitate systemic analysis. This suggests a need for improvements in the design and functionality of official judicial databases to better support criminological research and evidence-based policymaking, which is essential for effective criminal justice reform.

Given these challenges, this analytical study was structured into two distinct stages.

In the **first stage**, empirical experimental and comparative methods were employed to identify the most relevant combined search strategy for extracting verdicts from the USRCD specifically pertaining to crimes committed by military personnel. Recognizing that the optimal combined search methods and the selection of keywords in the contextual search menu varied depending on the analytical objectives, considerable effort was dedicated to the analytical study of criminal offenses committed by military personnel in the sphere of illicit trafficking in narcotic drugs, psychotropic substances, their analogues, or precursors. For clarity, the specific algorithm determined for identifying verdicts in this category is presented. For instance, to ensure the most comprehensive retrieval of all first-instance verdicts of this category issued by courts between 2014 and 2024, the extended search parameters in the USRCD were populated as follows: the first contextual line included «військовослужбовця» (military personnel) AND «частина» (unit); the instance was specified as «first»; the period of issuance ranged from 01.01.2019 to 31.2.2024; the form of court decision was «verdict»; the form of legal proceedings was «criminal»; and the case category included «criminal cases from 01.01.2019» specifically for «criminal offenses committed by military personnel in the field of illicit trafficking in narcotic drugs, psychotropic substances, their analogues or precursors.» For verdicts from the period 01.01.2014 to 31.2.2018, the corresponding line specified «criminal cases until 01.01.2019» with the adjusted date range. This search yielded approximately 4.7 thousand court decisions. However, a meticulous, text-by-text review of each decision revealed that 28% of these selected verdicts did not align with the study's subject matter. Consequently, through this automated-manual process, 3388 first-instance court verdicts concerning military personnel accused of criminal offenses in the sphere of illicit trafficking in narcotic drugs, psychotropic substances, their analogues, or precursors were identified as relevant.

In the **second stage**, precise research criteria were defined for the in-depth analysis of the extracted verdicts. These criteria encompassed various aspects, including:

- The subjective composition of military personnel involved in the criminal offenses (e.g., their service in specific military formations, their rank—private, sergeant, or officer—whether they had prior convictions for similar or other crimes, their family status, and whether they were registered with a narcologist or psychiatrist).
- The specific type of criminal offense objects (e.g., narcotic or psychotropic substances, their analogues, and their specific types).
- The severity of the committed crimes and the presence of any qualifying signs.
- The courts' imposition of obligations on military personnel to undergo treatment for addiction or mental disorders.
- The criteria guiding the courts' application of various punishments, including special punishments designated for military personnel.

A more straightforward approach was employed for monitoring and analyzing court decisions concerning the application of special types of punishments for military personnel, such as service restriction, deprivation of military rank, and detention in a disciplinary battalion.

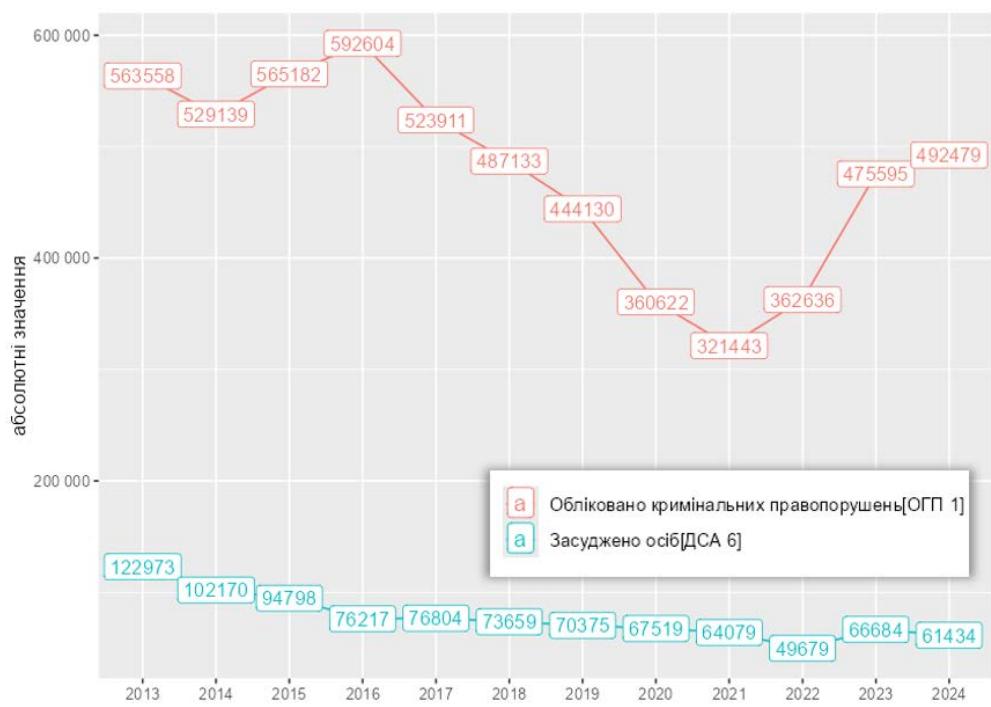
In such cases, courts typically cite the relevant norm of the Criminal Code of Ukraine that establishes the specific punishment, allowing for the isolation of pertinent verdicts by searching for partial text of the norm in quotation marks within the contextual search menu. The subsequent generalization of the data from this detailed study formed the basis for the conclusions presented in this report.

Overall, the analytical study utilized a combination of general research methods: the statistical method, detailed text analysis of court decisions based on predefined analytical criteria, comparative analysis, and the systemic analysis method. The systemic analysis method provided extensive opportunities for identifying general theoretical problems within judicial practice, discerning the primary modes of interaction between judicial practice and various legal institutions and phenomena, and analyzing the processes of stabilization, renewal, and preservation of judicial practice as a crucial link between the law-making and law-enforcement domains of the legal system. The systematic application of these methods collectively allowed for an objective and harmonious approach to the study of judicial practice on the research topic, thereby elucidating the general patterns of understanding the nature of judicial practice.

3. Response to Criminal Offenses by Military Personnel in the Context of General Trends in Crime Counteraction

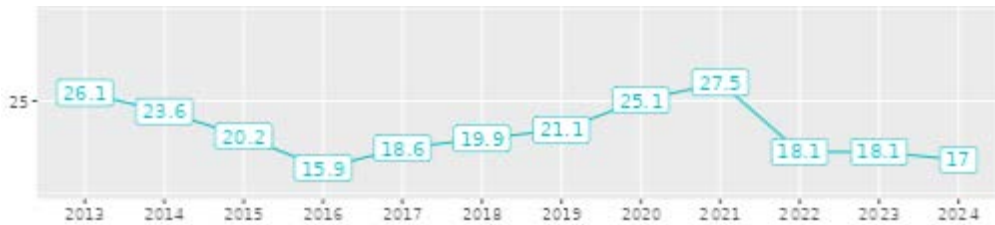
3.1. Increase in Recorded Offenses and Decrease in Convictions

The period from 2013 to 2024 in Ukraine has been marked by substantial fluctuations in the number of recorded criminal offenses, alongside a consistent and gradual decrease in the number of convicted persons. In 2013, for instance, 563,558 criminal offenses were recorded, leading to the conviction of 122,973 individuals. By 2024, the number of recorded offenses had decreased to 492,479, representing approximately 71,000 fewer cases than in 2013. More significantly, the number of convicted persons plummeted to 61,434, nearly halving the figure from 2013.



Number of recorded criminal cases and convicted individuals

Even when accounting for the differing statistical accounting methodologies employed by the Prosecutor General’s Office for criminal proceedings and the State Judicial Administration for convicted persons, these figures underscore profound transformations in both the quantitative scope of criminality and the effectiveness of the state’s response.



The ratio between the number of individuals with final court judgments and the number of recorded criminal cases.

To gauge the operational efficacy of law enforcement and judicial bodies, it is instructive to examine the ratio of the number of persons whose court decisions have entered into legal force to the total number of recorded proceedings. The dynamic trajectory of this ratio reveals several critical trends:

- A notable decline to 15.9% in 2016 directly coincided with the initiation of police reform and the establishment of new organizational and legal structures. This period of significant institutional change initially caused considerable instability within the law enforcement system.
- A subsequent increase to 27.5% in 2021 can be interpreted as a temporary enhancement in the effectiveness of criminal prosecution, likely attributable to the system’s gradual adaptation to new operational conditions.
- However, a precipitous drop to 18% in 2022 is directly linked to the onset of the full-scale invasion by the Russian Federation. This event profoundly destabilized the judicial system, necessitating the evacuation of institutions and leading to the mass registration of war crimes for which, in the vast majority of cases, the perpetrators have yet to be identified. Following this sharp decline, the indicator continued its downward trajectory, reaching 17% in 2024.

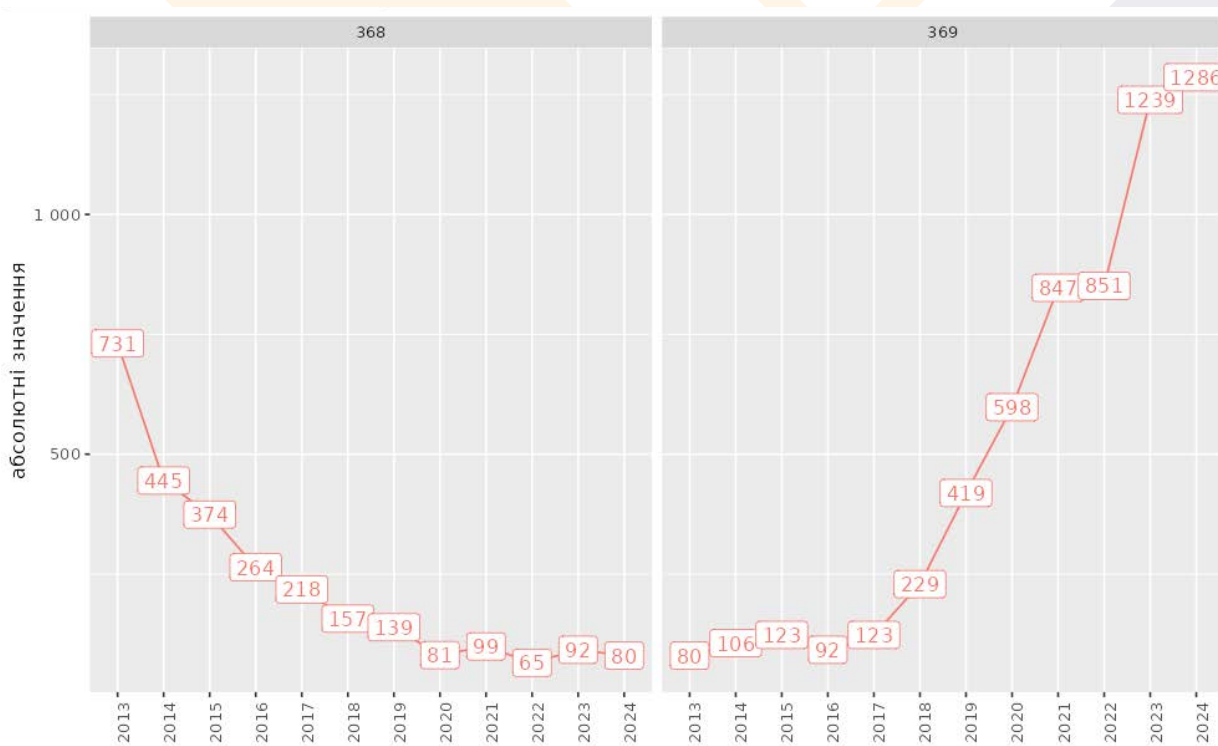
In essence, the criminal justice system consistently demonstrates a diminishing probability that a recorded offense will ultimately culminate in a court trial. The persistent decline in the conviction-to-recorded-offense ratio, especially post-2022, highlights a fundamental inefficiency in the criminal justice system that is exacerbated by wartime conditions. This indicates a growing bottleneck or inefficiency within the criminal justice pipeline. While more crimes might be recorded (possibly due to reduced administrative pressure or increased reporting), the system’s capacity to investigate, prosecute, and secure convictions for these offenses is diminishing. This creates a perception of impunity, potentially undermining public trust in law enforcement and the judiciary, and suggests that the system is struggling to deliver justice effectively, particularly under the strain of war (e.g., war crimes without perpetrators).

This phenomenon is partly attributable to objective circumstances in wartime: a substantial portion of criminal proceedings initiated after 2022 pertains to war crimes perpetrated by the Russian Federation, including the shelling of civilian infrastructure, the murder of civilians, and the destruction of residential areas and critical infrastructure. While these events are duly registered as criminal offenses, the perpetrators remain largely unidentified in most instances. Another contributing factor may be a gradual liberalization in the registration of proceedings, where reduced administrative pressure leads to a greater number of recorded cases, minimizing previous practices of refusing registration.

It is imperative to acknowledge that the recording of criminal offenses in Ukraine is a multifaceted procedure that integrates procedural, administrative, and political considerations. It does not offer a transparent reflection of the actual crime level and therefore necessitates a profound contextual interpretation when utilized in research or for evaluating the effectiveness of the law enforcement system. Nevertheless, the observed increase in the formal activity of law enforcement agencies, coupled with a simultaneous reduction in the number of individuals brought to justice, represents a tangible and concerning trend. Under these conditions, there is an escalating risk of diverting efforts from the investigation of dangerous but complex offenses towards so-called «easy targets»—cases that are readily recorded, swiftly transferred to court, and concluded with a verdict. This tendency is herein referred to as the «primitivization» of crime counteraction.

3.2. Primitivization of Crime Counteraction

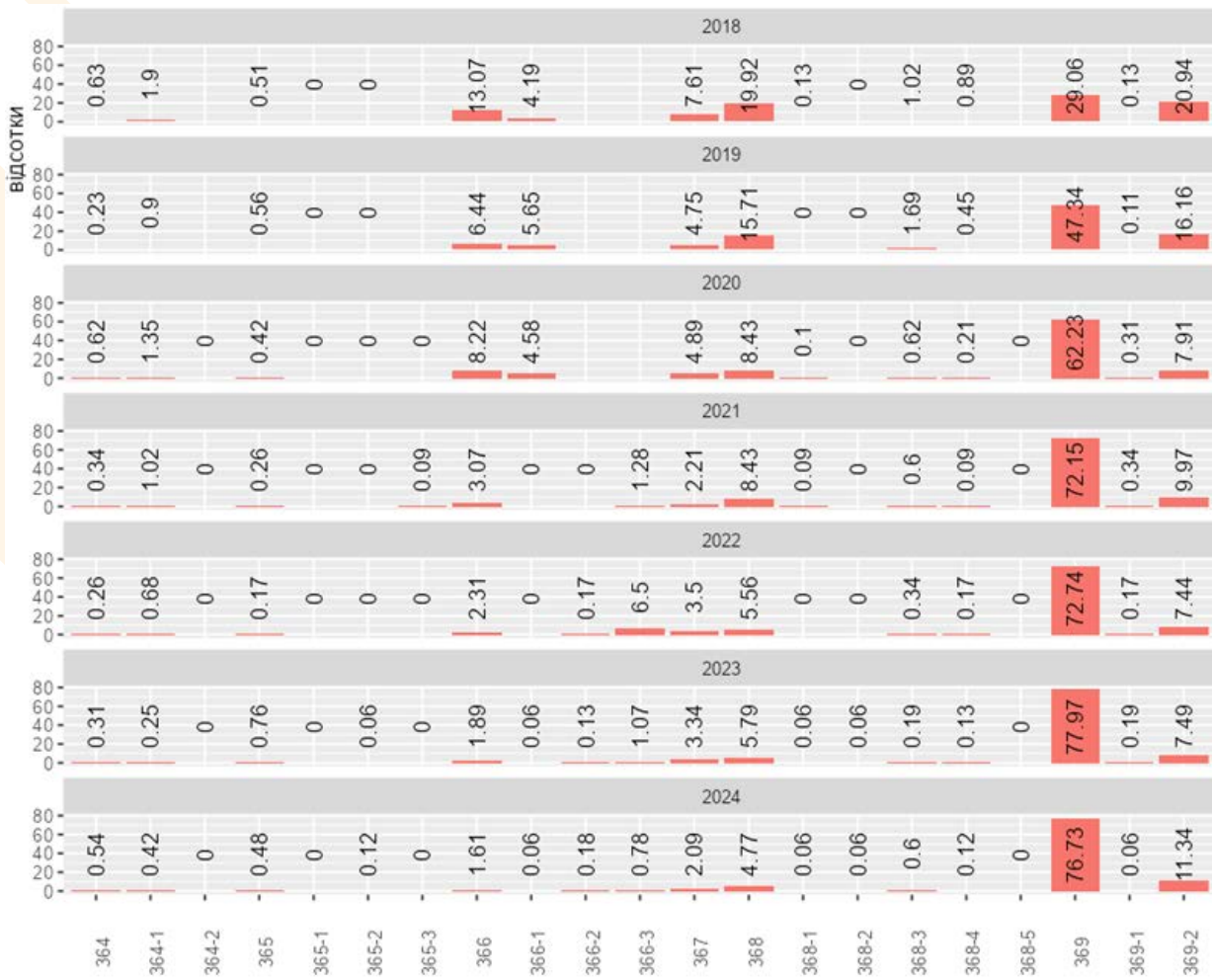
Primitivization describes a situation where the criminal justice system reorients its focus towards simpler cases. These cases may not always align with the most pressing societal threats, but they allow the system to maintain an appearance of statistical «effectiveness». At the law enforcement level of criminal legal regulation, primitivization manifests when a significant proportion of court decisions, leading to convictions for specific criminal offenses, concern the least dangerous forms of those offenses, even when more severe forms are demonstrably prevalent. This phenomenon is inherently detrimental, as it signals a decline in the overall effectiveness of criminal legal regulation.



Number of convictions for acceptance of unlawful benefit (Art. 368 CC) and for offering unlawful benefit (Art. 369 CC).

Identified Manifestations of Primitivization

The phenomenon of primitivization is evident across various domains, including anti-corruption efforts. Prior to 2017, the majority of individuals convicted for corruption-related offenses were prosecuted for receiving undue benefits (Article 368 of the Criminal Code).



Relative indicators. Distribution of convictions under the articles of Section XVII of the Special Part of the Criminal Code.

However, starting from 2018, a discernible shift occurred, with the focus largely moving to convictions for offering undue benefits (Article 369 of the Criminal Code). The absolute figures vividly illustrate this transformation: in 2013, 731 individuals were convicted for receiving undue benefits, compared to only 80 for offering them. By 2024, these numbers had dramatically reversed, with 80 convictions for receiving undue benefits and a staggering 1,286 for offering them. This process was gradual, with consistent trends of decreasing or increasing convictions observed throughout the entire monitoring period. From 2018 to 2024, the proportion of convictions for offering undue benefits (Article 369 of the Criminal Code) among all so-called «official crimes» (Section XVII of the Special Part of the Criminal Code) surged from 29% to 77%.

The dramatic shift in anti-corruption convictions from receiving to offering undue benefits, predominantly resolved by plea bargains, strongly indicates that law enforcement Key Performance Indicators (KPIs) incentivize pursuing easily prosecutable cases rather than complex, high-impact corruption. This suggests that the performance evaluation metrics

for police and prosecutors are likely skewed towards quantity (number of cases, plea bargains) rather than the severity or systemic impact of the corruption addressed. This allows agencies to demonstrate «activity» and «effectiveness» statistically without tackling the deeply entrenched, high-level corruption that citizens perceive as a major threat. This «primitivization» undermines public trust in anti-corruption efforts, as it fails to address the public's primary concerns about systemic corruption, leading to cynicism and a perception of injustice.

This raises critical questions: Does this shift imply that the primary challenge in combating corruption in Ukraine has become the offering of undue benefits? Do the outcomes of the criminal justice system genuinely reflect the prevailing social reality? Can it be asserted that the societal resources allocated to anti-corruption efforts are being utilized rationally? To address these inquiries, an exploratory content analysis was conducted on conviction verdicts under Article 369 of the Criminal Code, as recorded in the Unified State Register of Court Decisions. The overwhelming majority of these cases involve nearly identical circumstances: the offering of minor undue benefits to police officers or border guards during their routine official duties, such as maintaining public order or performing duties at state border crossing points. In most of these court decisions, a plea agreement for guilt recognition was concluded, simplifying the judicial process.

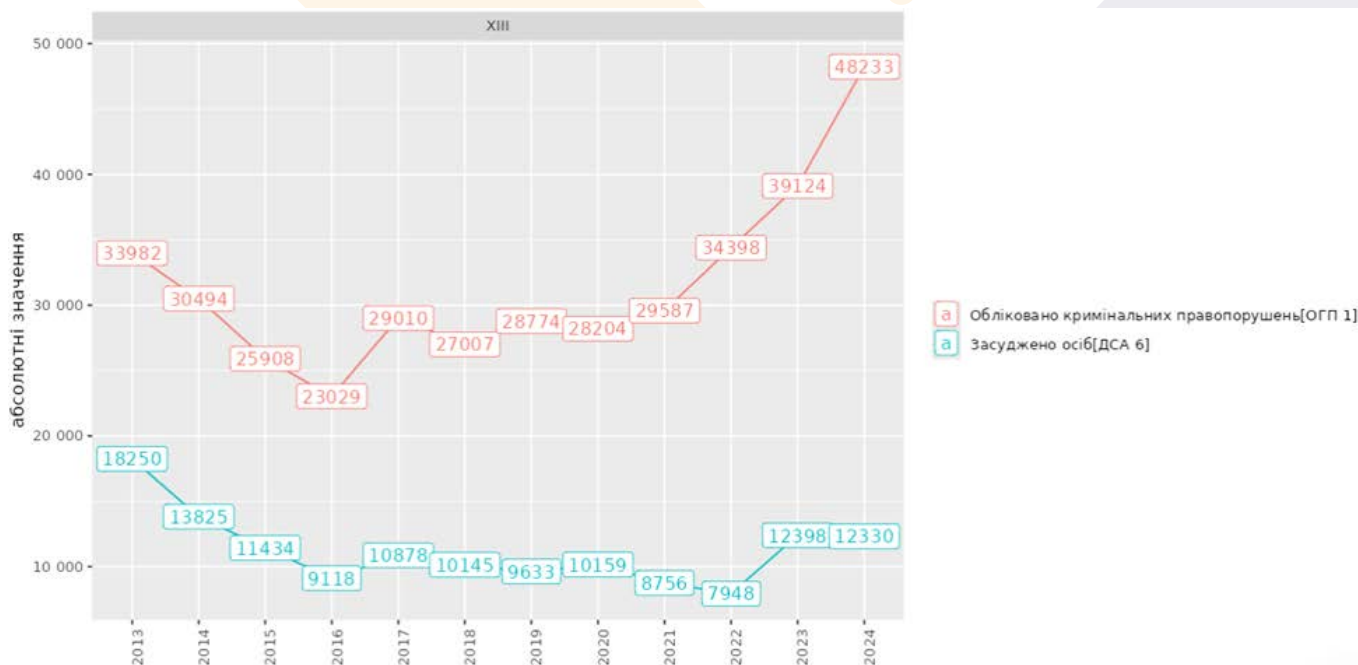
Regarding the alignment of actual judicial practice with the societal demand for anti-corruption, the answer must be unequivocally negative. It is improbable that a body of criminal law application, where nearly three-quarters of anti-corruption cases involve plea agreements for offering minor undue benefits to frontline law enforcement officers, adequately addresses the true societal need. These assessments are further corroborated by public sentiment and expectations concerning criminal justice. A nationwide survey conducted by the Ilko Kucheriv Democratic Initiatives Foundation in collaboration with the Center for Political Sociology (March 2024) revealed that Ukrainians primarily believe the pace of post-war reconstruction could be hindered by the immense scale of destruction (70%), followed closely by corruption at both national (58%) and local (52%) levels. Another survey by the «Rating» Sociological Group (February 2024) indicated that corruption within the government and army is a significant factor contributing to the unwillingness to mobilize in Ukraine. Other reasons cited included fear of death, disability, captivity, uncertainty, unfair mobilization, and a lack of equipment, ammunition, and weapons, alongside a general distrust of authorities. This study also found that the majority of respondents (51%) consider corruption in government agencies to be the greatest threat to Ukraine's development, a figure that surpasses even the concern for Russia's military aggression (46%) in a country actively engaged in war and experiencing daily casualties.

Primitivization is also observed in efforts to counteract the glorification of enemy actions. The recognition of the dangers posed by Russia's hybrid aggression led to the amendment of the Criminal Code of Ukraine in March 2022, introducing Article 436-2, which establishes responsibility for justifying, recognizing as lawful, denying the armed aggression of the Russian Federation against Ukraine, or glorifying its participants. Among approximately one thousand individuals convicted under Article 436-2 of the Criminal Code for glorifying the aggressor's actions, 42% were aged between 50 and 65, and 30% were over 65. Women constituted 39% of those convicted, and a striking 81% were released from punishment. This demographic profile starkly contrasts with general crime statistics, where the proportion of individuals aged 50-65 typically falls within 9-13%, those over 65 within 1-2%, and women around 12%. Furthermore, the general rate of release from punishment typically ranges from 36% to 44%. It is evident that prosecuting elderly individuals, many of whom are women,

only to release 80% of them from punishment, cannot be considered an effective strategy against hybrid aggression in the information sphere. The data on glorification cases reveals that law enforcement is targeting vulnerable, low-threat individuals, suggesting a focus on symbolic enforcement rather than addressing real security threats. This suggests that these prosecutions are more about demonstrating official «activity» and symbolic enforcement of new laws, rather than effectively neutralizing significant ideological or informational threats. These cases are «easy targets» because they involve individuals less likely to mount a robust legal defense or pose complex investigative challenges. This misallocation of resources means that genuine, sophisticated information warfare or subversive activities may go unaddressed, while the state expends resources on cases with minimal real-world impact, further contributing to the «primitivization» of justice.

From the analysis presented, it becomes clear that the contemporary criminal justice system in Ukraine exhibits characteristics of primitivization. This is a tendency to concentrate on straightforward, procedurally convenient cases that do not necessitate protracted investigations or complex evidentiary foundations. Such an application of legal logic enables pre-trial investigation bodies and courts to maintain a facade of activity and effectiveness. However, it simultaneously distances the system from genuinely addressing the real threats to society. These examples confirm a shift in the application of criminal law from a substantive, impact-oriented approach to a formalized one, where the priority lies not in eliminating the sources of danger but in sustaining statistical indicators through simplified law enforcement. It is within this critical context that an analysis of the situation in the sphere of combating illicit drug trafficking becomes particularly pertinent.

3.3. Counteracting Illicit Drug Trafficking

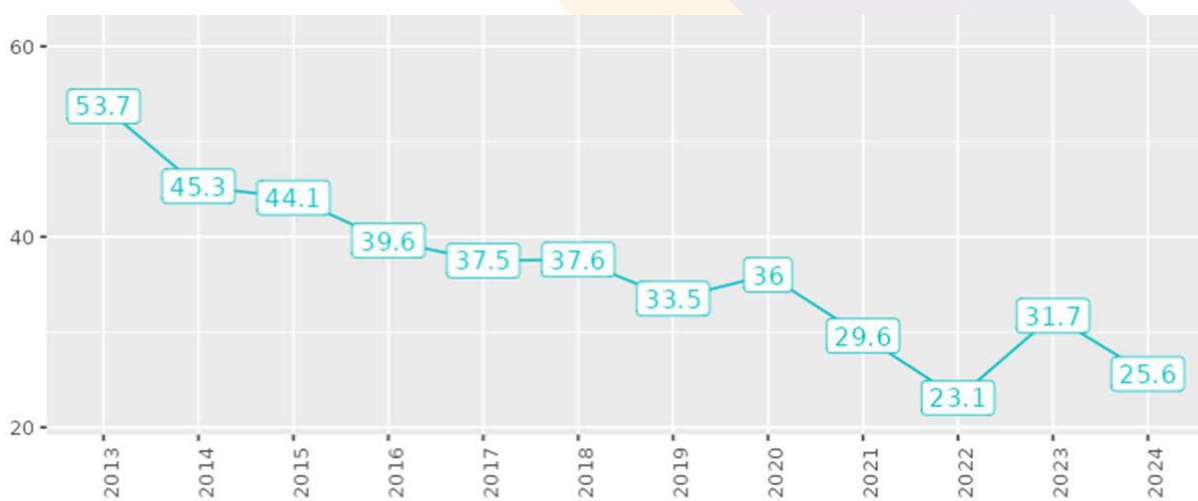


Registered proceedings and convictions under Section XIII of the Criminal Code – drug-related and other offenses against public health.

An examination of the trends in recorded offenses and convicted persons under Section XIII of the Criminal Code, titled «Criminal offenses in the sphere of illicit trafficking in narcotic drugs, psychotropic substances, their analogues or precursors and other crimes against public health,» reveals distinct phases.

A significant decline in indicators was observed between 2013 and 2016. During this period, Ukraine experienced a substantial decrease in both the number of recorded offenses (from 33,982 to 23,029) and the number of convicted persons (from 18,250 to 9,118). The primary factor contributing to this reduction was a large-scale institutional reform of law enforcement agencies. This reform involved a comprehensive restructuring of organizational frameworks, the establishment of a new patrol police force, the dissolution of the old police system, changes in leadership, and a redistribution of powers. Consequently, the system experienced organizational destabilization, leading to a temporary reduction in its capacity to record and effectively investigate crimes. Furthermore, the reform resulted in a considerable «brain drain» of personnel, with a large number of experienced officers leaving service. This process adversely affected institutional memory, the quality of pre-trial investigations, and the ability to detect complex crimes, particularly those involving organized drug trafficking. Thus, the decline in 2016 indicators should not be interpreted as a sign of effective criminal-legal policy, but rather as an indication of the temporary disorganization within the law enforcement system. This observation further supports the premise that crime statistics are a multifactorial indicator requiring deep contextual interpretation. In this specific instance, it highlights another systemic issue: the vulnerability of criminal policy to administrative reforms that lack adequate personnel support and analytical monitoring of their consequences. The significant decline in drug crime indicators during police reform (2013-2016) reveals the fragility of law enforcement capacity during periods of rapid organizational change and «brain drain.» This highlights that institutional reforms, while necessary, can have severe unintended consequences if not carefully managed, particularly regarding human capital and institutional memory. The loss of experienced personnel directly impacted the system's ability to handle complex investigations like organized drug trafficking. This serves as a cautionary tale for future reforms, emphasizing the need for robust human resource strategies and continuity planning to prevent such dips in operational effectiveness.

Following this period, a relative stabilization was observed from 2017 to 2021, during which the level of recorded offenses remained relatively consistent (ranging from 27,000 to 29,000 annually), although the number of convicted persons continued its decline.

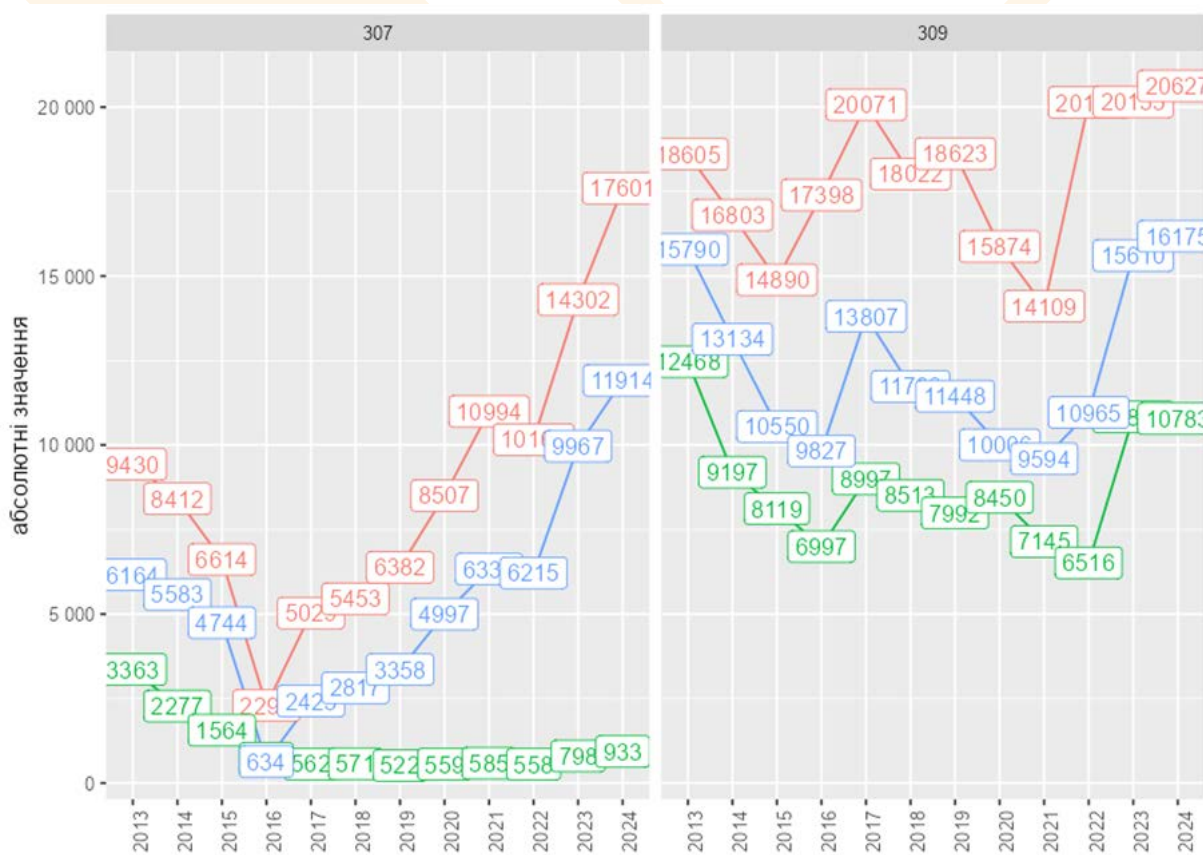


Convictions-to-proceedings ratio, Section XIII of the Special Part of the Criminal Code.

A sharp increase in recorded drug crimes occurred in 2023 and 2024. In 2023, 39,124 cases were recorded, escalating further to 48,233 offenses in 2024, marking the highest figure since 2013. Despite this significant surge in recorded proceedings, the number of convicted persons in 2024 (12,330) remained at the level of the preceding year. This discrepancy indicates that the sharp increase in recorded cases did not translate into a corresponding rise in convictions. The reasons for this situation revert to the problem of a formal increase in law enforcement activity coupled with a simultaneous decrease in the likelihood of recorded offenses proceeding to court.

The dynamics of the ratio of convicted persons to recorded criminal proceedings in Section XIII of the Special Part of the Criminal Code are particularly telling:

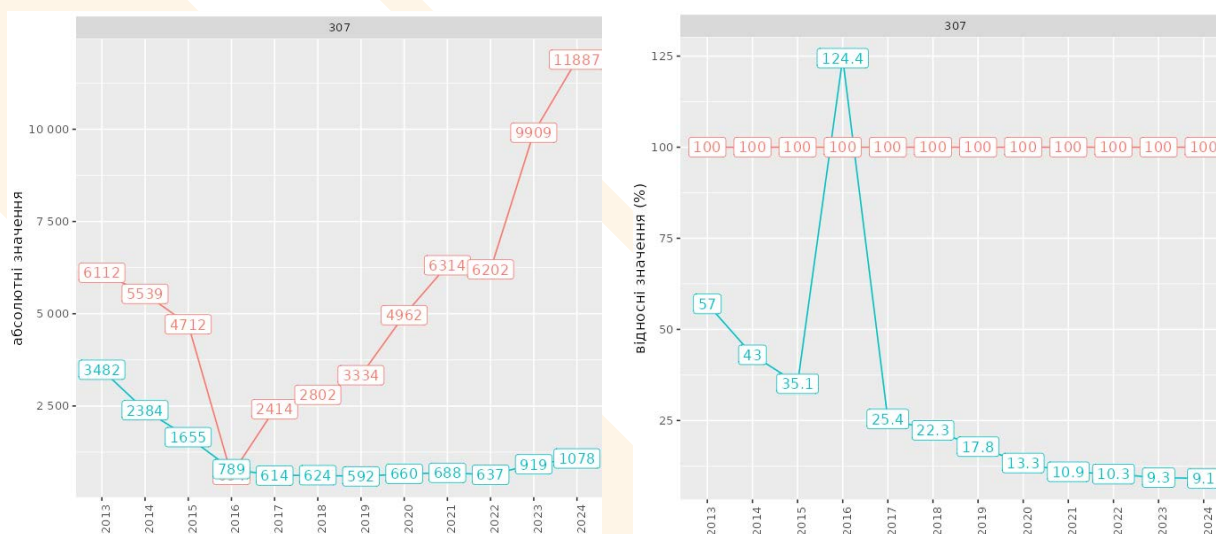
- In 2013, this indicator stood at 53.7%, signifying that more than half of all cases culminated in a conviction.
- Subsequently, the coefficient experienced a steady decline, reaching 39.6% in 2016, 33.5% in 2019, and 29.6% in 2021.
- In 2022, it hit a minimum of 23%. While it saw a brief rise to 31.7% in 2023, it again decreased to 25.6% in 2024.



Article 307. Unlawful production, manufacture, acquisition, possession, transportation, transfer, or sale of narcotic drugs, psychotropic substances, or their analogues.

Article 309. Unlawful production, manufacture, acquisition, possession, transportation, or transfer of narcotic drugs, psychotropic substances, or their analogues without the purpose of distribution.

The tendency towards primitivization is particularly pronounced in the realm of combating drug crime. A clear shift in focus is observed, moving from the counteraction of drug dealing to the prosecution of minor possession. For instance, among a hypothetical thousand individuals convicted for illicit drug activities (under Articles 307 and 309 of the Criminal Code), 212 persons were linked to trafficking (Article 307 of the Criminal Code) in 2013. By 2024, this number had drastically fallen to only 80. Consequently, the proportion of individuals convicted for drug possession without intent to sell is increasing. This raises significant questions regarding the actual focus of professional activities by law enforcement and judicial bodies. It is evident that the primary challenge in combating drug addiction is not the conviction of individuals who merely possess drugs without intent to sell. The dramatic shift in convictions from drug trafficking (Art. 307) to mere possession (Art. 309) represents a severe misallocation of law enforcement resources, prioritizing easily detectable minor offenses over dismantling organized crime. This strategy is fundamentally ineffective in addressing the core problem of illicit drug circulation. By targeting «easy targets» (users), law enforcement fails to disrupt the supply chains and organized criminal networks that drive



Annual distribution of indictments submitted to court (red) and convictions for unlawful activities related to drug distribution.

the drug problem. This is a clear manifestation of «primitivization» in practice. This approach not only fails to curb drug availability but also burdens the criminal justice system with a large volume of low-impact cases, diverting resources from more serious investigations and perpetuating a cycle of criminalization for vulnerable individuals.

Article 307. Illegal production, manufacture, acquisition, storage, transportation, shipment or sale of narcotic drugs, psychotropic substances or their analogues.

Article 309. Illegal production, manufacture, acquisition, storage, transportation or shipment of narcotic drugs, psychotropic substances or their analogues without intent to sell. 1

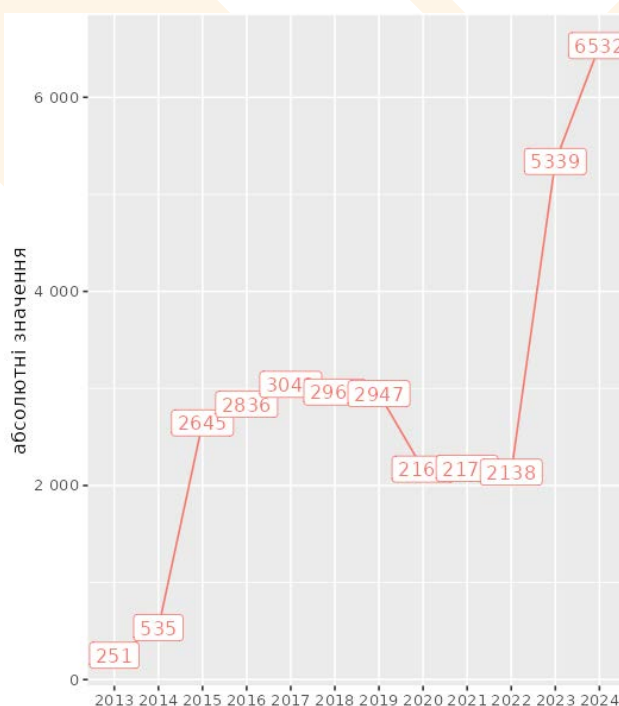
The primitivization observed in the sphere of combating illicit drug trafficking leads to several detrimental outcomes:

- A concentration of efforts on drug consumers rather than on dismantling trafficking networks.
- Excessive attention directed towards minor actions of «visible» individuals, thereby neglecting the more significant structural threats posed by organized crime.
- A tendency to inflate statistical indicators within repressive policies by targeting «easy targets».

Furthermore, it is crucial to note the alarming decrease in the ratio of accusatory materials forwarded to court concerning drug trafficking (Article 307 of the Criminal Code) to the number of individuals convicted for such actions. In 2013 and 2014, this proportion ranged from 43% to 57%. However, over the past five years, it has consistently remained below 15%, demonstrating a continued downward trend, reaching 9.% in 2024. The anomalous figure for 2016, where the number of materials sent to court was lower than the number of convicted persons, can be attributed to the aforementioned police reform. A widening disparity between the volume of accusatory materials and the number of convictions has been observed consistently since 2016. It can be hypothesized that this growing gap is a consequence of issues related to staffing and the professional competencies of law enforcement officers, although this requires further dedicated research.

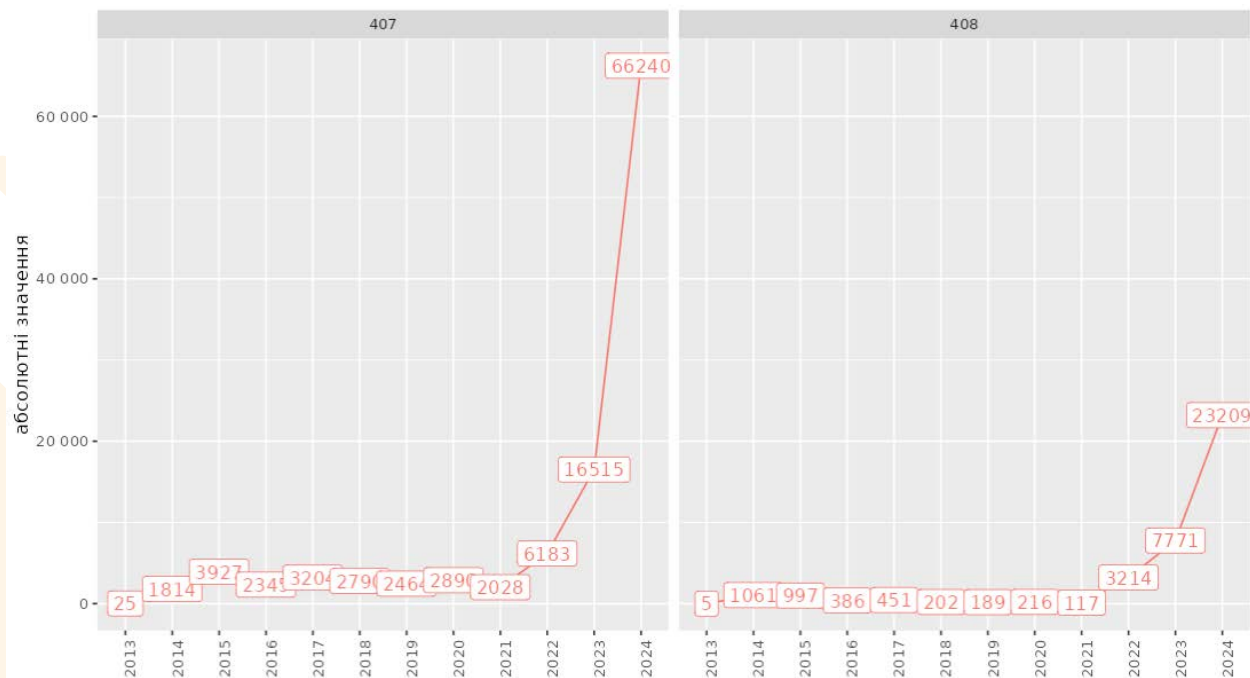
In conclusion, criminal-legal counteraction to drug crime in Ukraine exhibits inherent instability and a marked sensitivity to organizational changes. The sharp increase in recorded proceedings during 2023–2024 clearly indicates an exacerbation of the problem. Concurrently, the established tendencies of primitivization, coupled with the negative repercussions of institutional reforms, are significant factors that substantially diminish the overall effectiveness of counteraction efforts. Having established this conclusion, the analysis will now proceed to examine the application of legislation on criminal liability specifically to military personnel.

3.4. Criminal Offenses Committed by Military Personnel



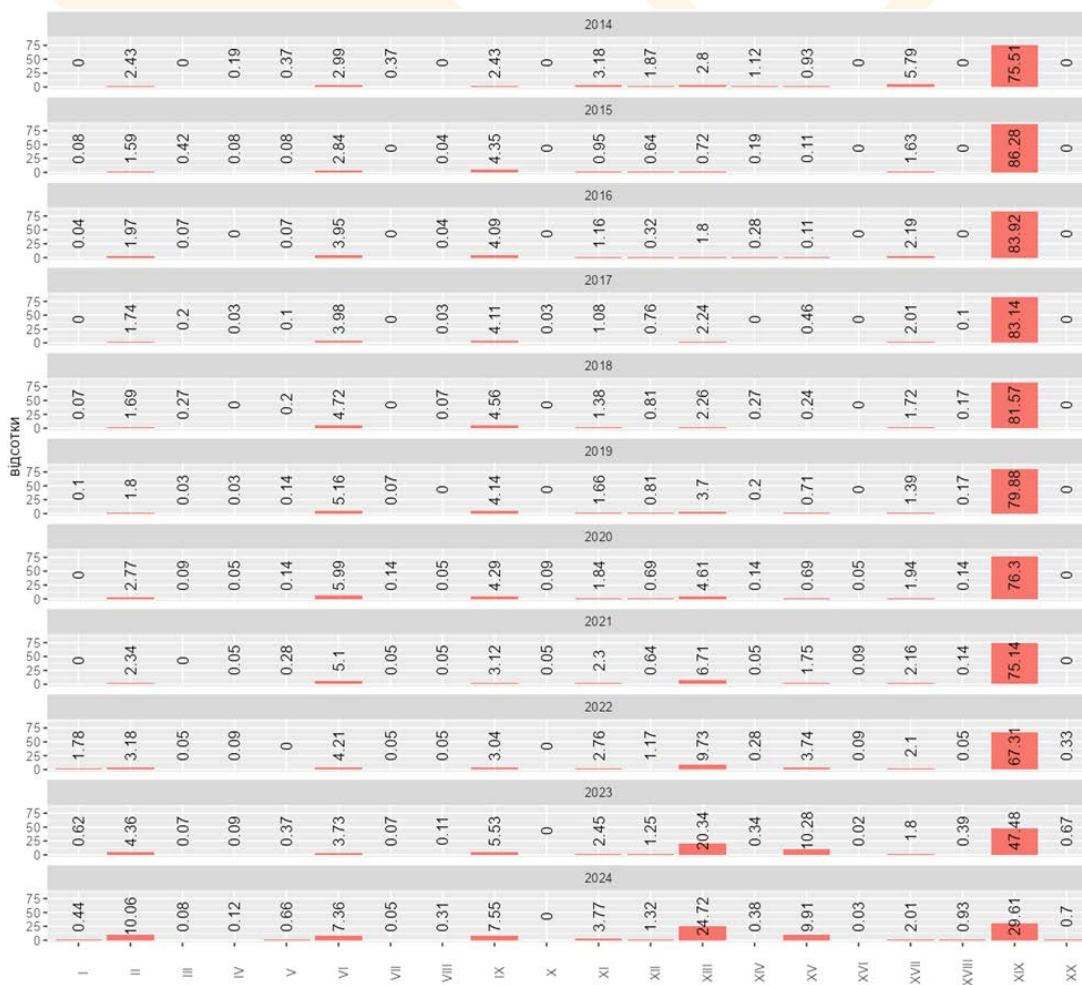
Annual number of convictions of military servicemen.

Since the commencement of the full-scale invasion, a profound and alarming trend has emerged: a more than threefold increase in the number of convicted military personnel. While the number of convicted military personnel remained relatively stable prior to 2022, by 2024, it had surged to exceed previous annual averages by over three times.



Annual distribution of registered proceedings (Articles 407–408 CC).

The structure of criminality among military personnel has undergone a dramatic transformation. Previously dominated by «military crimes» (Section XIX of the Criminal Code), it now encompasses a wide spectrum of general criminal acts. From 2014 to 2024,



Percentage breakdown of convictions of military servicemen by categories of criminal offenses (Sections of the Special Part of the Criminal Code).

an average of 2,000 military personnel were convicted annually for military crimes. Before 2022, over 80% of those convicted for military offenses were found guilty of unauthorized abandonment of a military unit (Article 407 of the Criminal Code, approximately 72%) or desertion (Article 408 of the Criminal Code, approximately 10%). With the onset of the full-scale invasion, the proportion of convictions for disobedience (Article 402 of the Criminal Code) significantly increased, rising from 154 individuals (10.7%) in 2022 to 734 individuals (38%) in 2024. A critical characteristic of military crimes in 2024 is the substantial increase in recorded proceedings under Articles 407 (Unauthorized Absence Without Leave - AWOL) and 408 (desertion). The number of recorded AWOL incidents quadrupled, from 16,515 in 2023 to 66,240 in 2024, while recorded desertion incidents tripled, from 7,771 in 2023 to 23,209 in 2024.

Since 2023, a noticeable increase has been observed in the number of verdicts against military personnel for criminal offenses against health, property, public safety, and particularly in the sphere of illicit drug trafficking.

The share of military personnel convicted for offenses against life and health (Section II of the Criminal Code) rose from 2.3% in 2022 to 10.% in 2024. Specifically, for intentional murder (Article 115 of the Criminal Code of Ukraine), the average annual number of convicted military personnel did not exceed 8 prior to 2022, but this figure reached 64 convicted individuals in 2024. For intentional grievous bodily harm (Article 121 of the Criminal Code of Ukraine), an average of 11 military personnel were convicted annually before 2022, increasing to 91 in 2024. In cases of intentional minor bodily harm (Article 125 of the Criminal Code of Ukraine), the annual average of 16 convictions prior to 2022 surged to 377 in 2024.

The proportion of military personnel convicted for offenses against property (Section VI) increased from 5.% in 2022 to 7.36% in 2024. For theft (Article 185 of the Criminal Code of Ukraine), the average annual number of 65 convictions before 2022 rose to 375 in 2024.

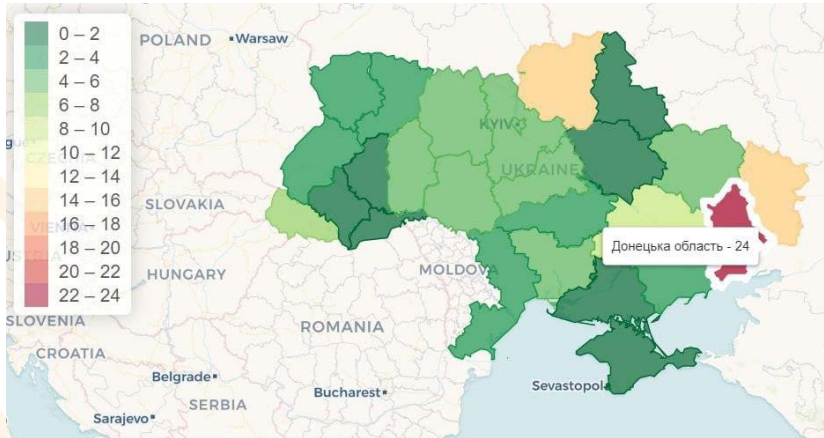
Similarly, the share of military personnel convicted for offenses against public safety (Section IX) increased from 3.04% in 2022 to 7.55% in 2024. For illegal handling of weapons (Article 263 of the Criminal Code of Ukraine), the average annual number of 79 convictions before 2022 reached 461 in 2024.

The most pronounced changes are observed in the proportion of military personnel convicted for illicit drug trafficking (Section XIII), which escalated from 9.73% in 2022 to 24.72% in 2024. For drug trafficking (Article 307 of the Criminal Code of Ukraine), the average annual number of convictions was approximately 10 before 2022, climbing to 35 in 2024. However, for possession without intent to sell (Article 309 of the Criminal Code of Ukraine), the average annual number of 67 convictions before 2022 skyrocketed to 1571 in 2024.

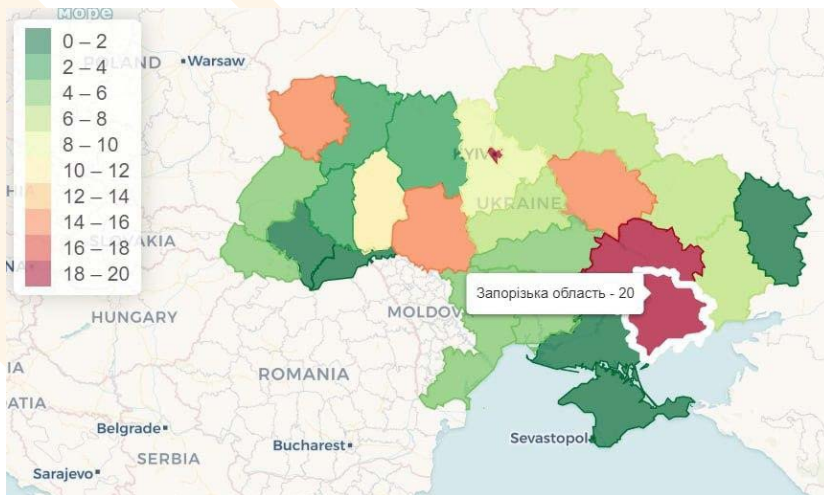
If the total number of individuals convicted for criminal offenses under Articles 307 and 309 of the Criminal Code is considered as 100%, then the share of those convicted under Article 307 of the Criminal Code in 2023 and 2024 falls within 7-8%, while Article 309 of the Criminal Code accounts for 92-93%. For convicted military personnel, this distribution is even more skewed: Article 307 accounts for 2%, and Article 309 for 98%. In other words, the manifold increase in military personnel convicted for criminal offenses in the sphere of illicit drug trafficking primarily concerns acts not related to drug trafficking, but rather to possession.

The overwhelming majority (98%) of drug-related convictions among military personnel being for possession (Art. 309 CC), coupled with the geographical concentration in frontline regions, strongly suggests that drug use is a coping mechanism for combat-induced stress and trauma, rather than participation in organized crime. This pattern strongly indicates

that drug use is a response to the psychological strain of war, such as combat stress, PTSD, and maladaptation. It suggests that individuals are using substances to self-medicate or



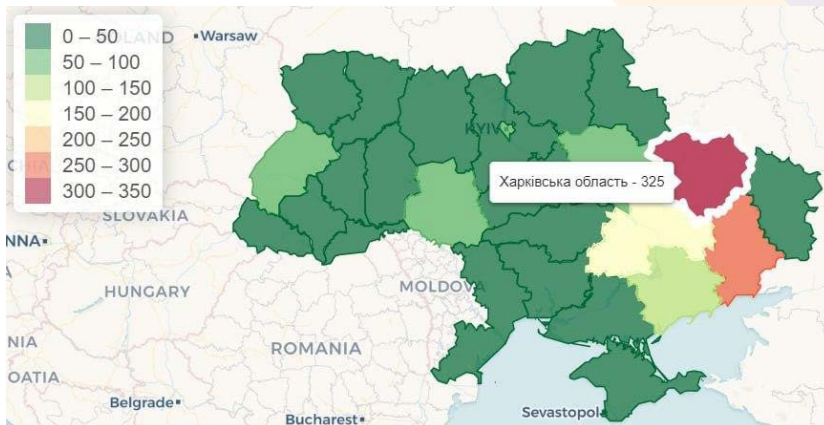
2021



2022



2023



2024

cope with the immense pressures and traumas of military service, particularly in active combat zones. Criminalizing this behavior, which is a symptom of underlying trauma, is counterproductive. It transforms a public health and welfare issue into a criminal justice problem, further marginalizing and harming veterans who need support and treatment, not punishment. This reinforces the need for a shift towards a rehabilitative and public health-oriented drug policy for this demographic.

The territorial analysis of data concerning military personnel convicted under Article 309 of the Criminal Code of Ukraine (illegal possession of narcotic drugs without intent to sell) reveals several important trends. Firstly, since 2023, the highest indicators have been consistently recorded in the Donetsk, Kharkiv, Zaporizhzhia, and Dnipropetrovsk regions. For instance, in 2024, Kharkiv region saw 325 military personnel convicted, Donetsk 285, Zaporizhzhia 118, and Dnipropetrovsk 172. These figures significantly surpass those of other regions. Secondly, the cartograms visually demonstrate a stable spatial pattern: the increase in the number of convicted persons is concentrated precisely in the frontline regions. This geographical correlation points not merely to the presence of military personnel but, more importantly, to a rise in socio-behavioral risks. These risks are closely associated with combat stress, post-traumatic conditions, and the pervasive lack of adequate psychological and social support in these areas.

The concentration of convictions in frontline regions is a powerful indicator that the problem is not random but directly related to the psychological and environmental stressors of war. This strengthens the argument for targeted rehabilitation and support programs in these areas.

3.5. Conclusions

The comprehensive analysis of statistical data and judicial practice within the sphere of criminal-legal regulation, particularly as it pertains to military personnel, allows for the identification of a series of systemic trends that profoundly impact the effectiveness of crime counteraction amidst the full-scale war.

Firstly, a persistent trend is observed: a steady increase in the number of recorded criminal offenses, coupled with a simultaneous decrease in the proportion of cases that ultimately result in a conviction. This creates a significant disparity between the formal activity demonstrated by law enforcement agencies and the actual outcomes of criminal prosecution.

Secondly, there is a clear and deepening process of primitivization in law enforcement. This means that the predominant share of efforts is directed not towards complex, socially dangerous acts, but rather towards cases that present low procedural resistance. This is particularly evident in anti-corruption efforts, where the focus has shifted from prosecuting the receipt of undue benefits to their mere offering, and in the sphere of illicit drug trafficking, where convictions for possession without intent to sell now dominate.

Thirdly, the period between 2022 and 2024 witnessed not only a general increase in the total number of convicted military personnel but also a significant transformation in the structure of their criminal behavior. Beyond the traditional prevalence of military crimes (Section XIX of the Criminal Code), there have been substantial shifts towards general criminal acts, including offenses against life and health, property, public safety, and, notably, crimes related to illicit drug trafficking.

The most concerning finding is the manifold increase in the number of military personnel convicted for drug possession without intent to sell (Article 309 of the Criminal Code). This serves as a potent indicator of a deeper social problem: widespread psychological trauma, inadequate adaptation to the conditions of military service, and a critical lack of support and rehabilitation services. This situation necessitates a fundamental re-evaluation of current law enforcement practices, as their punitive orientation, rather than offering prevention and assistance, risks exacerbating social disintegration among military personnel. The territorial distribution of these convictions, with a marked concentration in the four frontline regions—Donetsk, Dnipropetrovsk, Zaporizhzhia, and Kharkiv—in 2023 and 2024, further confirms the systemic nature of this problem.

The proliferation of drug crime among military personnel is not merely an individual pathology; it is a symptom of more profound social shifts intrinsically linked to the ongoing war, institutional vulnerabilities, and limited support resources within combat zones. Consequently, the established trends underscore an urgent need for a thorough re-evaluation of approaches to criminal response, a strengthening of the analytical dimension in law enforcement activities, and the development of effective resocialization mechanisms, particularly tailored for military personnel. The subsequent section of this report will delve into the judicial practice of applying criminal legislation in the sphere of illicit drug trafficking, aiming to deepen the understanding of this complex problem and identify potential avenues for change.

4. Analysis of Relevant Judicial Practice

A comprehensive analysis of 3388 first-instance court verdicts from the Unified State Register of Court Decisions (EDRSR), covering the period from 2014 to 2024, confirms the rapid escalation in the total number of military personnel convicted for drug-related offenses during 2023 and 2024. Specifically, half (50%) of all convictions based on the examined judicial decisions over the past decade occurred in 2024, with an additional 35.3% in 2023, and 6.7% in 2022. In contrast, less than 1% of the total number of verdicts were issued for each year between 2014 and 2018.

The nature of these offenses predominantly involves minor infractions. The absolute majority of verdicts (83.6%) were issued in connection with a single criminal misdemeanor committed by military personnel. Non-grave crimes accounted for 11.5% of cases, while a combination of a misdemeanor and primarily a non-grave (or, to a lesser extent, a grave) crime constituted 4.4%. Particularly grave crimes represented a minimal 0.45% of the total. Only a small fraction, 1.5% of convictions, involved qualifying signs, which generally indicate a higher degree of public danger. However, a concerning trend observed is the increase in cases where individuals commit similar acts repeatedly or within a year after a previous conviction under Part 1 of Article 309 of the Criminal Code of Ukraine.

Regarding pre-trial detention and other preventive measures, the analysis shows that in 95.5% of cases, no preventive measure was chosen for the military personnel. Bail was applied in 0.3% of cases, personal recognizance in another 0.3%, detention in 1.8%, and house arrest in 0.3%. In 1.5% of the total verdicts, the issue of the applied preventive measure was not addressed.

A detailed breakdown by specific articles of the Criminal Code reveals an overwhelming dominance of Article 309 of the Criminal Code (illicit storage or acquisition of narcotic drugs or psychotropic substances without intent to sell). This article accounts for 98% of all verdicts (over 3.2 thousand court decisions). Within this category, 87% of these verdicts pertained to the commission of a simple misdemeanor under Part 1 of Article 309 of the Criminal Code. Attempted misdemeanors under Part 1 of Article 309 constituted 2.3%, and cases where Part 1 of Article 309 was combined with other misdemeanors or crimes made up 1%. Only 0.6% of verdicts convicting military personnel under Article 309 of the Criminal Code involved actions qualified under Part 3 (particularly large quantities), and 12.4% under Part 2 (large quantities). In stark contrast, convictions under Article 307 of the Criminal Code (illicit production, manufacture, acquisition, storage, transportation, shipment with intent to sell, or sale of narcotic drugs or psychotropic substances) constituted less than 1.5% of the total. Other offenses were rarely imputed: Article 310 (sowing or cultivation of opium poppy or hemp) accounted for less than 0.5% of verdicts, Article 311 (illicit acquisition or storage of precursors) for 0.09%, Article 315 (inducing the use of narcotic drugs) for 0.06%, and only one verdict each for Article 305 (smuggling of narcotic drugs) and Article 308 (appropriation

or extortion of psychotropic substances).

The analysis of the types of substances involved reveals that the majority of military personnel were convicted for illegal acts involving psychotropic substances. Specifically, in 52.3% of criminal offenses, exclusively psychotropic substances were involved, while 21% involved exclusively narcotic drugs, and 26.5% involved both psychotropic substances and narcotic drugs simultaneously. Precursors were involved in a minimal 0.06% of cases. Regarding specific narcotic drugs, the overwhelming majority (84.7%) of military personnel were convicted for the illegal use of cannabis, its resin, or extract. Methadone was involved in 12.9% of convictions. Very rare instances (ranging from 0.0% to 0.9%) involved metaphene, buprenorphine, tramadol, cocaine, codeine, morphine, poppy straw concentrate, or acetylated opium. For psychotropic substances, the most common type involved in these acts (in 62.2% of cases) were so-called «salts» (PVP). Other psychotropic substances included amphetamine (24.5%), methamphetamine (10.07%), and 4-MMC (1.4%), with less than one percent of cases involving psilocybin, PMA, ecstasy, MDMB, or phenylnitropropene.

The study of verdicts by the subjective composition of convicted military personnel indicates that the vast majority, specifically 84.9%, had no prior criminal record. In 6% of verdicts, it was noted that the military personnel's criminal record had been expunged at the time of the offense, in accordance with Article 89 of the Criminal Code of Ukraine. However, 7.6% of convicted military personnel had an active criminal record at the time of their conviction. Despite the specific nature of these crimes, courts often failed to adequately assess whether the convicted individuals were registered with a narcologist or psychiatrist, or if they had undergone relevant treatment. This information was entirely omitted in 23% of verdicts. Furthermore, 75% of convicted persons were not registered with either a narcologist or a psychiatrist. Only 1.5% were registered with a narcologist at the time of conviction, and 0.2% with a psychiatrist. Information regarding removal from narcologist registration was noted in 0.0% of verdicts (0.06% for psychiatrist registration), and prior treatment with a psychiatrist or narcologist was mentioned in only 0.2% of cases.

In terms of the military formation in which the convicted military personnel served, 97.3% were from the Armed Forces of Ukraine, 1.7% from the National Guard of Ukraine, and 0.4% from the State Border Guard Service of Ukraine. In 0.3% of the total verdicts, the military formation was not specified by the courts. A concerning finding is that in 1% of the total verdicts issued, courts failed to include crucial information regarding the military personnel's criminal record, in violation of Article 374 of the Criminal Procedure Code of Ukraine, despite the obvious relevance of such data to the case. Similarly, in 17.4% of cases, courts violated procedural law requirements by omitting information about the convicted military personnel's marital status. Analysis of the available data in verdicts indicates that less than a quarter (23.6%) of military personnel convicted for the illegal use of narcotic and psychotropic substances were married, while 55.2% were unmarried, 3.4% divorced, and 0.09% widowed.

Regarding the military ranks of the convicted individuals, it is important to note that this information is absent in 28% of verdicts. Among those for whom rank was specified, the majority were enlisted personnel: 44.2% held the rank of soldier, 12% senior soldier, and 1.5% sailor or senior sailor, with less than 1% being privates. Cases involving non-commissioned officers and warrant officers, and even more so officers, were rare: 6% of convicted individuals held the rank of junior sergeant, 2% sergeant, and 1.6% senior sergeant. Less than one percent of the convicted group (each separately) held the ranks of senior or junior lieutenant, lieutenant, chief sergeant, or staff sergeant. Isolated instances involved convictions of military personnel holding the ranks of lieutenant colonel, major, officer, ensign, senior ensign, captain, or foreman.

Concerning the classification of military positions held by convicted military personnel, it is noteworthy that courts did not specify positions in 26% of verdicts. From the available information, the largest proportion of convicted military personnel held the positions of rifleman or senior rifleman (15%), which is likely due to the high prevalence of these positions among mobilized personnel. Analysis of the positions of other convicted individuals indicates that the issue of prohibited substance use affects virtually all military positions, regardless of the unit's tasks or branch of service. This includes drivers (9.7%), gunners (6%), crew members (5.4%), commanders of platoons, squads, battalions, and military units (5.3%), operators (3.7%), mechanics (3.05%), grenadiers and their assistants (2.9%), machine gunners (1.9%), radio operators and radio telegraphists (1.9%), combat medics, doctors, paramedics, orderlies, and nurses (1.75%), soldiers and senior soldiers (1.6%), sappers (1.3%), combat vehicle commanders and their deputies (1.2%), scouts (1%), masters (1.08%), and cooks or bakers (1.05%). Less than one percent of the total convicted population comprised groups holding positions such as commanders of guns, mortar crews or tanks, deputy commanders, deputy heads of services, technicians, carpenters, chemists, stokers, sergeants, cadets, riggers, electricians, training instructors, camouflage specialists, inspectors, sailors, service dog handlers, clerks, unmanned aerial vehicle operators, snipers, firefighters, tank platoon loaders, line supervisors, machinists, and laboratory assistants. The detailed demographic data paints a picture of the typical convicted military personnel as a first-time offender, often a private, from various roles, suggesting that drug use is a widespread issue affecting «ordinary» soldiers due to wartime conditions rather than a specific pre-disposed group. This strongly supports the argument that the war environment itself is a significant catalyst for drug use. The stress, trauma, and difficult conditions of military service are pushing otherwise law-abiding individuals into substance use, which then gets criminalized. This underscores that the problem is systemic and environmental, not just individual pathology. Policies must therefore focus on prevention, psychological support, and rehabilitation for a broad spectrum of military personnel, rather than solely on punitive measures, to address the root causes of this behavior.

Given the high proportion of misdemeanors and non-grave crimes in the examined verdicts, the punishments applied by the courts appear logically consistent. A significant 79.% of military personnel were sentenced to a fine. When imposing fines, courts generally adopted a lenient approach, with the lowest statutory fine being applied in over 2.3 thousand verdicts. Common fine amounts included 8.5 thousand UAH, 17 thousand UAH, or 34 thousand UAH, with the largest fine imposed being 85 thousand UAH. Of the total number of individuals convicted for this category of criminal offenses, 4.3% were sentenced to arrest, 7.5% to restriction of liberty, and 6.5% to deprivation of liberty. Courts also demonstrated leniency in determining the terms of deprivation and restriction of liberty: between 2019 and 2024, the lowest limit of such punishment was applied in 172 cases, and 267 military personnel were sentenced to up to 1 year of deprivation or restriction of liberty. Among the most severe punishments, 3 military personnel received 10 years of deprivation of liberty, and 4 received 9 years.

Special types of punishment for military personnel were applied to 5.1% of convicted individuals. Of these, 4.3% were sentenced to arrest with detention in a guardhouse, 0.3% to detention in a disciplinary battalion, and 0.5% to service restriction for military personnel. Given the relatively recent introduction of probation supervision in 2023, only 1.5% of military personnel were sentenced to this form of punishment. Considering that probation supervision allows courts to mandate treatment for drug or alcohol dependence, or mental and behavioral disorders resulting from substance use, its application by courts has not yet been sufficiently explored. Regarding additional punishments, confiscation of property was

applied in only 1.2% of verdicts in this category. Notably, for the analyzed category of crimes, courts did not apply the special punishment of deprivation of military rank. Of the 12 cases involving the application of special restriction for military personnel, in 11 instances, the restriction was imposed for a period of 1 to 1.6 years, with a deduction of 10%-15%-20% from the military personnel's monetary allowance to the state's income. In 7 cases, it was applied for 2 years with a 20% deduction. Monitoring of the EDRSR identified one verdict where the court applied compulsory medical measures, specifically compulsory outpatient psychiatric care, based on Article 94 of the Criminal Code of Ukraine. While courts often apply minimal fines and lenient sentences, this leniency appears to be a formal procedure for processing minor cases rather than a concerted effort towards rehabilitation, especially given the lack of attention to medical history and underutilization of probation with mandatory treatment. This leniency, combined with the observation that courts «do not adequately assess the issue of the convicted person being registered with a narcologist, psychiatrist, or undergoing relevant treatment,» suggests that the sentencing process is often a formalistic exercise to close cases rather than a substantive intervention aimed at addressing the underlying issues of addiction or trauma. The underutilization of probation supervision, which allows for mandatory treatment, further supports this. This reinforces the «primitivization» argument by showing that even when convictions occur, the judicial outcome often fails to provide meaningful support or rehabilitation, perpetuating the cycle of drug use and criminalization among veterans.

In their verdicts, courts tend to adopt a rather formalistic approach to defining and describing circumstances considered as mitigating punishment. These typically involve standard formulations such as the defendant's repentance, admission of guilt, or cooperation with the investigation. Only in a few dozen decisions did courts, exercising their discretion to define mitigating circumstances, acknowledge military service, combat conditions, or veteran status as such. Aggravating circumstances were cited in 2.4% of the total verdicts, specifically for the commission of a crime while intoxicated or under the influence of narcotic drugs. In 0.9% of cases, the crime was aggravated by being committed repeatedly or as a recidivist offense. The legal mechanisms for release from serving punishment for military personnel with probation (based on Article 75 of the Criminal Code of Ukraine) and the imposition of a milder punishment than prescribed by law (Article 69 of the Criminal Code) were applied in 1.8% of verdicts in this category.

Overall, a thorough examination of the content and analysis of verdicts in this category, considering that most pertain to misdemeanors involving the illegal use of narcotic drugs or psychotropic substances without intent to sell, reveals that the conviction of military personnel is largely a formal procedure. In the majority of cases, this process occurs in a simplified manner, often without the defendant's direct participation, and typically results in the imposition of a minimal fine by the court. However, the limited and often truncated presentation of the defendants' characteristics and the circumstances of the criminal offenses in the verdicts suggest that the illegal use of these substances by military personnel is predominantly linked to a complex psychological state of constant tension and the severe conditions faced by mobilized individuals. The existing trends, which are partially reflected in judicial practice, indicate a worsening situation regarding the use of narcotic and psychotropic substances by military personnel. This is compounded by the accessibility and ease of acquiring these substances, as well as the absence of adequate psychological and medical support for military personnel during their service, particularly in cases involving dangerous psychotropic substances. The Prosecutor General's Office has acknowledged this problem systematically since 2019, including at coordinated meetings of law enforcement

agencies (relevant letters are provided in Appendix B). Nevertheless, the planned measures are generally broad in nature and appear more focused on detecting and recording crimes committed by military personnel rather than on their prevention. Consequently, the trends outlined herein are currently corroborated by both state statistical data and judicial practice.

In conclusion, the analysis of judicial practice unequivocally demonstrates an alarming trend: a significant increase in the number of military personnel convicted for drug-related crimes, predominantly for possession without intent to sell. This clearly indicates that the problem of drug addiction among military personnel is escalating and demands immediate intervention. The majority of those convicted are ordinary military personnel who previously had no history of legal issues. This observation underscores that the war and its associated stressors serve as powerful catalysts for the development of addiction. Furthermore, the insufficient attention paid by courts to issues of narcological registration and treatment highlights the urgent need for a comprehensive approach to resolving this problem, one that extends beyond mere punishment to encompass medical and psychological assistance. The analysis clearly indicates that the existing criminal justice system is inadequately equipped to address the challenges posed by wartime conditions and requires fundamental reform aimed at humanizing its approach and ensuring the effective resocialization of military personnel.

5. Recommendations for Drug Policy Formation and Measures

To maintain the assertion that «everything is fine» within the current criminal-legal response system for drug use among military personnel would be to deliberately ignore a large-scale socio-behavioral crisis that has already attained systemic proportions. Persisting with the current approach, which is oriented towards the repressive prosecution of drug users rather than prioritizing prevention, treatment, and resocialization, will not resolve the problem. Instead, it will merely transform it into a source of new and exacerbated risks. The criminalization of military personnel for actions that are often direct consequences of combat trauma creates unnecessary and significant barriers to their successful reintegration into peaceful civilian life. A criminal record severely limits opportunities for employment, education, and broader social integration.

Ultimately, a problem that fundamentally belongs within the purview of medical, psychological, or social intervention is being transmuted into a «legal trap.» This trap not only fails to address the core issue but actively exacerbates the secondary marginalization of veterans. This powerful observation, emphasizing the long-term societal costs of failing to reform drug policy for veterans, highlights a profound failure of state responsibility towards its defenders. By criminalizing trauma-induced behavior, the state is effectively punishing its own, leading to a breakdown of trust and social cohesion. The «legal trap» signifies a system that ensnares rather than supports, turning victims of war into criminals. If this situation remains unaddressed, its repercussions will extend far beyond the immediate sphere of drug policy. The nation risks facing a «new wave of social destruction» among those who have already paid an immense price for defending the country, only to be met with a criminal record instead of the necessary support and assistance. This is a call to action, arguing that the consequences of inaction are not just limited to individual veterans but pose a significant threat to the fabric of society and national stability, particularly in a post-war context.

The trends identified throughout this study—including the sharp increase in the number of military personnel convicted for drug-related crimes, the overwhelming dominance of cases under Article 309 of the Criminal Code (possession without intent to sell), and the criminal justice system's disproportionate focus on the least dangerous acts—collectively demand a comprehensive rethinking of Ukraine's contemporary drug policy. The recommendations outlined below are designed to address this multifaceted challenge across three critical levels:

legislative, institutional-practical, and social-rehabilitation, while also incorporating territorially oriented response measures.

Normative-Legal Changes

- **Decriminalization Discussion:** It is imperative to revisit the discussion surrounding the decriminalization of offenses in the sphere of illicit drug trafficking that are not related to the purpose of sale.
- **«Treatment Instead of Punishment» Model:** The implementation of a «treatment instead of punishment» model is strongly recommended. This approach prioritizes public health outcomes and rehabilitation over punitive measures for individuals struggling with substance use.
- **Exemption Mechanisms:** There is a need to develop specialized mechanisms that allow for the exemption of military personnel from criminal liability for drug crimes, particularly in cases where their actions are demonstrably linked to the unique stressors and traumas of military service.
- **«Alternative Response» Institution:** The introduction of an «alternative response» institution within criminal proceedings is proposed. This would involve the collaborative participation of the prosecutor's office, the court, and a psychologist, specifically for military personnel who have committed minor offenses as a consequence of post-traumatic stress disorders.

Improvement of Law Enforcement Practices

- **Internal Standards Development:** Law enforcement agencies, including the police and military law enforcement service, must develop clear internal standards and instructions that enable them to effectively differentiate between the behavior of a drug consumer and that of a drug dealer.
- **KPI Reform:** To counter the phenomenon of «primitivization,» it is crucial to reduce the incentives for pursuing «easy targets» in the work of law enforcement officers. This can be achieved through a fundamental reform of performance indicators (KPIs), shifting the focus away from merely counting the number of recorded proceedings.
- **Professional Training:** Ensuring comprehensive professional training for police officers, prosecutors, and judges is vital. This training should specifically focus on drug policy and the nuances of criminal-legal responses to actions by veterans that are demonstrably caused by traumatic combat experience.
- **Multidisciplinary Approach:** The adoption of a multidisciplinary approach to responding to drug crimes is recommended. This approach would involve active participation and collaboration among social services, medical professionals, and legal experts.

Development and Implementation of Resocialization Programs

- **State Program for Rehabilitation:** The creation and sustained funding of a state program for the psychological rehabilitation and anti-drug addiction of military personnel and veterans are essential. This program should encompass:
 - Mandatory psychological support immediately following rotations.
 - Guaranteed access to free therapy for individuals struggling with addiction.
 - Comprehensive adaptation courses designed for demobilized personnel to facilitate their transition to civilian life.
- **Integrated Assistance Pilot Projects:** Launching pilot projects for integrated assistance is crucial. These projects would provide legal, social, medical, and psychological support services to military personnel in a single, accessible location, streamlining the support process.
- **NGO and Veteran Involvement:** Actively engaging public organizations, veteran associations, and rehabilitation centers is vital for the effective formulation and localized implementation of resocialization strategies.
- **Institutional Sustainability:** To ensure the long-term effectiveness of these programs, institutional sustainability must be guaranteed through consistent, long-term budgeting, continuous monitoring of results, and regular policy review based on direct feedback from military personnel themselves.

Territorially Oriented Response Measures

- **Frontline Centers:** The establishment of dedicated psychological and rehabilitation centers in the frontline regions of Donetsk, Dnipropetrovsk, Kharkiv, and Zaporizhzhia is critical to address the concentrated needs in these areas.
- **Military Unit Pilot Projects:** Launching pilot projects at the level of military units situated in high-risk zones, involving the deployment of mobile narcological services, can provide immediate and accessible support.
- **Early PTSD Detection:** Implementing a robust system for the early detection of PTSD symptoms is essential, with a specific focus on preventing the use of psychoactive substances as a form of self-medication among military personnel.

These proposed measures are designed to facilitate a fundamental transformation of drug policy in Ukraine, shifting its orientation from a predominantly punitive approach to one that is primarily preventive and rehabilitative. This transformation must explicitly account for the unique territorial risks, the specific demands of military service, and the profound impact of combat experience on the mental health of military personnel.

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Appendix A

Links to Researched Court Decisions



The extensive list of researched court decisions is available in a separate document, accessible via the provided [link](#).

Appendix B

Responses from the Office of the Prosecutor General of Ukraine to Inquiries Regarding Measures to Counter Drug Crimes

This appendix contains images of official letters detailing responses from the Office of the Prosecutor General of Ukraine concerning measures implemented to combat drug crimes.



Прокуратура України

ОФІС ГЕНЕРАЛЬНОГО ПРОКУРОРА

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Код ЄДРПОУ 00034051

№ _____

На № _____ від _____

Керуючому партнеру
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На Ваш запит щодо надання інформації та копій документів про координаційні заходи, які вживалися у період 2014-2024 років з питань протидії злочинності серед військовослужбовців, повідомляємо, що зазначені питання серед інших розглядалися на координаційних та спільних нарадах під головуванням Генерального прокурора.

На координаційній нараді керівників правоохоронних органів та органів військового управління від 18.02.2019 щодо стану протидії злочинності, у тому числі її організованим формам, кримінальним правопорушенням, пов'язаним із незаконним обігом зброї, боєприпасів та вибухових речовин, а також окремим видам злочинів проти встановленого порядку несення військової служби узгоджено зокрема такі заходи:

- вивчити стан досудового розслідування у кримінальних провадженнях за фактами вчинення злочинів, пов'язаних з ухиленням військовослужбовців від військової служби, вжити заходів до активізації їх розслідування та забезпечити прийняття законних процесуальних рішень у розумні строки (1.16);

- впровадити ефективну систему здійснення контролю (нагляду) командирами військових частин за військовослужбовцями, звільненими від відбування покарання з випробуванням, з метою ефективного виконання вимог законодавства (1.13);

- з метою запобігання незаконному переміщенню зброї та боєприпасів, інших предметів (матеріалів), заборонених в обігу, виявлення військовослужбовців, які ухиляються від проходження військової служби, та вжиття заходів щодо припинення відповідних правопорушень забезпечити додаткове патрулювання вокзалів, місць прибуття транспорту, станцій завантаження (розвантаження) військових частин (підрозділів), особливо з району проведення операції Об'єднаних сил (1.21).

На координаційній нараді керівників правоохоронних органів держави від 16.07.2020 з питань протидії кримінальним правопорушенням проти громадської

Офіс Генерального прокурора
04.04.2025 №27/3-592ВИХ-25



безпеки та громадського порядку, а також вчиненим з використанням зброї, бойових припасів або вибухових речовин із запитуваних питань узгоджено такі заходи:

- визначити пріоритетними у діяльності з протидії незаконному обігу вогнепальної зброї, боєприпасів та вибухівки питання викриття каналів її надходження в злочинне середовище, передусім із зони операції Об'єднаних сил, вилучення з незаконного обігу, розкриття кримінальних правопорушень, учинених із її застосуванням, заведення оперативно-розшукових справ стосовно збувачів зброї, якісне документування фактів протиправного поведіння з вогнепальною зброєю, боєприпасами і вибуховими речовинами в рамках кримінальних проваджень шляхом проведення негласних слідчих (розшукових) дій (1.3);

- з метою перекриття каналів надходження вогнепальної зброї, бойових припасів і вибухових речовин у нелегальний обіг з території проведення операції Об'єднаних сил, недопущення викрадення їх зі складів військових частин, у тому числі контрабанди, вжити заходів до підвищення ефективності взаємодії зі службами правопорядку Збройних Сил України або військовими частинами, регіональними органами Служби безпеки України та Державної прикордонної служби України, зокрема шляхом постійного обміну інформацією (1.5);

- забезпечити суттєве посилення контролю в Донецькій та Луганській областях із залученням військовослужбовців Національної гвардії України з метою попередження фактів незаконного вивезення зброї, боєприпасів та вибухових речовин із зони бойових дій (1.6).

На спільній нараді керівників правоохоронних та інших державних органів від 26.10.2021 щодо незаконного обігу зброї, бойових припасів або вибухових речовин, наркотичних засобів, психотропних речовин, їх аналогів або прекурсорів, а також торгівлі людьми узгоджено такі заходи:

- організувати проведення комплексу заходів, у тому числі оперативно-розшукових, спрямованих на перекриття каналів надходження вогнепальної зброї, бойових припасів і вибухових речовин у нелегальний обіг з території проведення операції Об'єднаних сил, а також їх контрабанди (1.12);

- розробити порядок обміну інформацією та взаємодії органів прокуратури, правоохоронних та інших державних органів, Військової служби правопорядку з питань виявлення та припинення контрабанди наркотичних засобів, їх аналогів та прекурсорів, зброї, боєприпасів та вибухових речовин (1.14).

На спільній нараді керівників правоохоронних та інших державних органів від 10.08.2022 щодо протидії злочинності у державі в умовах воєнного стану, зокрема воєнним та іншим кримінальним правопорушенням, пов'язаним зі збройним конфліктом, проти основ національної безпеки України, незаконному використанню бюджетних коштів, а також гуманітарної або безоплатної допомоги та благодійних пожертв узгоджено такі заходи:

- організувати проведення додаткових оперативно-розшукових заходів з метою попередження, своєчасного виявлення та припинення фактів вчинення державної зради та колабораційної діяльності, насамперед державними

службовцями, працівниками правоохоронних органів, військовослужбовцями Збройних Сил України та інших військових формувань, а також працівниками сектору безпеки і оборони (1.6);

- вжити заходів до нормативного врегулювання обміну інформацією про правопорушення, вчинені працівниками Міністерства оборони України, військовослужбовцями Збройних Сил України та проведення відповідних звірок (1.11).

На координаційній нараді керівників правоохоронних органів від 25.01.2023 щодо захисту громадян, суспільства та держави від злочинних посягань в умовах воєнного стану узгоджено такі заходи:

- вжити організаційних та практичних заходів для підвищення ефективності протидії кримінальним правопорушенням у сфері незаконного обігу наркотичних засобів, психотропних речовин, їх аналогів та прекурсорів, у тому числі контрабанді, вчинених у складі злочинних угруповань, звернувши особливу увагу на посилення цієї діяльності у військових формуваннях (3.9);

- вивчити стан організації та процесуального керівництва досудовим розслідуванням у кримінальних провадженнях за фактами заподіяння військовослужбовцями під час виконання службових обов'язків із застосуванням зброї смерті іншим особам, а також взаємодії з цих питань з органами Військової служби правопорядку у Збройних Силах України (3.10);

- вивчити стан досудового розслідування та організації розшуку підозрюваних у кримінальних провадженнях про військові кримінальні правопорушення, передбачені ст. ст. 402-405, 407-409, 429 КК України, за результатами вжити додаткових заходів для забезпечення виконання завдань кримінального провадження та прийняття законних і неупереджених процесуальних рішень у розумні строки (3.17).

На координаційній нараді керівників правоохоронних органів від 29.08.2023 з питань забезпечення законності і правопорядку у державі в умовах правового режиму воєнного стану узгоджено такі заходи:

- вжити додаткових заходів, у тому числі оперативно-розшукових, щодо виявлення, припинення та розкриття кримінальних правопорушень у діяльності службових осіб територіальних центрів комплектування та соціальної підтримки, військово-лікарських комісій, медико-соціальних експертних комісій при здійсненні призову громадян на військову службу, у тому числі спрямованих на незаконне переправлення осіб через державний кордон України (2.6);

- забезпечити вжиття заходів щодо викриття злочинних угруповань, які діють у сфері незаконного обігу наркотичних засобів і психотропних речовин, зокрема ліквідації підпільних лабораторій, якими використовується спеціальне обладнання для виготовлення заборонених речовин, а також перекриття каналів їх надходження до кінцевого споживача, зокрема військовослужбовців Збройних Сил України (2.12);

- організувати проведення додаткових організаційних, а також оперативно-розшукових заходів, спрямованих на запобігання контрабанді вогнепальної зброї, бойових припасів і вибухових речовин, а також перекриття каналів їх

надходження у нелегальний обіг із військових частин і установ Збройних Сил України, інших військових формувань (2.14);

- опрацювати питання удосконалення законодавства та відомчих нормативно-правових актів з метою розв'язання проблем, що виникають під час здійснення досудового розслідування кримінальних правопорушень проти встановленого порядку несення військової служби (2.15).

Координаційною нарадою керівників правоохоронних органів від 08.02.2024 щодо стану забезпечення законності і правопорядку у державі передбачено забезпечити проведення організаційних та практичних заходів щодо викриття організованих груп та злочинних організацій, насамперед тих, які своєю протиправною діяльністю знижують обороноздатність держави, зокрема завдають збитків державному бюджету, сприяють ухиленню від призову на військову службу, діють у сфері незаконного обігу зброї, боєприпасів та вибухових речовин (3.14).

Одночасно надаємо витяги з відповідних постанов.

Принагідно інформуємо, що на координаційній нараді керівників правоохоронних органів 25.01.2023 посилення протидії військовим кримінальним правопорушенням, зокрема дезертирству, невиконанню наказів в умовах воєнного стану чи в бойовій обстановці, самовільному залишенню поля бою чи військової частини визначено одним із пріоритетів діяльності правоохоронних органів у 2023 році.

На координаційній нараді керівників правоохоронних органів 08.02.2024 одним із пріоритетів визначено посилення протидії військовим кримінальним правопорушенням, зокрема самовільному залишенню військової частини, місця служби або поля бою, дезертирству, непокорі та невиконанню наказів в умовах воєнного стану чи в бойовій обстановці.

Щодо матеріалів координаційних заходів під головуванням Генерального прокурора у попередні запитовані роки інформуємо, що за організацію координаційних заходів під головуванням Генерального прокурора відповідали структурні підрозділи відповідно до компетенції.

Також звертаємо увагу, що згідно з частиною 2 статті 25 Закону України «Про прокуратуру» окрім Генерального прокурора діяльність правоохоронних органів відповідного рівня у сфері протидії злочинності координують перший заступник та заступники Генерального прокурора відповідно до розподілу обов'язків.

Відповідно до пункту 6.4 Регламенту Офісу Генерального прокурора, затвердженого наказом Генерального прокурора від 22.02.2022 № 35, організаційне забезпечення підготовки і проведення спільних нарад у першого заступника чи заступників Генерального прокурора здійснюється за їх дорученням самостійним структурним підрозділом Офісу Генерального прокурора, до повноважень якого належать питання, що виносяться на обговорення.

Відповідно до п. 3.16 Положення про Спеціалізовану прокуратуру у сфері оборони (на правах Департаменту) Офісу Генерального прокурора, яке

затверджено наказом Генерального прокурора від 30.05.2023 № 144, Спеціалізована прокуратура в межах повноважень забезпечує участь у плануванні роботи Офісу Генерального прокурора, своєчасне, повне і якісне виконання планових заходів; проведення аналітичної та методичної роботи, підготовку проектів організаційно-розпорядчих документів, листів, методичних рекомендацій та інших документів методичного спрямування; у вивченні стану здійснення координаційної діяльності у спеціалізованих прокуратурах у сфері оборони (на правах обласних) тощо.

З огляду на викладене, Спеціалізованою прокуратурою у сфері оборони в межах повноважень у 2014-2024 роках проводилась робота та готувались відповідні документи щодо питань, які є предметом запиту на інформацію керуючого партнера АО «Градум».

Відповідно до Закону України «Про доступ до публічної інформації» публічна інформація - це відображена та задокументована будь-якими засобами та на будь-яких носіях інформація, що була отримана або створена в процесі виконання суб'єктами владних повноважень своїх обов'язків, передбачених чинним законодавством, або яка знаходиться у володінні суб'єктів владних повноважень, інших розпорядників публічної інформації, визначених цим Законом.

Отже, визначальним для публічної інформації є те, щоб вона була заздалегідь готовим, зафіксованим продуктом, отриманим або створеним суб'єктом владних повноважень у процесі виконання своїх обов'язків.

Водночас запитувана інформація вимагає надання інформації, яка не відповідає критеріям «відображеності та задокументованості» в розумінні ст. 1 Закону України «Про доступ до публічної інформації», оскільки потребує створення узагальненої інформації, яка міститься в багатьох документах і не може бути зібрана і надана без значних інтелектуальних зусиль (додаткового змістовного аналізу) (п. 1 Постанови Пленуму Вищого адміністративного суду України від 29.09.2016 № 10 «Про практику застосування адміністративними судами законодавства про доступ до публічної інформації»). Ведення узагальненого обліку роботи щодо запитуваної інформації за 2014-2024 роки не передбачено.

З урахуванням викладеного, надати іншу запитувану інформацію не вбачається за можливе.

У разі незгоди з відповіддю Ви вправі її оскаржити відповідно до ст. 23 Закону України «Про доступ до публічної інформації» до керівництва Офісу Генерального прокурора або до суду.

Додаток: на 13 арк.

**Начальник відділу розгляду
запитів на публічну інформацію**



Наталя ТЄЛІЧКО

ВИТЯГ

ПОСТАНОВА
координаційної наради керівників правоохоронних органів
та органів військового управління

18 лютого 2019 року

м. Київ

Обговоривши стан протидії злочинності, у тому числі її організованим формам, кримінальним правопорушенням, пов'язаним із незаконним обігом зброї, боєприпасів та вибухових речовин, а також окремим видам злочинів проти встановленого порядку несення військової служби, координаційна нарада зазначає, що вжитими правоохоронними органами держави спільними заходами неповною мірою забезпечено захист інтересів громадян, суспільства та держави від злочинних посягань.

КООРДИНАЦІЙНА НАРАДА ПОСТАНОВЛЯЄ:

1.13. Впровадити ефективну систему здійснення контролю (нагляду) командирами військових частин за військовослужбовцями, звільненими від відбування покарання з випробуванням, з метою ефективного виконання вимог законодавства.

1.16. Вивчити стан досудового розслідування у кримінальних провадженнях за фактами вчинення злочинів, пов'язаних з ухиленням військовослужбовців від військової служби, вжити заходів до активізації їх розслідування та забезпечити прийняття законних процесуальних рішень у розумні строки.

1.21. З метою запобігання незаконному переміщенню зброї та боєприпасів, інших предметів (матеріалів), заборонених в обігу, виявлення військовослужбовців, які ухиляються від проходження військової служби, та вжиття заходів щодо припинення відповідних правопорушень забезпечити додаткове патрулювання вокзалів, місць прибуття транспорту, станцій завантаження (розвантаження) військових частин (підрозділів), особливо з району проведення операції Об'єднаних сил.

Генеральний прокурор України

Ю. Луценко

Міністр оборони України

С. Полторак

Міністр внутрішніх справ України

А. Аваков

Голова Служби безпеки України

В. Грицак

**Директор
Державного бюро розслідувань
Р. Труба**

**Голова
Національної поліції України
С. Князєв**

**Голова
Державної прикордонної служби України
П. Цигикал**

ВИТЯГ

ПОСТАНОВА

координаційної наради керівників правоохоронних органів держави

16 липня 2020 року

м. Київ

Обговоривши стан протидії кримінальним правопорушенням проти громадської безпеки та громадського порядку, а також вчиненим з використанням зброї, бойових припасів або вибухових речовин, координаційна нарада зазначає, що органами правопорядку вживалися заходи, спрямовані на захист інтересів держави та громадян від злочинних посягань.

КООРДИНАЦІЙНА НАРАДА ПОСТАНОВЛЯЄ:

1.3. Визначити пріоритетними у діяльності з протидії незаконному обігу вогнепальної зброї, боєприпасів та вибухівки питання викриття каналів її надходження в злочинне середовище, передусім із зони операції Об'єднаних сил, вилучення з незаконного обігу, розкриття кримінальних правопорушень, учинених із її застосуванням, заведення оперативно-розшукових справ стосовно збувачів зброї, якісне документування фактів протиправного поводження з вогнепальною зброєю, боєприпасами і вибуховими речовинами в рамках кримінальних проваджень шляхом проведення негласних слідчих (розшукових) дій.

1.5. З метою перекриття каналів надходження вогнепальної зброї, бойових припасів і вибухових речовин у нелегальний обіг з території проведення операції Об'єднаних сил, недопущення викрадення їх зі складів військових частин, у тому числі контрабанди, вжити заходів до підвищення ефективності взаємодії зі службами правопорядку Збройних Сил України або військовими частинами, регіональними органами Служби безпеки України та Державної прикордонної служби України, зокрема шляхом постійного обміну інформацією.

1.6. Забезпечити суттєве посилення контролю в Донецькій та Луганській областях із залученням військовослужбовців Національної гвардії України з метою попередження фактів незаконного вивезення зброї, боєприпасів та вибухових речовин із зони бойових дій.

Генеральний прокурор

І. Венедіктова

Міністр внутрішніх справ України

А. Аваков

Голова Служби безпеки України

І. Баканов

**Виконавач обов'язків Директора
Державного бюро розслідувань**

О. Соколов

**Начальник Військової служби правопорядку
у Збройних силах України – начальник
Головного управління Військової служби
правопорядку Збройних сил України**

І. Криштун

ВИТЯГ

ПОСТАНОВА

спільної наради керівників правоохоронних та інших державних органів

26 жовтня 2021 року

м. Київ

Обговоривши стан протидії кримінальним правопорушенням у сфері незаконного обігу зброї, бойових припасів або вибухових речовин, наркотичних засобів, психотропних речовин, їх аналогів або прекурсорів, а також торгівлі людьми, спільна нарада відзначає, що правоохоронними та іншими державними органами вживалися заходи задля досягнення реальних результатів щодо захисту інтересів держави та громадян від таких злочинних посягань, які створюють загрозу національній безпеці України.

СПІЛЬНА НАРАДА ПОСТАНОВЛЯЄ:

1.12. Організувати проведення комплексу заходів, у тому числі оперативно-розшукових, спрямованих на перекриття каналів надходження вогнепальної зброї, бойових припасів і вибухових речовин у нелегальний обіг з території проведення операції Об'єднаних сил, а також їх контрабанди.

1.14. Розробити порядок обміну інформацією та взаємодії органів прокуратури, правоохоронних та інших державних органів, Військової служби правопорядку з питань виявлення та припинення контрабанди наркотичних засобів, їх аналогів та прекурсорів, зброї, боєприпасів та вибухових речовин.

Генеральний прокурор

Ірина ВЕНЕДІКТОВА

Міністр

внутрішніх справ України

Денис МОНАСТИРСЬКИЙ

**Виконувач обов'язків Директора
Державного бюро розслідувань**

Олексій СУХАЧОВ

Голова Служби безпеки України

Іван БАКАНОВ

Міністр

соціальної політики України

Марина ЛАЗЕБНА

**Голова Національної поліції
України**

Ігор КЛИМЕНКО

Міністр охорони здоров'я України	Міністр юстиції України
Віктор ЛЯШКО	Денис МАЛЮСЬКА
1 заст. Міністра оборони України	Голова Державної служби фінансового моніторингу України
І. РУСНАК	Ігор ЧЕРКАСЬКИЙ
Заступник Голови Державної митної служби України	
Руслан ЧЕРКАССЬКИЙ	

ВИТЯГ

ПОСТАНОВА

спільної наради керівників правоохоронних та інших державних органів

10 серпня 2022 року

м. Київ

Обговоривши стан протидії злочинності у державі в умовах воєнного стану, зокрема воєнним та іншим кримінальним правопорушенням, пов'язаним зі збройним конфліктом, проти основ національної безпеки України, незаконному використанню бюджетних коштів, а також гуманітарної або безоплатної допомоги та благодійних пожертв, спільна нарада відзначає, що основна увага правоохоронних та інших державних органів повинна зосереджуватися на повноті та якості фіксації таких злочинів, їх ефективному розслідуванні з метою притягнення до відповідальності винних осіб.

СПІЛЬНА НАРАДА ПОСТАНОВЛЯЄ:

1.6. Організувати проведення додаткових оперативно-розшукових заходів з метою попередження, своєчасного виявлення та припинення фактів вчинення державної зради та колабораційної діяльності, насамперед державними службовцями, працівниками правоохоронних органів, військовослужбовцями Збройних Сил України та інших військових формувань, а також працівниками сектору безпеки і оборони.

1.11. Вжити заходів до нормативного врегулювання обміну інформацією про правопорушення, вчинені працівниками Міністерства оборони України, військовослужбовцями Збройних Сил України та проведення відповідних звірок.

Генеральний прокурор

Андрій КОСТІН

Міністр внутрішніх справ України

Денис МОНАСТИРСЬКИЙ

Міністр юстиції України

Денис МАЛЮСЬКА

Міністр оборони України

Олексій РЕЗНІКОВ

Директор Державного
бюро розслідувань

Олексій СУХАЧОВ

Тимчасово виконувач обов'язків
Голови Служби безпеки України

Василь МАЛЮК

Голова Національної поліції України **Директор Бюро економічної безпеки України**

Ігор КЛИМЕНКО

Вадим МЕЛЬНИК

**Тимчасово виконувач повноважень
Директора Національного
антикорупційного бюро України** **Голова Національного агентства з
питань запобігання корупції**

Гізо УГЛАВА

Олександр НОВІКОВ

**Голова Державної служби
фінансового моніторингу України** **Виконувач обов'язків Голови
Державної митної служби України**

Ігор ЧЕРКАСЬКИЙ

Вячеслав ДЕМЧЕНКО

**Тимчасово виконувач обов'язків
Голови Національного агентства
України з питань виявлення, розшуку
та управління активами, одержаними
від корупційних та інших злочинів**

Дмитро ЖОРАВОВИЧ

ВИТЯГ

ПОСТАНОВА
координаційної наради
керівників правоохоронних органів

25 січня 2023 року

м. Київ

Обговоривши стан захисту громадян, суспільства та держави від злочинних посягань в умовах воєнного стану, координаційна нарада відзначає, що правоохоронними органами проведено значний обсяг роботи з метою протидії злочинності, належної фіксації та розслідування злочинів, вчинених в Україні державою-агресором.

КООРДИНАЦІЙНА НАРАДА ПОСТАНОВЛЯЄ:

3.9. Вжити організаційних та практичних заходів для підвищення ефективності протидії кримінальним правопорушенням у сфері незаконного обігу наркотичних засобів, психотропних речовин, їх аналогів та прекурсорів, у тому числі контрабанді, вчинених у складі злочинних угруповань, звернувши особливу увагу на посилення цієї діяльності у військових формуваннях.

3.10. Вивчити стан організації та процесуального керівництва досудовим розслідуванням у кримінальних провадженнях за фактами заподіяння військовослужбовцями під час виконання службових обов'язків із застосуванням зброї смерті іншим особам, а також взаємодії з цих питань з органами Військової служби правопорядку у Збройних Силах України.

3.17. Вивчити стан досудового розслідування та організації розшуку підозрюваних у кримінальних провадженнях про військові кримінальні правопорушення, передбачені ст. ст. 402-405, 407-409, 429 КК України, за результатами вжити додаткових заходів для забезпечення виконання завдань кримінального провадження та прийняття законних і неупереджених процесуальних рішень у розумні строки.

Генеральний прокурор

Андрій КОСТІН

Виконувач обов'язків

Міністра внутрішніх справ України

Ігор КЛИМЕНКО

**Директор
Державного бюро розслідувань
Олексій СУХАЧОВ**

**Тимчасово виконувач обов'язків
Голови Національної поліції
України
Іван ВИГІВСЬКИЙ**

**Тимчасово виконувач
повноважень Директора
Національного антикорупційного
бюро України**

Гізо УГЛАВА

**Голова Служби безпеки України
Василь МАЛЮК**

**Директор
Бюро економічної безпеки України
Вадим МЕЛЬНИК**

**Начальник військової служби
правопорядку у Збройних Силах
України-начальник Головного
управління Військової служби
правопорядку Збройних Сил України**

Володимир ГУЦОЛ

ВИТЯГ

ПОСТАНОВА
координаційної наради
керівників правоохоронних органів

29 серпня 2023 року

м. Київ

Обговоривши стан забезпечення законності і правопорядку у державі в умовах правового режиму воєнного стану, координаційна нарада відзначає, що правоохоронними органами зосереджено зусилля на ефективному виконанні визначених законодавством функцій щодо протидії злочинності, відсічі та стримуванні збройної агресії російської федерації, участі в подоланні її наслідків.

КООРДИНАЦІЙНА НАРАДА ПОСТАНОВЛЯЄ:

2.6. Вжити додаткових заходів, у тому числі оперативно-розшукових, щодо виявлення, припинення та розкриття кримінальних правопорушень у діяльності службових осіб територіальних центрів комплектування та соціальної підтримки, військово-лікарських комісій, медико-соціальних експертних комісій при здійсненні призову громадян на військову службу, у тому числі спрямованих на незаконне переправлення осіб через державний кордон України.

2.12. Забезпечити вжиття заходів щодо викриття злочинних угруповань, які діють у сфері незаконного обігу наркотичних засобів і психотропних речовин, зокрема ліквідації підпільних лабораторій, якими використовується спеціальне обладнання для виготовлення заборонених речовин, а також перекриття каналів їх надходження до кінцевого споживача, зокрема військовослужбовців Збройних Сил України.

2.14. Організувати проведення додаткових організаційних, а також оперативно-розшукових заходів, спрямованих на запобігання контрабанді вогнепальної зброї, бойових припасів і вибухових речовин, а також перекриття каналів їх надходження у нелегальний обіг із військових частин і установ Збройних Сил України, інших військових формувань.

2.15. Опрацювати питання удосконалення законодавства та відомчих нормативно-правових актів з метою розв'язання проблем, що виникають під час здійснення досудового розслідування кримінальних правопорушень проти встановленого порядку несення військової служби.

Генеральний прокурор
Андрій КОСТІН

Міністр внутрішніх справ України
Ігор КЛИМЕНКО

**Директор
Державного бюро розслідувань
Олексій СУХАЧОВ**

**Голова Національної поліції
України**

**Іван ВИГІВСЬКИЙ
Міністр юстиції України**

Денис МАЛЮСЬКА

**Начальник військової служби
правопорядку у Збройних Силах
України-начальник Головного
управління Військової служби
правопорядку Збройних Сил
України**

Володимир ГУЦОЛ

Голова Служби безпеки України

Василь МАЛЮК

**Виконувач обов'язків Директора
Бюро економічної безпеки України**

Андрій ПАЦУК

**Тимчасово виконуюча
повноваження Директора
Національного антикорупційного бюро
України**

Тетяна ВАРВАРСЬКА

ВИТЯГ

ПОСТАНОВА
координаційної наради керівників правоохоронних органів

08 лютого 2024 року

м. Київ

Обговоривши стан забезпечення законності і правопорядку у державі, координаційна нарада відзначає, що завдяки об'єднанню зусиль правоохоронних органів у боротьбі із зовнішніми і внутрішніми викликами і загрозами торік досягнуто вагомих результатів у протидії злочинності, насамперед на пріоритетних напрямках.

КООРДИНАЦІЙНА НАРАДА ПОСТАНОВЛЯЄ:

3.14. Забезпечити проведення організаційних та практичних заходів щодо викриття організованих груп та злочинних організацій, насамперед тих, які своєю протиправною діяльністю знижують обороноздатність держави, зокрема завдають збитків державному бюджету, сприяють ухиленню від призову на військову службу, діють у сфері незаконного обігу зброї, боєприпасів та вибухових речовин.

Генеральний прокурор

Андрій КОСТІН

**Директор
Державного бюро розслідувань**

Олексій СУХАЧОВ

**Голова
Національної поліції України**

Іван ВИГІВСЬКИЙ

**Директор Національного
антикорупційного бюро України**

Міністр внутрішніх справ України

Ігор КЛИМЕНКО

Голова Служби безпеки України

Василь МАЛЮК

**Виконувач обов'язків Директора
Бюро економічної безпеки України**

Андрій ПАЩУК

Семен КРИВОНОС



Прокуратура України

ОФІС ГЕНЕРАЛЬНОГО ПРОКУРОРА

вул. Різницька, 13/15, м. Київ, 01011 факс: (044) 280-26-03
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Код ЄДРПОУ 00034051

№ _____

На № _____

від _____

Керуючому партнеру
АО «Градум»
Христині Мигаль
Gradum.al@gmail.com

Ваш запит щодо надання інформації про здійснення Офісом Генерального прокурора (Генеральною прокуратурою України) у 2014 – 2024 роках аналізів чи узагальнень з питань протидії злочинності серед військовослужбовців, а також направлення у зазначений період до прокуратур нижчого рівня завдань, листів орієнтовного характеру, листів із зауваженнями, методичних матеріалів щодо особливостей досудового розслідування кримінальних правопорушень, вчинених військовослужбовцями, розглянуто.

Відповідно до Закону України «Про доступ до публічної інформації» публічна інформація - це відображена та задокументована будь-якими засобами та на будь-яких носіях інформація, що була отримана або створена в процесі виконання суб'єктами владних повноважень своїх обов'язків, передбачених чинним законодавством, або яка знаходиться у володінні суб'єктів владних повноважень, інших розпорядників публічної інформації, визначених цим Законом.

Отже, визначальним для публічної інформації є те, щоб вона була заздалегідь готовим, зафіксованим продуктом, отриманим або створеним суб'єктом владних повноважень у процесі виконання своїх обов'язків.

Повідомляємо, що згідно з наявними даними у запитуваний період планами роботи Офісу Генерального прокурора (Генеральної прокуратури України), рішеннями оперативних нарад у Генерального прокурора, постановами координаційних нарад керівників правоохоронних та інших державних органів систематично визначалися аналітичні заходи з питань здійснення досудового розслідування та організації процесуального керівництва у кримінальних провадженнях про військові кримінальні правопорушення.

Крім цього, до прокуратур нижчого рівня скеровувалися завдання (доручення), листи орієнтовного та інформаційного характеру, листи із

Офіс Генерального прокурора
04.04.2025 №27/3-591ВІХ-25



зауваженнями із запитуваних питань, у тому числі на виконання вказаних заходів.

Разом з цим інформуємо, що ведення окремого обліку таких документів за конкретними напрямками не передбачено, а загалом упродовж 2014 – 2024 років зареєстровано більше 6,5 тис. завдань, доручень та листів керівництва Офісу Генерального прокурора (Генеральної прокуратури України) обласним (регіональним) прокуратурам з усіх питань прокурорської діяльності.

Також повідомляємо, що рішеннями методичної (науково-методичної) ради від 15.02.2024 та від 16.05.2014 схвалено рекомендації «Процесуальне керівництво досудовим розслідуванням окремих кримінальних правопорушень проти встановленого порядку несення військової служби в умовах воєнного стану» та методичні рекомендації щодо особливостей розслідування злочинів, передбачених ст. ст. 407-408 КК України, розроблені Офісом Генерального прокурора (Генеральною прокуратурою України).

У разі незгоди з відповіддю Ви вправі її оскаржити відповідно до ст. 23 Закону України «Про доступ до публічної інформації» до керівництва Офісу Генерального прокурора або до суду.

**Начальник відділу розгляду
запитів на публічну інформацію**



Наталя ТЄЛІЧКО

Appendix C

Analysis of the Application of the Type of Punishment – Deprivation of Military Rank

Based on an analysis of verdicts concerning all criminal offenses committed by military personnel, it is concluded that courts very rarely apply the additional punishment of deprivation of military rank. Out of 68 verdicts from 2014-2024 that considered the application of Article 54 of the Criminal Code of Ukraine, only 22 verdicts (32%) pertained to the deprivation of military rank. The remaining verdicts involved the deprivation of special ranks for law enforcement officers (e.g., police sergeants, corporals, lieutenants, captains, majors, lieutenant colonels) or ranks for civil servants and local government officials. Military ranks that were subject to deprivation under Article 54 of the Criminal Code during sentencing included senior soldier (4 cases), junior sergeant (2), sergeant (2), junior lieutenant, senior lieutenant (2), captain (2), major (1), and colonel (1).

This additional punishment was applied for a range of crimes: a combination of Part 1 of Article 111 of the Criminal Code (state treason and defection to the enemy during armed conflict) and Article 408 of the Criminal Code (desertion) led to the deprivation of «lieutenant colonel» and «senior lieutenant» ranks. Part 5 of Article 407 of the Criminal Code (failure to appear for service on time without valid reasons, committed under martial law) resulted in the deprivation of «senior soldier,» «staff sergeant,» «senior lieutenant,» and «colonel» ranks. Part 4 of Article 405 of the Criminal Code (violence or threat of murder against a superior) led to the deprivation of «junior sergeant» and «senior soldier» ranks. Part 4 of Article 410 of the Criminal Code (theft of property transferred to a border detachment as charitable aid totaling 238,600 UAH under martial law) resulted in the deprivation of the «major» rank. Various parts of Article 408 of the Criminal Code (unauthorized abandonment of a military unit) led to the deprivation of «senior sergeant» and «captain» ranks. Part 1 of Article 121 of the Criminal Code (grievous bodily harm dangerous to life at the time of infliction) resulted in the deprivation of the «junior sergeant» rank (by appellate court verdict). Notably, only one case involved Part 2 of Article 307 of the Criminal Code (illegal acquisition and storage with intent to sell, and illegal sale of narcotic drugs and psychotropic substances in places of deprivation of liberty, committed repeatedly, if the subject of such actions were particularly dangerous narcotic drugs and psychotropic substances), leading to the deprivation of the «junior sergeant of internal service» rank (Zaporizhzhia pre-trial detention center).

Out of the 22 verdicts where the deprivation of military rank was considered, in only 5 cases (23%) did the court decide not to apply this additional punishment to the convicted individual. In these instances, the court exercised judicial discretion, recognizing that it is a right, not an obligation, to impose this punishment. For two of these five verdicts, military personnel were convicted under Part 2 of Article 307 of the Criminal Code of Ukraine. When deciding not to impose this additional punishment, courts considered mitigating circumstances (e.g., sincere repentance, active participation in crime disclosure), the individual's character, the presence of awards, distinctions, or medals, and their desire to continue military service. Factors such as the crime being committed before conscription (in cases under Article 307 of the Criminal Code) or the prosecutor's failure to provide sufficient grounds for applying

such additional punishment were also taken into account. For example, in a verdict by the Sosnivskiy District Court of Cherkasy dated August 28, 2023, a serviceman sentenced to 5 years of imprisonment under Part 5 of Article 407 of the Criminal Code (failure to appear for service on time without valid reasons, committed under martial law) was not subjected to Article 54 of the Criminal Code because the accused expressed a desire to continue fulfilling his military duty and defending Ukraine's independence, sovereignty, and territorial integrity, as well as ensuring national security and defense. Similarly, in a verdict by the Horodyshe District Court of Cherkasy Oblast dated July 4, 2019, the additional punishment of deprivation of military rank was not applied to an individual convicted under Part 2 of Article 286 and Article 135 of the Criminal Code, considering the individual's character and the fact that the crimes were unrelated to military service or the use of military rank. The court rightly emphasized that the application of deprivation of military rank is undoubtedly necessary when the objective and subjective characteristics of the crime indicate that the perpetrator, due to their moral and professional qualities, has lost the ability to perform duties and hold positions that require such a rank.

When applying Article 54 of the Criminal Code concerning the imposition of additional punishment in the form of deprivation of military rank, courts rarely provided thorough justifications for their decisions. Typically, the reasoning was limited to merely citing Article 54 of the Criminal Code and stating that a grave crime had been committed and that the accused held a military rank. One verdict's reasoning noted: «Deprivation of military, special rank, grade, title, or qualification class is an additional punishment aimed not only at exerting moral influence on the convicted person but also at depriving them of the advantages conferred by the respective ranks, grades, titles, or qualification classes. According to Article 54 of the Criminal Code of Ukraine, the court has the right to apply this punishment only when convicting a person for a grave or particularly grave crime. As a type of punishment, deprivation of military, special rank, grade, title, or qualification class is not specified in the sanctions of the norms of the Special Part of the Criminal Code of Ukraine. Its application depends on the court's discretion. Judicial practice indicates that courts, when applying such punishment, take into account, among other circumstances: the offender's use of their rank, grade, title, or qualification class to commit the crime or to obtain undue benefits or advantages for themselves or others, their attitude towards performing official duties, the presence of disciplinary penalties, the offender's behavior in the collective, at home, etc.».

From January 1, 2024, to December 31, 2024, the Unified State Register of Court Decisions contains 35 verdicts that considered the application of Article 54 of the Criminal Code of Ukraine. Among these, only 5 verdicts (14%) resulted in the deprivation of military ranks (ensign – 1 verdict, major – 2 verdicts, soldier – 2 verdicts). Among the 2024 verdicts that involved the deprivation of special or military ranks, crimes under Article 111 of the Criminal Code (state treason, defection to the enemy) were prevalent. The infrequent application of deprivation of military rank, especially for drug-related offenses, suggests a disconnect between the available military justice tools and the prevalent nature of crimes committed by military personnel, which are increasingly general criminal acts rather than purely military discipline issues. Given the dramatic increase in drug-related convictions among military personnel (mostly for possession), the fact that this military-specific punishment is almost never used for these offenses indicates that the military justice system may not have a tailored or effective response for this growing problem. It suggests that these drug offenses are treated more as «civilian» crimes within the military context, even though they stem from military service conditions. This highlights a gap in the military justice system's ability to address the unique challenges of drug use among its personnel, reinforcing the need for the recommended holistic and specialized approaches.

Appendix D

Analysis of the Application of the Type of Punishment – Detention in a Disciplinary Battalion for Military Personnel

Among the open-access verdicts in the Unified State Register of Court Decisions (EDRSR) for the period from January 1, 2014, to December 31, 2024, there are 288 verdicts where convicted individuals were sentenced to detention in a disciplinary battalion for military personnel. Of these, only 10 verdicts (3.5%) were issued by appellate courts. This notably low number of appellate reviews is primarily attributed to the widespread practice of concluding plea agreements for guilt recognition, often involving the application of Article 69 of the Criminal Code of Ukraine (imposing a milder punishment than prescribed by law). In all 10 cases, appellate complaints were filed by prosecutors in cases where no plea agreement had been approved, typically on the grounds that the punishment imposed by the first-instance court was too lenient relative to the severity of the criminal offense. For instance, the Dnipro Appellate Court's verdict of April 4, 2024, overturned the verdict of the Industrialnyi District Court of Dnipropetrovsk dated December 18, 2023, specifically regarding the imposed punishment. The first-instance court had sentenced the serviceman to 2 years of imprisonment but, based on Article 58 of the Criminal Code, replaced it with a service restriction of 2 years, with a deduction of 20% of his monetary allowance to the state. The Dnipro Appellate Court concurred with the prosecutor's arguments regarding the leniency of the verdict, noting that the first-instance court had not adequately justified its conclusions about the possibility of rehabilitation without actual isolation from society, especially considering the severe circumstances established by the court, where the serviceman had committed an intentional grave crime against the life and health of another serviceman during military service. All verdicts (100%) issued by appellate courts in this category are dated 2024. Of the 278 first-instance verdicts, 199 (72%) involved the approval of plea agreements for guilt recognition.

The distribution of verdicts by the criminal offenses committed is as follows:

- Various parts of Article 402 of the Criminal Code (insubordination) accounted for 174 verdicts, or 63%.
- Various parts of Article 407 of the Criminal Code (unauthorized abandonment of a military unit or place of service) accounted for 47 verdicts, or 17%.
- Various parts of Article 121 of the Criminal Code (intentional grievous bodily harm) accounted for 9 verdicts (3.2%).
- Various parts of Article 408 of the Criminal Code (desertion) accounted for 8 verdicts (2.9%).
- Various parts of Article 263 of the Criminal Code (illegal handling of weapons, ammunition, or explosives) accounted for 8 verdicts (2.9%).
- Various parts of Article 309 of the Criminal Code (illegal production, manufacture, acquisition, storage, transportation, or shipment of narcotic drugs, psychotropic substances, or their analogues without intent to sell) accounted for only 5 verdicts (1.8%).
- Various parts of Article 405 of the Criminal Code (threat or violence against a superior) accounted for 5 verdicts (1.8%).

- Various parts of Article 296 of the Criminal Code (hooliganism) accounted for 3 verdicts (1%).
- Rarely, verdicts were found where military personnel had their sentences of deprivation of liberty replaced with detention in a disciplinary battalion for other types of crimes, including Articles 286, 186, Part 4 of Article 296, Part 1 of Article 263, 307, 414, and 415 of the Criminal Code.

When rendering verdicts, courts frequently refer to Resolution No. 15 of the Plenum of the Supreme Court of Ukraine dated December 28, 1996, «On the practice of sentencing military personnel to detention in a disciplinary battalion.» According to this resolution, detention in a disciplinary battalion is applied in cases where convicted individuals can remain in military service and be rehabilitated within the conditions of a disciplinary unit. This type of punishment may also be applied to military personnel who have committed crimes of medium gravity, grave, or particularly grave crimes, provided that the court, considering the offender's character and mitigating circumstances that significantly reduce the severity of the committed crime, concludes that such a punishment is feasible. Therefore, when applying Article 62 of the Criminal Code of Ukraine, courts meticulously describe the mitigating circumstances in the verdict, consider the accused's character, detail their military service record, their attitude towards duties, and whether they possess any awards, distinctions, or medals for military service. The analysis of verdicts indicates that in the absence of numerous aggravating circumstances, courts readily apply Article 62 of the Criminal Code, replacing deprivation of liberty with detention in a disciplinary battalion. Among the analyzed verdicts, only one (from 2015) did not apply this norm; the court considered that the accused was not a conscript but a serviceman called up during mobilization for a special period, deeming it impossible to impose punishment in the form of detention in a disciplinary battalion. This category of military personnel was added to Article 62 of the Criminal Code later in 2015.

This type of punishment is most frequently applied or substituted for individuals convicted of crimes against the established order of military service (the most common qualifications being Article 402 of the Criminal Code for insubordination and Article 407 of the Criminal Code for unauthorized abandonment of a military unit or place of service). The most common sentence for these crimes is 2 years of deprivation of liberty, which, under Article 62 of the Criminal Code, is replaced by detention in a disciplinary battalion for 2 years. Of the 278 verdicts, 162 (58%) imposed this punishment for a term of 2 years. Notably, even before February 24, 2022, when the qualifying sign was the commission of crimes during a special period other than martial law, the most common term was also 2 years of detention in a disciplinary battalion. Moreover, after 2022, when such verdicts became widespread, courts, considering the offender's character, their desire to continue defending the homeland against armed aggression, the presence of awards, distinctions, or medals at the time of the court's consideration, and the growing trend of evasion from mobilization, imposed shorter terms—1 year and 6 months, or 1 year. Almost all analyzed verdicts applied Article 69 of the Criminal Code, imposing a punishment below the lower limit. Although the Law of Ukraine No. 2839-IX of December 13, 2022, «On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine, and Other Legislative Acts of Ukraine Regarding Peculiarities of Military Service in Conditions of Martial Law or Combat Situation,» amended Article 69 of the Criminal Code by adding exceptions (e.g., crimes under Articles 403, 405, 407, 408, 429 committed under martial law or in a combat situation) where Article 69 cannot be applied, courts still applied Article 69 of the Criminal Code if the crimes were committed before the new version of Article 69 came into force on January 27, 2023.

Appendix E

Analysis of the Application of the Type of Punishment – Service Restriction for Military Personnel

The number of verdicts imposing service restriction for military personnel has significantly increased during the years of the full-scale invasion. While only 136 verdicts were issued for the period from January 1, 2014, to January 1, 2024 (a decade), a substantial 78 verdicts were issued in 2024 alone, bringing the total to 214. Of these 214 verdicts, 93 (44%) involved the approval of a plea agreement for guilt recognition. In all analyzed verdicts, when considering mitigating circumstances, the courts took into account the offender's character and their participation in combat operations. Based on these factors, Article 69 of the Criminal Code of Ukraine was applied, resulting in a punishment below the lowest limit prescribed by the article's sanction.

When imposing service restrictions for military personnel, courts may either directly choose this as the main punishment (if service restriction is stipulated in the article's sanction) or, by referring to Article 58 of the Criminal Code of Ukraine, replace another chosen type of punishment (arrest, restriction, or deprivation of liberty) with service restriction for military personnel. This type of punishment was most frequently imposed on individuals convicted of the following criminal offenses:

- Article 407 of the Criminal Code (unauthorized abandonment of a military unit, or failure to appear for service on time without valid reasons upon release from a unit, appointment or transfer, or failure to return from a business trip, leave, or medical facility) – 70 verdicts.
- Article 402 of the Criminal Code (insubordination, i.e., open refusal to obey a superior's order, or other willful non-execution of an order) – 38 verdicts.
- Article 413 of the Criminal Code of Ukraine (loss of military property) – 9 verdicts.
- Article 185 of the Criminal Code (theft) – 10 verdicts.
- Article 286 of the Criminal Code (violation of road safety rules or vehicle operation by a person driving a vehicle, resulting in moderate bodily injury, grievous bodily harm, or death) – 6 verdicts.
- Article 426-1 of the Criminal Code (abuse of power or official authority by a military official) – 4 verdicts.
- Article 406 of the Criminal Code (violation of statutory rules of relations between military personnel in the absence of subordination) – 1 verdict.
- Service restriction was also applied (or substituted) in convictions for other criminal offenses, including Part 2 of Article 345, Part 2 of Article 366, Part 2 of Article 364-1, Article 410 (3 verdicts), Article 414 (2 verdicts), Article 415 (1 verdict), and Article 186 of the Criminal Code.

In the analyzed verdicts, courts most frequently imposed deprivation of liberty for 2 years, applying Article 69 of the Criminal Code. Since the maximum term for service restriction is 2 years, and the sanctions of the special part articles often prescribed deprivation of liberty for terms exceeding 2 years, courts meticulously justified their reasons for applying Article 69 of the Criminal Code. The least severe service restriction sentence—6 months with a monthly deduction of 10% from monetary allowance—was imposed in one verdict (Bilotserkivskyi City-District Court of Kyiv Oblast, September 3, 2024). In this case, a serviceman was convicted under Part 1 of Article 414 of the Criminal Code (violation of weapon handling rules resulting in bodily injury, specifically grievous bodily harm). Considering the circumstances of the case and the offender's conduct after the crime, the court imposed a service restriction of 6 months with a 10% deduction from his monetary allowance. The court justified this decision by stating that «such punishment will fully achieve its purpose and lead to positive changes in the accused's personality, fostering readiness for self-controlled law-abiding behavior».

Analysis of the military ranks of convicted individuals indicates that service restriction was quite frequently applied to officers. Only 119 out of 214 verdicts (55%) involved individuals holding the rank of «soldier» or «senior soldier,» with the remaining cases (45%) pertaining to officers. Specifically, captains accounted for 21 verdicts (10%), lieutenants for 28 verdicts (13%), and majors for 16 verdicts (7.5%). Regarding the size of deductions, verdicts show a proportionality to the term of service restrictions: 10% for 6 months or 1 year; 15% for 1 year and 6 months; and 20% for 2 years. Only one case was found in judicial practice where a 2-year service restriction was imposed with a deduction of only 10% of the convicted individual's monetary allowance.

Appendix F

Presentation of Research Results



This appendix provides a link to a presentation summarizing the research findings.

