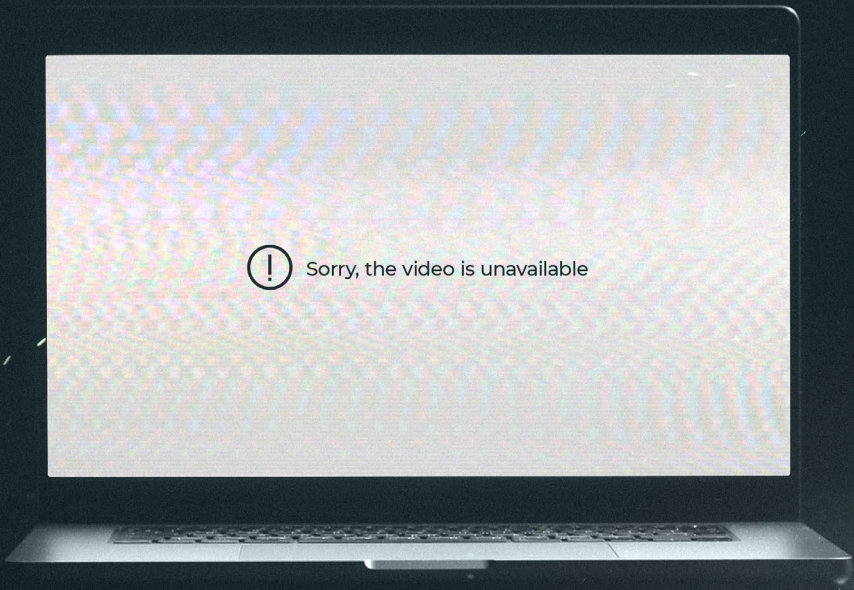


Not of interest

UNavailability of court
hearings online broadcasts



INTRODUCTION

Since 2015, court hearings in Ukraine have been broadcast online. This applies to cases of public interest.

This authorization continued the work on publicity and openness of the trial — fair trial standards. **The International Covenant on Civil and Political Rights** establishes the right to a public trial in any civil or criminal case. The principle of publicity is enshrined in Article 129 of the **Constitution of Ukraine** and Article 11 of [the Law of Ukraine, “On the Judicial System and Status of Judges,”](#) which gives anyone the right to attend an open court hearing.

Since 2018, the Media Initiative for Human Rights has been monitoring cases related to the Russian-Ukrainian war. Since 2022, the number of such cases has increased significantly — related to international crimes and the foundations of national security. Most are investigated by national investigative agencies and reviewed by Ukrainian courts. Civil society organizations monitor these processes, including the MIHR, the Ukrainian Bar Association, and the ZMINA Human Rights Center.

Ukrainian courts are simultaneously considering hundreds of criminal cases related to the Russian-Ukrainian war. Monitoring them requires a lot of resources, as monitors must be present at the hearings. In this case, online broadcasts allow us to cover more cases.

The MIHR uses online broadcasts of court hearings as a monitoring tool.

For this briefing, we analyzed its availability and practices of consideration of requests for broadcasts by courts. We provided recommendations on improving this option's work to make it effective.



METHODOLOGY

We studied the legal basis for online broadcasting of court hearings and used several sources of information to collect data on this function in practice.

1.

The results of consideration by the courts of the first instance of 45 requests for online broadcasting were sent by the monitors of the MIHR to the courts of nine regions of Ukraine and Kyiv between August and December 2024. The cases concerned war crimes, collaboration, and high treason, and their complete list is provided at the end of the brief in **Annex 1**.

2.

Court rulings on online broadcasts in Ukraine's Unified State Register of Court Decisions. The complete list is provided in **Annex 2**.

Based on this data, we have concluded the availability of online broadcasts of hearings in cases related to the Russian-Ukrainian war and the practice of courts in making decisions on such broadcasts.

LEGAL BASIS

Legal regulation

The first online broadcast of a court hearing in Ukraine took place on June 3, 2015, in the case of the killings during the Revolution of Dignity. Observers and journalists did not have enough space in the courtroom, so the court decided to broadcast the hearing. It was broadcast to another room of the same court and the premises of the Lviv Court of Appeal. The hearing of the same case was first broadcast on YouTube on July 6, 2015.

The introduction of online broadcasts was preceded by a long advocacy and research work of civil society organizations, particularly the Human Rights Vector NGO and lawyers of victims of the Revolution of Dignity. Over time, this practice spread to other cases.

The Judiciary of Ukraine web portal currently broadcasts court hearings in two cases. **The first** is when all participants in the case participate in the hearing via videoconference. In such cases, the broadcast is mandatory. The second case is broadcast at the parties' request to the case, free listeners, or at the court's initiative. This applies equally to all types of proceedings: civil, criminal, commercial, and administrative.

In the second case, a free listener or participant must file a motion to conduct an online broadcast. The court can grant it or not, considering the parties' opinion and the possibility of broadcasting without prejudice to the trial (Article 27 of the Criminal Procedure Code). This is the mechanism by which civil society organizations can monitor court hearings online.

The law does not specify the circumstances under which a court must grant a request for online broadcasting of a criminal hearing. There are only general conditions: the case must be of public interest, and the broadcast should not create obstacles to the trial. The notion of public interest is evaluative, so the decision depends entirely on the judge's or judges' position. Since such a ruling cannot be appealed, higher courts cannot develop a practice that would be binding in making such decisions.



The concept of public interest

The public interest is a necessary and key condition for the online broadcast of a court hearing. If there is, the court must decide whether the broadcast will prejudice the trial and find a balance between the benefits and dangers of the broadcast.

public interest —

The legislation does not define the public interest. However, the Supreme Court has interpreted this concept in its case law. In particular, in its [ruling](#) of December 2, 2021, in case No. 320/10736/20:

Is an evaluative concept that covers a wide and at the same time not clearly defined range of legal and moral interests that constitute a certain set of private interests or needs important for a significant number of individuals and legal entities, and by the legally established competence are ensured by public authorities (public administration entities).

This concept does not lend itself to unambiguous qualification (definition). Therefore the existence of public (public) interests should be subject to independent assessment by the court in each particular case.

In particular, the Supreme Court believes that the public interest —

"Is always connected with the need to guarantee human security in all its dimensions, in particular the preservation of human life and health, as well as the preservation of the state and interstate entities that are called upon to provide these guarantees using appropriate civilized legal and other mechanisms."

This is a very abstract definition, but it is clear that fair punishment for war crimes is closely linked to security guarantees. The same applies to treason collaboration and cooperation with the aggressor state. Justice in these cases can potentially be a matter of public interest. However, as we will describe below, in practice, the court does not take into account the existence of the public interest when deciding this issue. Decisions are made based solely on security considerations, and in most cases, the broadcast requests are rejected.

The significance of the cases

War crimes and crimes against national security committed after Russia's full-scale invasion of Ukraine are significantly different from other criminal cases. They have several peculiarities:

1.

The majority of war crimes cases and a significant number of cases involving crimes against national security are heard *in absentia*. In the absence of the accused, it is more difficult for participants in the process to comply with fair trial standards.

2.

Investigating authorities and the court cannot accept information from state bodies of the Russian Federation and its controlled authorities established in the temporarily occupied territories as evidence.

3.

The cases are of public interest because they are related to the war. Their trial is a matter of restoring justice and punishing those responsible for crimes that have affected all residents of Ukraine to varying degrees. These trials are part of transitional justice. It is, therefore, crucial that justice standards are upheld and that the guilt of the defendants, when present, is indeed proven.

4.

The verdicts and the quality of the proceedings in these cases are essential for international judicial institutions that are considering or will consider cases of international crimes committed by the Russian Federation during the war with Ukraine. These verdicts will be legally binding, and the facts stated in them will not need to be proved again.

5.

During court monitoring, the MIHR has repeatedly observed that the defendants' lawyers do not use all available means of defense of the defendants, treat their work formally, and judges take into account low-quality evidence of the prosecution. Lawyers often prohibit photographing or filming themselves to avoid publicizing the fact that they are defending defendants accused of war crimes or crimes against national security. This can create an advantage for the prosecution and potentially violates the principle of equality of arms in court.



Due to these peculiarities, there are risks of violating justice standards during the investigation and trial of cases. Therefore, their monitoring is essential for controlling the quality of judicial proceedings.

However, monitoring of these cases has its peculiarities. For the most part, they are considered by the courts of those regions of Ukraine that were under occupation or where military operations were or are still ongoing. During monitoring, this affects the use of time as a resource: sometimes, it takes a day and a half to observe one hearing, including travel time. At the same time, meetings are often postponed, which is not always known beforehand. In this

case, monitoring does not achieve its goals. At the same time, it is difficult to get to courts in the Kherson region, for example, because of the fighting. This makes it very difficult to monitor many cases involving crimes committed in this region.

Monitoring through online broadcasts could solve all these problems. However, as we have seen in practice, this tool is difficult to use.



IN PRACTICE

Results of MIHR's motions consideration

Between October and December 2024, MIHR monitors submitted 45 requests to the courts for online broadcasting of hearings. The requests were filed with the courts of first instance in Kyiv and Kyiv, Sumy, Chernihiv, Kherson, Odesa, Dnipro, Kharkiv, Cherkasy, and Zaporizhzhia regions. Out of 45 requests, 37 concerned war crimes (Article 438 of the Criminal Code of Ukraine), and eight concerned crimes against the foundations of national security.

The cases were selected for monitoring based on the criterion of public interest. In particular, they concerned accusations of holding people in detention facilities in the temporarily occupied territories in Kyiv, Chernihiv, Sumy, and Kherson regions, murder of civilians and prisoners of war, and high treason.

45
requests to
the court
were
submitted
by MIHR
monitors



The outcome of the motions review:

- The courts **did not consider** 22 out of 45 motions. No rulings on their consideration are available in the Unified State Register of Court Decisions, and no rulings were sent to the applicants. The Judiciary of Ukraine web portal did not schedule or broadcast hearings in these cases.
- The courts **dismissed** 15 motions out of 23 considered.

- Another five motions **were not satisfied** for reasons beyond the control of the court and the parties to the proceedings: the trial was closed, the case was sent to the court of appeal to determine jurisdiction, etc.

- The Vyshhorod District Court of Kyiv Oblast, the Pavlohrad City District Court of Dnipro Oblast, and the Zhovtnevyi District Court of Kryvyi Rih **granted** three motions. However, in one of these three cases, the proceedings were suspended because the defendant served in the Armed Forces of Ukraine. In both cases, the parties did not object to the online broadcast.



Thus, out of 45 cases, the MIHR received access to the broadcast of only two. The courts granted only 4.4% of the motions filed, and the court denied 82% of the motions considered.



There were several reasons for the refusal to conduct online broadcasts:

- **Objections of the parties** to the broadcast, usually the prosecutor and defense lawyers;
- **Security concerns for witnesses, victims, and the defense.** According to judges, disclosure of the identity of witnesses and victims may threaten their safety;
- Witnesses during the broadcast will be able to hear each other's testimony, and this will **distort their content**;
- **The case does not affect the public interest**; therefore, there are no grounds for the hearing to be broadcast online;

- **For security reasons for all participants in the process,** as the broadcast of the court session will accurately indicate the time and location of judges and other participants in the case. Some rulings state that this could be a reason for Russian shelling. However, we have doubts about this argument. All information about the hearing - date, parties, case number — is publicly available. These data are necessarily published on the Judiciary of Ukraine web portal. So you can find out the time of the hearing even without the online broadcast.

In addition, five judges personally called the MIHR monitors and further explained the reasons for their refusal. All cited security concerns and fears of shelling of the court during the online broadcast. These judges work in the courts of Kyiv, Odesa, Kharkiv, and Sumy regions. Three judges explained that they have equipment for online broadcasting, but it is in poor condition, and the broadcast quality will be low. One of the judges said that broadcasting war crimes

trials could harm national security, as representatives of Russia's special services would have access to it. He said that this way, they would learn the details of the investigation and the facts.

Also, all five judges did not understand why a public organization wanted access to online broadcasts. In other words, judges do not understand the purpose and objectives of judicial monitoring.



In general, the results of the court's consideration of the MIHR's motions show a consistent practice of refusing to provide access to online broadcasts. Despite the existence of public interest, judges, prosecutors, and lawyers are primarily against online broadcasts.



Data from the Unified State Register of Court Decisions

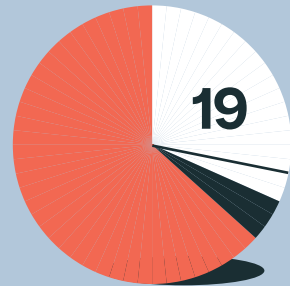
The MIHR analyzed 56 rulings on consideration of motions for online broadcasting of court hearings, which are available in the Unified State Register of Court Decisions. We studied the rulings issued in criminal cases

from the beginning of Russia's full-scale invasion of Ukraine until January 2025. They are concerned not only with war-related crimes. From the sample, we excluded the decisions on motions filed by the MIHR, which we described above.

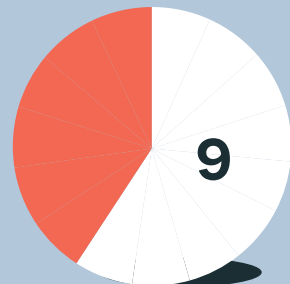
In the studied rulings, the motion for online broadcasting was filed:

- the accused or defense counsel **37 decisions;**
- journalists and representatives of public organizations **15 decisions;**
- prosecutor **3 decisions;**
- the victim **1 decision.**

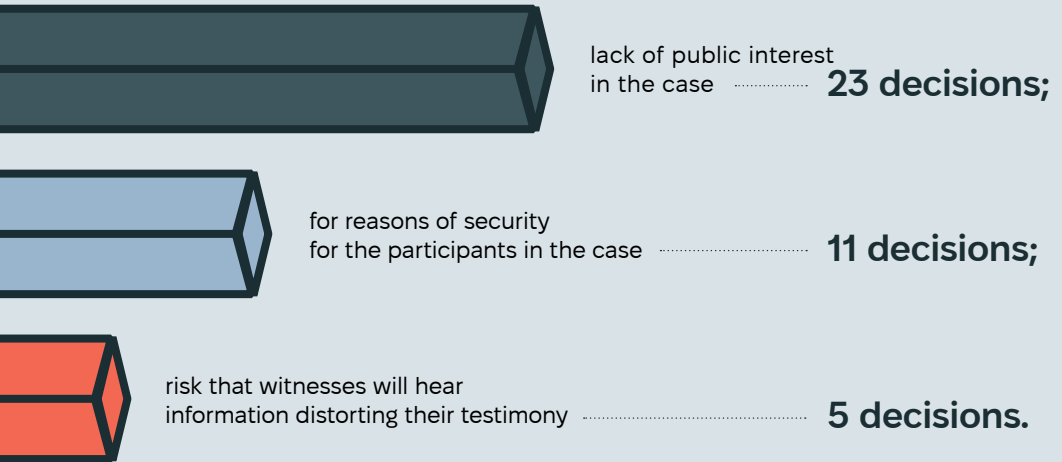
Out of 56 court rulings, 19 granted requests for online broadcasting, meaning that every third court response was positive. Five of the analyzed rulings concerned cases of war crimes and crimes against the foundations of national security. Two of them were granted.



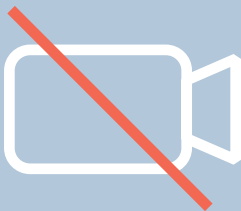
The court granted nine of the 15 motions filed by journalists and representatives of civil society organizations.



Courts denied online broadcasts for the three most common reasons:



There were other justifications as well:



- broadcasting of the meetings will violate the secrecy of the investigation;
- broadcasting will lead to the illegal dissemination of personal data;
- the court does not have the equipment to broadcast.

One court demonstrated a flexible approach: the ruling in case No. 204/3024/23 of 23.06.2023 allows broadcasting of the hearing, except for the moments of witness interrogation.

The fact that the courts grant one-third of the requests for online broadcasts shows

that this tool is relatively accessible. At the same time, we know from our experience that not all submitted motions are considered or published in the Register. Therefore, we assume that the 57 analyzed petitions in the Register are only a fraction of those filed since the beginning of the full-scale war.

CONCLUSIONS

Online broadcasting of court hearings in war crimes and crimes against national security is an effective tool for public control over justice. Due to several peculiarities, monitoring these cases is very important to society.

Judges mostly reject or do not consider the requests of observers to conduct online broadcasts of court hearings. Judges also do not assess whether the case is of public interest.

The judges' refusal is mainly motivated by security concerns, saying that the broadcast could threaten the participants. However, this argument is unconvincing because all information about the upcoming hearing will be published in advance on the

Judiciary of Ukraine website. Therefore, the assumption that someone will learn about the hearing through the online broadcast cannot be a decisive factor for the court when considering such a motion.

We also assume that courts ignore a significant portion of the motions received and that some motions are not published in the Register. Therefore, it is difficult to understand the actual scale of the problem with access to online broadcasts.

And finally, the analyzed rulings show that judges do not understand the importance and purpose of monitoring the sessions. This may be an obstacle to the observance of the principle of publicity of court proceedings in Ukraine.

RECOMMENDATIONS

For the State Judicial Administration of Ukraine:

- To provide all courts of first instance with equipment of appropriate quality for online broadcasting of hearings on the Judiciary of Ukraine web portal;
- to develop and send to the courts of first instance explanations on whether online broadcasts affect court security;
- improve control over the entry of court decisions into Ukraine's Unified State Register of Court Decisions.

For the Council of Judges of Ukraine:














































- To formulate a clear definition of the public interest for cases involving crimes committed during the Russian-Ukrainian war;
- hold informational meetings for trial judges to explain the importance of the public interest in cases involving crimes committed during the Russian-Ukrainian war;
- to send information letters to the courts of first instance on the importance of observing the principle of transparency in Ukrainian judicial proceedings and the role of judicial monitoring in its observance.


For the Supreme Court:

To prepare clarifications and recommendations for courts on properly considering applications for online broadcasting of hearings.

Annex 1

The list of cases in which the MIHR submitted a request for online broadcasts

-  **Case No.954/72/24**
Novovorontsov District Court of Kherson Region.
-  **Case No.588/800/24**
Trostianets District Court of Sumy Region.
-  **Case No.588/1952/24**
Trostianets District Court of Sumy Region.
-  **Case No.766/1107/23**
Kherson City Court of Kherson Region.
-  **Case No.766/12885/23**
Kherson City Court.
-  **Case No.754/17063/23**
Desnianskyi District Court of Kyiv.
-  **Case No.761/9706/22**
Shevchenkivskyi District Court of Kyiv.
-  **Case No.317/2944/24**
Zaporizhzhia District Court of Zaporizhzhia region.
-  **Case No.766/759/23**
Kherson City Court.
-  **Case No.761/45402/23**
Dniprovskyi District Court of Kyiv.
-  **Case No.363/1366/22**
Vyshgorod District Court of Kyiv.
-  **Case No. 610/2754/24**
Balakliya District Court of Kherson Region.
-  **Case No.766/9963/24**
Kherson City Court.
-  **Case No.761/45402/23**
Shevchenkivskyi District Court of Kyiv.
-  **Case No.650/3777/24**
Velyko Oleksandrivskyi District Court of Kherson Region.
-  **Case No.766/14523/24**
Kherson City Court of Kherson Region.
-  **Case No.766/7468/23**
Kherson City Court.
-  **Case No.363/2983/24**
Vyshgorod District Court of Kyiv Region.
-  **Case No.743/908/24**
Ripky District Court of Chernihiv Oblast.
-  **Case No.766/9711/23**
Kherson City Court of Kherson Region.
-  **Case No.766/6280/24**
Kherson City Court.
-  **Case No.363/581/24**
Vyshgorod District Court of Kyiv Region.
-  **Case No.363/872/23**
Vyshgorod District Court of Kyiv Region.
-  **Case No.185/12535/23**
Pavlohrad City District Court of Dnipropetrovska oblast.
-  **Case No.521/14869/23**
Malynovskyi District Court of Odesa.
-  **Case No.370/1485/23**
Irpin District Court of Kyiv Region.
-  **Case No.214/4857/22**
Oktyabrsky District Court of Kryvyi Rih.
-  **Case No.766/2062/23**
Kherson City Court of Kherson Region.
-  **Case No.521/11082/23**
Malynovskyi District Court of Odesa.
-  **Case No.712/3576/24**
Sosnovsky District Court of Cherkasy.
-  **Case No.361/5761/22**
Brovary City District Court of Kyiv Region.
-  **Case No.522/8371/23**
Prymorskyi District Court of Odesa.
-  **Case No.185/10275/22**
Pavlohrad City District Court of Dnipropetrovska oblast.
-  **Case No.185/11252/24**
Pavlohrad City District Court of Dnipropetrovska oblast.
-  **Case No.748/3480/24**
Chernihiv District Court of Chernihiv Oblast.
-  **Case No.335/3484/24**
Ordzhonikidze District Court of Zaporizhzhia region.
-  **Case No.205/1739/24**
Leninsky District Court of Dnipro.
-  **Case No.739/772/24**
Mensk District Court of Chernihiv Oblast.
-  **Case No.766/1336/24**
Kherson City Court of Kherson Region.
-  **Case No.638/87/24**
Dzerzhynskyi District Court of Kharkiv.
-  **Case No.206/4748/23**
Samara District Court of Dnipro.
-  **Case No.644/5405/24**
Ordzhonikidze District Court of Kharkiv.
-  **Case No. 202/6572/24**
Industrial District Court of Dnipro.
-  **Case No.760/9698/22**
Solomyansky District Court of Kyiv.
-  **Case No.766/12569/23**
Kherson City Court of Kherson Region.

 There is no information on the consideration of the petition.

 Decision to dismiss the petition.

 Decision to satisfy the motion for online broadcasting.

- [Ruling №204/3024](#) of 23.06.23,
Krasnohvardiyskiy District Court of Dnipro;
- [Ruling №522/17059/22](#) of 29.06.23,
Prymorskiy District Court of Odesa.
- [Ruling №335/8243/24](#) of 05.11.24,
Ordzhonikidze District Court of Zaporizhzhia.
- [Ruling №344/20735/23](#) of 23.11.23,
Ivano-Frankivsk Court of Appeal.
- [Ruling №711/2425/23](#) of 25.05.23,
Cherkasy Court of Appeal.
- [Ruling №346/6295/23](#) of 15.01.24,
Ivano-Frankivsk Court of Appeal.
- [Ruling №201/2972/22](#) of 13.06.22,
Zhovtnevyi District Court of Dnipro.
- [Ruling №932/7924/21](#) of 30.08.22,
Babushkinsky District Court of Dnipro.
- [Ruling №753/14918/24](#) of 23.08.24,
Darnytsia District Court of Kyiv.
- [Ruling №170/260/23](#) of 01.06.23,
Shatsk District Court of Volyn Oblast.
- [Ruling №757/44543/23-k](#) of 24.06.24,
Brovary City District Court of Kyiv Region.
- [Ruling №944/3712/22](#) of 16.03.23,
Lviv Court of Appeal.
- [Ruling №492/427/21](#) of 08.05.24,
Artsyz district court of Odesa region.
- [Ruling №398/6172/23](#) of 18.12.23,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №588/1094/22](#) of 17.11.22,
Okhtryka City District Court of Sumy Region.
- [Ruling №398/1676/24](#) of 23.05.24,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №462/2837/17](#) of 07.08.23,
Zaliznychnyi District Court of Lviv.
- [Ruling №202/10904/23](#) of 06.02.23,
Industrial District Court of Dnipro.
- [Ruling №369/16928/21](#) of 03.10.22,
Kyiv-Svyatoshynskiy District Court of Kyiv Region.
- [Ruling №225/1848/23](#) of 25.10.24,
Samara District Court of Dnipro.
- [Ruling №766/1336/24](#) of 11.07.24,
Kherson City Court of Kherson Region.
- [Ruling №398/1676/24](#) of 09.05.24,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №791/130/17](#) of 12.03.24,
Kherson City Court of Kherson Region.
- [Ruling №398/5531/23](#) of 01.12.23,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №398/4524/23](#) of 01.12.23,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №398/4522/23](#) of 13.09.23,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №398/4563/22](#) of 07.03.24,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №398/6409/23](#) of 01.03.24,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №398/4524/23](#) of 13.09.23,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №759/6522/22](#) of 22.06.22,
Sviatoshynskiy District Court of Kyiv.
- [Ruling №522/15011/23](#) of 29.12.23,
Prymorskiy District Court of Odesa.
- [Ruling №452/2039/23](#) of 27.09.23,
Sambir City District Court of Odesa Oblast.
- [Ruling №159/3501/22](#) of 03.11.22,
Kovel City District Court of Volyn Oblast.
- [Ruling №201/3638/22](#) of 23.06.22,
Zhovtnevyi District Court of Dnipro.
- [Ruling №932/12656/24](#) of 10.01.25,
Babushkinsky District Court of Dnipro.
- [Ruling №201/3639/22](#) of 23.06.22,
Zhovtnevyi District Court of Dnipro.
- [Decision №509/6909/24](#) of 18.12.24,
Odesa Court of Appeal.
- [Decision №304/1772/23](#) of 18.12.24,
Transcarpathian Court of Appeal.
- [Ruling №192/2178/24](#) of 08.11.24, Solonyansky
District Court of Dnipropetrovs'k Region.
- [Ruling №358/326/24](#) of 11.03.24,
Bohuslav District Court of Kyiv Region.
- [Ruling №159/3688/23](#) of 01.11.23,
Kovel City District Court of Volyn Oblast.
- [Ruling №757/24764/16-k](#) of 30.03.23,
Sviatoshynskiy District Court of Kyiv.
- [Ruling №398/4563/22](#) of 22.03.23,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №182/1465/21](#) of 15.08.22, Nikopol City
District Court of Dnipropetrovska oblast.
- [Ruling №758/9804/18](#) of 24.10.24,
Podilskiy District Court of Kyiv.
- [Ruling №152/1438/23](#) of 23.04.24,
Sharhorod District Court of Vinnytsia Oblast.
- [Ruling №932/5925/23](#) of 28.08.23,
Kirovskiy District Court of Dnipro.
- [Ruling №944/3712/22](#) of 16.03.23,
Lviv Court of Appeal.
- [Ruling №466/12967/24](#) of 03.01.25,
Shevchenkivskiy District Court of Lviv.
- [Ruling №503/2482/24](#) of 10.12.24,
Kodymskiy District Court of Odesa Oblast.
- [Ruling №303/1889/16](#) of 20.06.23,
Mukachevo City District Court of Zakarpattia Oblast.
- [Ruling №203/3542/21](#) of 31.05.23,
Kirovskiy District Court of Dnipro.
- [Ruling №534/1667/22](#) of 03.04.23,
Komsomolsk City Court of Poltava Region.
- [Ruling №398/4494/22](#) of 27.12.22,
Oleksandriya City District Court of Kirovohrad Oblast.
- [Ruling №182/1465/21](#) of 15.08.22, Nikopol City
District Court of Dnipropetrovska oblast.
- [Ruling №522/4099/23](#) of 20.03.23,
Odesa Court of Appeal.



Media Initiative for Human Rights is a Ukrainian NGO established in September 2016. The goal of the organization is to combine awareness raising, analytics, and advocacy towards detecting and responding to human rights violations.

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