

PUBLIC ADMINISTRATION IN THE FIELD OF SEARCH, EXHUMATION AND REINTERMENT OF HUMAN REMAINS: LEGAL MECHANISMS AND FINANCIAL SUPPORT

Roman Tytykalo¹, Liudmyla Sylenko², Denys Komarnytskyi³

Abstract. The article provides a comprehensive analysis of the mechanisms of public administration in the processes of searching for, exhuming and reintering the remains of persons who perished as a result of armed conflicts, deportations and political repressions. Special attention is given to the role of state authorities and local self-government bodies in the organisation and implementation of these procedures, with emphasis on their functional responsibilities, the provision of financial resources, and adherence to ethical and legal standards. It is acknowledged that contemporary challenges arising from the war in Ukraine impose further obligations on the coordination of efforts among all entities involved in the implementation of the aforementioned processes. The present regulatory framework governing the search, exhumation, and reburial of remains is analysed, with particular reference to the key provisions of legislative and subordinate acts that define the powers of public authorities and the mechanisms of their financial support. The study highlights aspects of ensuring the legality of procedures, particularly compliance with international standards and norms of humanitarian law. A particular focus is placed on the interaction of state bodies with international organisations, such as the International Committee of the Red Cross, with a view to attracting financial support, technical means, and best practices to improve the efficiency of exhumation procedures. The analysis of state programmes supporting search, exhumation and reburial measures is a particular focus of this study. The financial instruments provided for in current legislation are studied, including state and local budget funds, international aid and charitable contributions. The role of local self-government in implementing these measures is highlighted, as it is responsible for the arrangement of burial sites, organisation of ritual procedures and ensuring service accessibility at the local level. The article identifies problems arising in financing these processes, particularly the limited availability of resources during the period of martial law. The *subject* of the present article is to define the legal mechanisms and financial support for public administration of the search, exhumation, and reinterment processes of the remains of individuals who perished due to armed conflicts, deportations, and political repressions. *Research methods.* The following methods were used to study the legal mechanisms and financial support for the search, exhumation and reinterment procedures: the method of dialectical materialism; the method of abstraction; the methods of analysis and synthesis; the functional method; the method of systems analysis; the synergetic method; the method of comparative law; the method of interpretation and hermeneutics; the dogmatic method; the method of systematic analysis; and the statistical method. The *aim* of the article is to highlight the legal mechanisms and financial support for the public administration of the search, exhumation and reburial of remains in Ukraine under the current challenges, and to formulate concrete proposals for improving the implementation of this procedure. *Conclusions.* The public management of the processes of finding, exhuming and reintering remains is an important aspect of the state's humanitarian policy, aimed at guaranteeing the rights of the relatives of the deceased, respecting international standards and commemorating the victims of war and repression. The role of the State is to establish an appropriate legal framework, to coordinate activities and to provide financial support for these procedures. Local self-government bodies ensure the practical implementation of measures at the territorial level, and are responsible

¹ Bogomolets National Medical University, Ukraine (*corresponding author*)

E-mail: r.titikalo@gmail.com

ORCID: <https://orcid.org/0000-0002-6406-8800>

² Kyiv National Economic University named after Vadym Hetman, Ukraine

E-mail: Lm87@ukr.net

ORCID: <https://orcid.org/0009-0007-4753-7074>

³ Kyiv National Economic University named after Vadym Hetman, Ukraine

E-mail: S972708a@protonmail.com

ORCID: <https://orcid.org/0009-0000-6296-8488>



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for the accessibility of infrastructure, the organisation of burials and compliance with health and ethical requirements. Financial support is based on a combination of sources, including state budget funds, local budgets, international aid and charitable donations. However, the limited availability of state funds during wartime necessitates the introduction of new mechanisms, such as the creation of a specialised fund or the expansion of co-operation with international organisations. Legal mechanisms need to take into account both ethical standards and the technical aspects of procedures, and ensure effective interaction between all entities involved in the process. A comprehensive approach to regulation is necessary to ensure transparency, compliance with the law and the achievement of the state's humanitarian objectives.

Keywords: search, exhumation, reinterment of remains, public administration, legal mechanisms, financial support, humanitarian policy, international standards, government programs, local government, ethical standards, ritual procedures, international co-operation, technical support, GPR survey, DNA testing, accessibility of services, regulatory framework, social standards, protection of relatives' rights.

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Introduction

Ukraine has been engulfed in fierce hostilities that have transpired as a consequence of substantial armed aggression. The ongoing conflict has resulted in innumerable tragedies, impacting both military personnel and the civilian population. This has led to substantial human casualties and violations of fundamental rights and freedoms. The deployment of advanced weaponry, including missile systems, unmanned aerial vehicles (drones), artillery, and mortars, has not only augmented the level of destruction but also rendered the process of searching for, identifying, and reintering the deceased more complex. The destruction of bodies often renders identification through conventional methods impossible, thereby engendering further humanitarian challenges.

The bombardment of towns and settlements, resulting in large numbers of civilian casualties, has become one of the most pressing issues in the ongoing armed conflict. Rocket, artillery and aerial attacks cause widespread destruction of residential buildings, hospitals, schools and other civilian infrastructure. When clearing the rubble, rescuers often come across the remains of the deceased, which are difficult to identify due to severe damage or the complete destruction of identification documents. In many cases, the bodies of the deceased remain buried under the ruins, requiring the use of specialised technologies for locating and retrieving the remains.

Hostilities have been shown to disrupt the normal course of life to a significant degree, with the result that not only do military operations become complicated, but also humanitarian processes such as the dignified commemoration of the deceased. Destroyed infrastructure, restricted access to burial sites, and the risk of renewed shelling have all been demonstrated to create serious obstacles to the organisation of reburials. In such circumstances, the process of identifying bodies in combat zones or temporarily occupied territories is rendered especially

arduous. This is due to the exacerbating of delays and uncertainty caused by shortages of resources and a lack of coordination. The introduction of clear legal regulations by the state is therefore necessary, as is the development of effective administrative mechanisms for the purpose of conducting exhumations and reinterments.

Modern warfare also requires the active use of advanced technologies and molecular genetic methods, particularly DNA testing, to identify the remains of the deceased. These methods make it possible to restore identification even in complex cases where traditional approaches prove ineffective. However, the implementation of such a system is a time-consuming process that requires significant financial resources, the availability of advanced technological equipment, and effective coordination between different levels of government. The absence of a unified system that integrates technical capabilities, administrative mechanisms, and financial support significantly complicates the execution of these tasks.

A separate issue is the emotional and social pressure faced by the relatives of the deceased. Uncertainty about the fate of their loved ones, difficulties in identification, and delays in reburial create additional challenges that require immediate resolution. Families are often forced to confront financial difficulties, including the costs of organising burials, as well as emotional distress caused by delays. This underscores the need for the establishment of a social support system that would help to minimise these difficulties and ensure the timely execution of exhumation and reburial procedures.

The processes of exhumation and reinterment also have significant social and ethical components. They ensure the right of relatives to a dignified burial of their loved ones, contribute to the preservation of historical memory and uphold the standards of international humanitarian law. In this context, the integration of modern technologies, such as georadar surveys and DNA testing, plays a crucial role

in improving the accuracy of searches and the identification of remains.

Among the promising areas for improving the mechanisms for managing the search, exhumation and reinterment of human remains are the following:

1. Development of a centralised database of burial sites. The creation of a single electronic register will help systematise information about burial sites, facilitate the identification process and ensure transparency.

2. Application of modern technologies in the search and identification processes. GPR surveys, DNA testing and digital registers will help optimise exhumation processes and increase their efficiency.

3. Involvement of international partners for financial and methodological support. International organisations, such as the International Committee of the Red Cross, can provide not only financial assistance but also technical support for the implementation of the programme.

4. Strengthen coordination between state and local authorities. The development of mechanisms for operational interaction between the entities involved in the process will help to avoid duplication of functions and increase management efficiency.

5. Development of financial support mechanisms for the families of the victims. Providing state subsidies or grant programmes will ensure social protection for relatives facing additional burial costs.

6. Introduction of environmental standards for reinterment. Using environmentally friendly burial methods will help minimise environmental impact and set new standards in this area.

7. Development of alternative forms of burial. The introduction of columbariums, memorial parks and other alternatives will help solve the problem of limited land resources in cities.

8. Creation of training programmes for specialists in the field of exhumation and reinterment. Specialised training will ensure the appropriate level of competence of professionals involved in these procedures.

9. Expansion of awareness-raising campaigns. Raising public awareness of the legal aspects and procedures of exhumation and reinterment will contribute to transparency and public trust in state authorities.

10. Improvement of the regulatory framework. The development of new legislation and amendments to existing legislation will help to adapt legal regulation to current challenges and international standards.

Thus, the war has raised not only the issue of military security, but also the humanitarian policy of the state, which should ensure a decent attitude to the memory of the dead. Effective regulation of the procedures for search, identification, exhumation and reinterment requires a comprehensive approach that combines legal, organisational and financial mechanisms. Only a comprehensive strategy that takes into account current

challenges will ensure that these important tasks are properly performed.

1. Research Methodology

1.1. Scientific Analysis of Works on the Research Topic

This issue has been examined by scholars who have studied the peculiarities of the legal regulation of the processes of searching for, exhuming and reintering the remains of persons who perished as a result of armed conflicts, deportations and political repressions. Researchers have focused on the functions of the state, the role of local self-government bodies, the specifics of financing these procedures, and the use of modern technologies for identifying remains. Among the scholars who have addressed these aspects are the following:

Ya. Yu. Konyushenko's research concentrated on the role of participants in the exhumation-related examination of a corpse. His works emphasised the significance of interactions among investigators, forensic medical experts, and other participants in ensuring the proper execution of these procedures while complying with legislation and ethical standards (Konyushenko, 2020).

In their analysis, P. D. Denysyuk and M. M. Shevchuk examined the particulars of exhumation in the context of criminal proceedings. The researchers conducted a thorough examination of the grounds, procedure, and forensic-tactical aspects of conducting exhumation, underscoring the significance of adhering to procedural norms and maintaining proper documentation (Denysyuk, Shevchuk, 2017).

In his work, V. G. Burchynskyi (1999) drew attention to the legal significance of exhumation, which he defined as a process combining legal, ethical and technical aspects. The author also emphasised the importance of considering historical, religious and social factors when organising the reburial of remains.

M. O. Yakovenko and N. O. Ponomarenko concentrated their research on exhumation in active conflict zones. They identified specific risks arising in such conditions, particularly when working with unexploded ordnance, and stressed the need for specialised methods to ensure the safety of all participants in the process (Yakovenko, Ponomarenko, 2017).

O. M. Kalachova analysed the use of the practice of the European Court of Human Rights in criminal proceedings in Ukraine, including exhumations in the investigation of war crimes. The author highlighted the importance of ensuring compliance with human rights during such proceedings (Kalachova, 2015).

D. O. Denysova studied the procedural order and tactical techniques for conducting exhumations, emphasising the importance of clear documentation

of all actions and proper organisation of the process, especially under martial law conditions (Denysova, 2019).

The focus of M. A. Mykhailychenko's works is on military burials, with the emphasis on the necessity of enhancing the regulatory framework governing exhumation, reinterment, and the conservation of military memorials. The author has put forward the proposal of a distinct legislative act encompassing all dimensions of military funerary practices (Mykhailychenko, 2021).

Accordingly, the research of the aforementioned scholars encompasses both the legal and technical dimensions of exhumation, reinterment, and the identification of remains. Their contributions lay the foundation for further scientific studies in this domain and facilitate the enhancement of regulatory frameworks, with a view to addressing contemporary challenges associated with martial law and large-scale civilian casualties.

1.2. Methodological Features of the Research

The study of legal mechanisms and financial support for the processes of search, exhumation and reinterment of individuals who perished as a result of armed conflicts, deportations and political repression uses various methods that allow for a comprehensive consideration of the legal, social, economic and organisational aspects of this issue:

The dialectical materialism method facilitates the examination of phenomena and processes associated with the regulation of exhumation and reburial procedures within a shifting social and legal environment. This approach incorporates contradictions between the requirements of humanitarian policy, economic capabilities, and the interests of citizens.

The abstraction method is employed to identify the fundamental elements of public administration, including the regulatory framework, the functions of state bodies, and financial support. This approach enables a focus on the most significant aspects for their improvement.

The application of analytical and synthetic methods facilitates a comprehensive examination of the regulatory framework and the functions of state authorities and local self-government in the regulation of exhumation and reinterment procedures. This examination also incorporates the integration of the obtained data into a general governance model.

The functional method enables an in-depth study of the specific functions of state bodies, local self-government, and international partners in ensuring adequate financial support, organising the exhumation process, and adhering to ethical standards.

Systemic analysis method is used to consider the processes of search, exhumation and reinterment as

a complex system that includes legal, financial, social and organisational elements, the interaction of which ensures effective management.

The synergetic method has been developed to provide a framework for the analysis of interactions among different stakeholders, including state bodies, local self-government, international organisations, and civil society. The objective of this method is to develop a unified approach to addressing the outlined challenges.

The comparative legal method is employed to analyse regulatory practices for exhumation and reinterment processes in other countries, thus facilitating the adaptation of best practices to the Ukrainian context.

The employment of an interpretation and hermeneutic method permits a detailed analysis of the content of legal norms and international treaties regulating exhumation and reburial, as well as their practical application in contemporary challenges.

The dogmatic method is utilised to analyse the extant legislation of Ukraine in the domain of exhumation, search, and reburial of remains, thereby ensuring a systematic understanding of the scope and limitations of legal regulation.

The modelling method is employed to develop an optimal financial model for exhumation and reburial procedures. In doing so, the model is informed by international experience and the realities of martial law.

The statistical method allows for the analysis of data on the number of exhumed remains, expenditures on procedures, and volumes of international assistance. This provides an assessment of the effectiveness of current mechanisms and the need for their improvement.

The application of these methods enables a comprehensive study of the legal regulation and financial support for exhumation and reinterment procedures in Ukraine, thereby establishing a scientific foundation for the development of an effective policy in this domain.

2. Theoretical Approaches to Understanding the Content and Essence of the Legal and Financial Functions of the State and Local Governments in Regulating the Processes of Search, Exhumation and Reinterment of Human Remains

2.1. The Concept of Search, Exhumation and Reinterment of Human Remains

The term "exhumation" comes from the Latin words "ex" meaning "out, beyond, outside" and "humus" meaning "earth, soil" and refers to the removal of a body from a grave. Depending on the purpose and circumstances, exhumation may be official (for forensic examination or reburial in another cemetery), accidental (due to excavation, demolition of buildings

or other actions) or criminal (carried out for robbery, revenge, desecration of a body or other unlawful motives) (Burchynskyi, 1999).

In accordance with Article 239 of the Ukrainian Criminal Procedure Code, exhumation is conducted solely upon the directive of the prosecutor. Within the scope of investigative and forensic practice, the term encompasses not only the extraction of bodies from their original burial sites, but also from various burial structures, including crypts, mausoleums, and sarcophagi. This procedure is applicable to both cases where an autopsy has been conducted and those where it has not. The fundamental aims of exhumation are threefold: firstly, to establish the cause of death; secondly, to identify hitherto unknown individuals; and thirdly, to create conditions for further forensic or procedural actions (The Criminal Procedure Code of Ukraine, 2012).

The exhumation procedure is a complex process that must always be conducted in the presence of a forensic medical expert. The involvement of this expert is crucial for ensuring the proper removal of the body, its subsequent examination, and forensic analysis. It is imperative to adhere to the standards outlined in Article 238 of the Ukrainian Criminal Procedure Code, which regulate the examination of bodies. In certain cases, close relatives of the deceased, suspects, or other interested parties may be present during the procedure. The responsibility for the proper execution of these measures lies with the forensic medical expert, who is also tasked with conducting the external examination of the body, as well as its removal for further transportation or forensic analysis (The Criminal Procedure Code of Ukraine, 2012).

The term "exhumation" was not legally formalised in national legislation until the second half of the 20th century. Prior to this, the removal of a body from a grave and its examination were recorded in a medical examination report drawn up by a coroner or doctor. This document was signed by all authorised persons present, including representatives of the investigating authorities and witnesses. This approach was indicative of the procedural organisation of that time, yet it exhibited numerous gaps in legal regulation and procedural aspects (The Criminal Procedure Code of Ukraine, 1960).

The current legislative framework governing procedures for body examination in the context of exhumation can be found in the Criminal Procedure Code of Ukraine. Specifically, these include Article 223 "Requirements for the conduct of investigative (search) actions," Article 238 "Examination of a corpse," Article 239 "Examination of a corpse related to exhumation," and Article 230 "Presentation of a corpse for identification" (The Criminal Procedure Code of Ukraine, 2012).

Exhumation is a process that serves a variety of purposes, including the gathering of evidence pertaining to violent deaths and the procurement of materials for molecular-genetic research. It may also be conducted for the purpose of verifying the accuracy of an initial medical conclusion or as a component of investigations into circumstances that have been discovered recently. It plays a critical role in criminal investigations, particularly in cases involving suspected murder, medical malpractice, or the concealment of crimes.

The grounds for exhumation are clearly defined by law and include various circumstances such as verification of the cause of death, complaints from relatives, discrepancies between forensic conclusions and case material, and the need to identify unknown bodies. A particularly important issue is the exhumation of bodies buried without a prior autopsy, which may lead to unjustified or incomplete medical conclusions. Exhumation is often necessary to resolve doubts about a person's involvement in certain events or to establish other circumstances relevant to an investigation.

In order to undertake an exhumation, the investigator is required to issue a directive that enumerates all the pertinent case specifics, any novel evidence that necessitates forensic examination, the forensic experts to be included, a comprehensive list of key inquiries to be addressed, and the designated timeframe for the procedure. Prior to the initiation of the exhumation, the investigator is duty-bound to engage in a thorough discussion with the forensic experts, ensuring that all legal norms and regulations are scrupulously adhered to.

The process of exhumation and reinterment of persons who died as a result of armed conflicts, deportations and political repression in Ukraine is regulated by several specialised legal acts. The main document establishing the procedure for these actions is the Temporary Procedure for the Search, Exhumation, and Reburial of the Remains of Persons Who Died as a Result of Wars, Deportations, and Political Repressions, and the Arrangement of Their Burial Places, approved by Order No. 193 of the Ministry of Construction, Architecture, and Housing and Communal Services of Ukraine on June 9, 2006, and registered with the Ministry of Justice of Ukraine on August 11, 2006, under No. 969/12843. This legal act provides a clear framework for the actions of state bodies, specialised enterprises and other entities involved in the search, identification, exhumation and reinterment, taking into account ethical, legal and security aspects (Temporary Procedure for the Search, Exhumation, and Reburial of the Remains of Persons Who Died as a Result of Wars, Deportations, and Political Repressions, and the Arrangement of Their Burial Places, 2006).

Additionally, the Law of Ukraine "On Burial and Funeral Affairs" of July 10, 2003, No. 1102-IV plays a significant role. The legislation under consideration establishes the general principles of funeral affairs organisation, including the procedure for exhumation and reburial. It defines the rights and obligations of local self-government bodies, enterprises, and citizens in the funeral sector, thus contributing to the regulation of actions and the protection of the rights of the deceased's relatives (The Law of Ukraine "On Burial and Funeral Affairs", 2003).

In the context of the ongoing military conflict in Ukraine, particularly following the commencement of armed aggression in 2014 and its escalation in 2022, these regulatory provisions have become especially pertinent. The scale of casualties resulting from combat operations and the utilisation of advanced weaponry, such as missile systems, unmanned aerial vehicles, and other high-tech arms, significantly complicates the processes of searching for and identifying the deceased. The destruction of infrastructure, the presence of landmines, and the existence of humanitarian challenges have been identified as factors that create additional obstacles for conducting exhumation and reinterment operations.

The primary objective of regulatory policies in this field is the establishment of unified standards and procedures to ensure the effective and coordinated activities of all involved parties. The aforementioned applies not only to state institutions, including the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine, and the State Emergency Service of Ukraine, but also to specialised enterprises, civil society organisations, and international structures engaged in humanitarian operations. For instance, co-operation with the International Committee of the Red Cross and other organisations necessitates a clearly defined legal framework.

It is imperative to emphasise the significance of safeguarding the rights of the bereaved relatives of the deceased. In accordance with Article 3 of the Law of Ukraine "On Burial and Funeral Affairs", the state is obligated to ensure that citizens have the right to burial that is in accordance with their religious and cultural traditions. The right to receive information about the burial site, to participate in rituals, and to ensure respectful treatment of the remains of the deceased is enshrined in regulatory acts. These acts also provide mechanisms for ensuring transparency in the actions of government agencies, particularly through public information dissemination and the involvement of relatives in the identification and reburial process.

In the present situation in Ukraine, which has resulted in considerable fatalities among military personnel and civilians, the search for burial sites and the identification of the deceased has become one of the state's key priorities. The intensity of combat

operations, the destruction of infrastructure, the occupation of territories and the subsequent liberation thereof have collectively engendered complex conditions for the organisation of such activities. In such circumstances, search operations have evolved into a multi-component process requiring the integration of legal, technological, organisational, and security measures.

The search for the bodies of fallen military personnel is the responsibility of specialised search groups, which are coordinated by the relevant state bodies and units of the Armed Forces of Ukraine. The primary tasks of these groups include the collection of information on potential burial sites, the surveying of the area, and the organisation of search operations. They are also responsible for the retrieval of the remains of the deceased and their fragments, and the subsequent transfer of remains to forensic institutions for examination. A particular emphasis is placed on the collection of body fragments, which frequently remain following substantial artillery shelling, bombings, or beneath the rubble of destroyed structures. These fragments are then submitted for forensic examination, where DNA analysis and other molecular genetic research are conducted to ensure high-precision identification, even in complex cases.

One of the major challenges is the difficulty of accessing reliable information about possible burial sites. While historical and archival research is traditionally used to determine the circumstances of death and burial locations, this proves to be insufficiently effective in the context of modern warfare. While eyewitness testimony is an important source of information, it can be inaccurate or fragmented due to the stressful conditions under which it is given. As a result, modern technologies that enable searches in complex environments are becoming increasingly important.

Ground-penetrating radar (GPR) studies are among the most efficacious technologies employed for the detection of burial sites. This method utilises electromagnetic radiation to analyse soil structure and discern disturbances, which may signify burial sites. GPR is particularly advantageous in cases where burial sites have been deliberately concealed, as is frequently the case in active combat zones or occupied territories. The employment of drones, equipped with high-resolution cameras and thermal imaging sensors, facilitates comprehensive aerial imaging of the terrain. This assists in the identification of anomalies characteristic of burial sites and the monitoring of landscape changes that may signal recent excavations. Satellite monitoring constitutes a further promising tool in search operations. The analysis of high-resolution satellite imagery enables specialists to discern surface changes that may indicate mass burials. This method is especially pertinent in de-occupied

areas, where access to on-ground data is only possible following the cessation of hostilities.

A crucial element of search operations pertains to the assurance of the safety of specialists engaged in these tasks. A substantial proportion of search efforts is undertaken in areas that may still contain unexploded ordnance (UXO), including landmines, unexploded shells, or remnants of minefields. It is widely acknowledged that mine hazards constitute a primary challenge in de-occupied territories of Ukraine. Consequently, the legal imperative for mandatory demining of search areas prior to the commencement of operations is a pivotal step.

Explosive ordnance disposal (EOD) specialists assigned to such operations are responsible for clearing areas of explosives, marking danger zones and supervising safety measures during search operations. The organisation of search operations also requires strict compliance with occupational safety standards. Search teams must be equipped with all the necessary protective gear, including special protective clothing, specialised search and excavation equipment, and reliable communication tools. Prior to commencing each stage of the search process, it is imperative that personnel undergo pre-operational training and briefings. It is of particular importance to pay close attention to winter operations, as low temperatures and severe weather conditions have the potential to impede the execution of tasks.

In light of the aforementioned factors, effective coordination between search teams, local authorities, military units, and emergency services is imperative to ensure the successful execution of search, exhumation, and reburial operations.

Another important aspect is to ensure transparency and efficiency in the organisation of search operations. Modern technology allows for the detailed recording of search results, the creation of databases with photographic and video documentation, and the systematic recording of discovered remains and burial sites. This approach not only enhances organisational efficiency, but also ensures legal accuracy, which is crucial in the context of possible legal proceedings or war crimes investigations.

In the context of military operations in Ukraine, where the deceased are frequently discovered in mass graves or beneath the rubble of destroyed buildings, the transparency of search operations assumes particular significance. The utilisation of contemporary databases enables the systematisation of information pertaining to burial sites, the condition of the bodies, and the outcomes of identification procedures. This significantly facilitates the process for relatives seeking information about their missing loved ones. This issue assumes particular significance in cases where the deaths are associated with potential war crimes.

The jurisprudence of the European Court of Human Rights (ECHR) underscores the significance of striking a balance between the efficacy of investigative measures and the safeguarding of private and familial autonomy, as enshrined in Article 8 of the European Convention on Human Rights. In the case of *Solska and Rybicka v. Poland*, the ECHR ruled that exhumation may be justified even against the objections of relatives if it is necessary for an effective investigation. However, the Court emphasised that national legislation must provide adequate safeguards against arbitrary decisions, including the obligation to assess whether the investigative objective can be achieved by less intrusive means.

This approach is of particular pertinence in the context of the war in Ukraine, where there is often a necessity for exhumations from mass graves or unmarked burial sites. In order to ensure the legality and ethical compliance of such actions, it is crucial to strictly adhere to the procedural requirements established in the Criminal Procedure Code of Ukraine. Simultaneously, transparency in documenting the results of search operations helps to minimise the risks of speculation or manipulation, which may arise in a complex socio-political environment.

Moreover, the jurisprudence of the European Court of Human Rights (ECHR) underscores the significance of respecting the dignity of the deceased, even within the context of criminal proceedings. In the case of *Parris v. Cyprus*, the Court noted that while the use of evidence obtained in violation of national law does not automatically render proceedings unfair, the state must provide adequate safeguards during exhumation and forensic examination. In the Ukrainian context, this entails not only adherence to legal procedures but also meticulous documentation of every stage of search operations.

The execution of search operations is contingent on adequate funding. In the prevailing circumstances, the state budget is frequently encumbered by defence expenditures, necessitating the identification of alternative sources of financing. The involvement of international organisations, such as the Red Cross, and humanitarian aid from other countries can provide substantial support in this regard.

The reburial of exhumed remains of individuals who perished due to armed conflicts, deportations, or political repressions is a complex procedure that involves several stages and is regulated by the current legal framework of Ukraine. The primary document governing such actions is the Temporary Procedure for the Search, Exhumation, and Reburial of the Remains of Persons Who Died as a Result of Wars, Deportations, and Political Repressions, and the Arrangement of Their Burial Places, developed based on the Comprehensive Program for the Search and Arrangement of Burials of Victims of War and Political

Repressions, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1867 of December 20, 2000 ('The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Comprehensive Program for the Search and Arrangement of Burial Places of War Victims and Political Repressions", 2000). Further regulations are implemented in accordance with the Law of Ukraine "On Burial and Funeral Affairs" of July 10, 2003, No. 1102-IV, as well as international treaties, in cases involving the remains of foreign citizens. The reburial process is meticulously orchestrated, ensuring a sequential progression of actions that guarantee transparency, adherence to legal norms, and the preservation of the deceased's memory.

The initiation of the reburial procedure constitutes the first and fundamental stage. Such an initiative may be instigated by various entities, including state authorities operating through authorised specialised enterprises. Such enterprises may be municipal or state organisations engaged in exhumation and reburial, relatives of the deceased who submit a petition to local authorities, or foreign state bodies in the case of reburial of foreign citizens' remains. At this stage, a package of documents is prepared, including:

1. An exhumation report, which confirms the removal of the remains from the burial site and describes their condition.

2. A written request stating the reasons for the reinterment, the place of future burial, justification of the procedure and sources of funding.

Permission documentation is a key element of the procedure. A reinterment permit is issued by the relevant authorities, depending on the jurisdiction:

- Local self-government bodies or executive authorities, if the reinterment is carried out within the same administrative-territorial unit.
- The State Interagency Commission on Commemoration of War Victims and Political Repressions, in cases where the reinterment has an interregional or international character.

The regulatory basis for this stage is outlined in the Law of Ukraine "On Burial and Funeral Affairs" and the Procedure for the Reinterment at the National Military Memorial Cemetery of the Deceased Persons Who Defended the Independence, Sovereignty, and Territorial Integrity of Ukraine and Were Buried in the Temporarily Occupied Territories (After Their Liberation). In order to obtain a permit, it is necessary to provide justification confirming the legality and necessity of the procedure, as well as to coordinate the burial site with the relevant authorities.

The preparatory stage involves a series of measures that are executed by authorised enterprises specialising in such operations. Preparation involves the following:

1. Transportation of the remains to a new burial site in compliance with the sanitary and epidemiological

standards established by the Law of Ukraine "On Ensuring the Sanitary and Epidemiological Well-Being of the Population".

2. Preparation of the burial site, including digging graves, landscaping and providing the necessary ritual equipment.

3. Organisation of ritual ceremonies in accordance with national, cultural and religious traditions.

At this juncture, adherence to safety protocols is imperative, particularly in contexts involving the presence of unexploded ordnance. Operations are initiated only subsequent to a comprehensive inspection of the area by explosive ordnance disposal services.

The remains are reinterred in accordance with established standards and norms. This stage includes the following:

1. Burial of remains in cemeteries officially registered with local authorities.

2. Observance of religious ceremonies and rituals at the request of relatives or according to national traditions.

3. Coordination of the reinterment of the remains of foreign citizens with the relevant states through their diplomatic missions.

Completes the final documentation procedure. After the reinterment, the following documents are prepared:

1. A reinterment report containing information about the burial site, condition of the remains, details of the work performed and the responsible persons.

2. Approval of the protocol by local authorities or the State Interagency Commission and its entry into official registers.

The commemoration of the deceased represents the final stage of the process and involves the arrangement of graves, the installation of memorial signs or tombstones, and the entry of information into national and local burial registries. This ensures the preservation of the memory of the deceased and reflects respect for the victims of historical tragedies.

The ongoing armed conflict has given rise to a considerable humanitarian crisis, characterised by the urgent need to locate, exhume, and reinter the remains of the deceased. The precise number of casualties from 2022 to the present remains uncertain; however, data from 2014 to February 2022 offers a valuable indication of the magnitude of losses and the extent of the undertaking. As of February 2017, 16 unknown soldiers were buried at the Starobilsk Cemetery, 76 at the Kushuhumske Cemetery in Zaporizhzhia, and over 100 at the Krasnopillya Cemetery in Dnipro. In total, approximately one thousand fallen soldiers remained unidentified or had not been located. By early July 2017, 119 soldiers had been interred at the Kushuhumske Cemetery, of whom 74 remained unidentified. Among the servicemen of the Ukrainian Armed Forces, 93 were reported missing, half of whom

remain unidentified despite the availability of bodies for DNA identification.

In 2020, the "Evacuation 200" project recovered 223 bodies or their fragments, of which only 6 were transported from temporarily occupied territories. Since 2014, a total of 1,736 bodies have been recovered under this project, of which 865 have been handed over to relatives for final burial (Losses of Ukrainian Security Forces Due to the Russian Invasion of Ukraine. Wikipedia, 2024).

3. Financial Support for Exhumation and Reinterment of Persons Who Perished as a Result of War, Deportation and Political Repression

The financial provisions for exhumation and reburial procedures of individuals who perished as a result of war, deportations, or political repressions are regulated by several legal instruments, including the Budget Code of Ukraine, the Law of Ukraine "On Burial and Funeral Affairs", and various bylaws, such as the Resolution of the Cabinet of Ministers of Ukraine No. 1867 of December 20, 2000. The prevailing legislation stipulates various funding mechanisms, encompassing state budget allocations, local budgets, international aid, and charitable donations. Nevertheless, contemporary challenges pertaining to the magnitude of warfare underscore the limitations of these prevailing mechanisms.

The state budget is the primary source of funding for exhumation and reburial activities. According to the Budget Code of Ukraine, these expenditures are classified as social and humanitarian expenses and are covered within approved budget programmes. The implementation of state programmes in this domain is the responsibility of central executive bodies, including the Ministry of Defence, the Ministry of Internal Affairs, and the Ministry for Reintegration of Temporarily Occupied Territories. The primary objective of these bodies is to secure financial resources for conducting exhumation and reburial procedures, with a particular focus on territories affected by hostilities or previously under occupation.

Local self-government bodies also play a pivotal role in the funding and organisation of reburials. According to Article 9 of the Law of Ukraine "On Burial and Funeral Affairs", local authorities are responsible for burial-related activities within their controlled territories.

In accordance with the Law of Ukraine "On the Legal Regime of Martial Law", specifically Article 15, military administrations are assigned critical functions that have a direct impact on the search, exhumation, and reburial of individuals who perished as a result of war-related actions. Primarily, military administrations are responsible for organising search operations

in liberated and temporarily occupied territories. This includes coordinating search teams, mobilising resources and engaging specialists to locate burial sites. These efforts are particularly important in areas where infrastructure has been destroyed by hostilities or occupation, disrupting access to burial sites.

Military administrations also oversee the exhumation and reburial processes, ensuring compliance with ethical standards and legal procedures. As part of this responsibility, the administrations must create appropriate conditions for the removal of bodies from gravesites, their transportation and reburial in designated cemeteries, including the National Military Memorial Cemetery. They also coordinate efforts between central executive bodies, local self-government authorities and international organisations, such as the International Committee of the Red Cross, to secure resources and technology.

A pivotal responsibility of military administrations is the provision of permits for search and reburial operations. In accordance with Article 15, they are responsible for ensuring the legal documentation necessary for these activities, thereby facilitating their execution in accordance with legislative requirements. This is of particular pertinence in the context of mass burial sites discovered in liberated territories.

Military administrations pay particular attention to safety during search operations. Given the high risk of landmines in liberated areas, they use explosive ordnance disposal (EOD) specialists to inspect and demine areas to minimise the risk to search teams.

Another critical task of military administrations is to monitor the financing and utilisation of resources. They are responsible for overseeing expenditures for exhumation and reburial activities, ensuring financial transparency, and reporting to central executive authorities. The absence of an effective resource allocation mechanism and inadequate coordination among stakeholders complicates these processes, necessitating greater attention to the elimination of inefficiencies (The Law of Ukraine "On the Legal Regime of Martial Law", 2015).

4. Proposals for Improving the Legal Framework of Ukraine Regulating the Search, Exhumation and Reinterment of Human Remains

Notwithstanding the extant regulatory framework, the prevailing challenges associated with the implementation of martial law in Ukraine underscore the necessity for the adaptation of legislation to the prevailing conditions under which exhumation and reburial of human remains are conducted. The primary areas for enhancement pertain to the assurance of procedural flexibility, the enhancement of financial mechanisms, and the implementation of contemporary technologies.

The prevailing circumstances necessitate an amendment to the Law of Ukraine "On Burial and Funeral Affairs" to align with the challenges posed by wartime contexts, wherein exhumation and reinterment procedures may be rendered arduous by restricted access to affected areas or the imperative for prompt decision-making. Therefore, it is proposed to amend Article 23 of this law by adding the following provisions:

- Granting local self-government bodies the right to apply simplified procedures for approving reburials under martial law or a state of emergency.
- Determine the mechanisms for exhumation in the liberated territories, taking into account the need for urgent identification of the deceased.
- Facilitate the transfer of remains to relatives or relevant state authorities, subject to fundamental ethical and sanitary standards.

The proposed amendments are designed to expedite the process of exhumation and reburial, with a particular focus on cases involving mass graves, which are often encountered in areas that have been previously occupied.

The exhumation and reburial procedures require significant financial resources, which exceed the capabilities of the state budget during wartime. In order to address this issue, it is recommended that a specialised fund be established, as has been successfully implemented in numerous European countries, including Germany. It is proposed to amend the Budget Code of Ukraine, supplementing it with a provision to create a special budget program titled "Funding for Exhumation and Reburial of War Victims".

The sources of funding for this fund may include:

1. Budget allocations directed at humanitarian programs.
2. Charitable contributions from individuals and public organisations.
3. International assistance, in particular from organisations such as the International Organisation.

The distribution of funds from this programme should be subject to regulation by a separate resolution of the Cabinet of Ministers of Ukraine, which would need to specify the financing procedures for specific activities.

In order to enhance the efficiency of search operations, identification, and transportation of remains, it is recommended that modern technologies be implemented, which are widely used in international practice. It is proposed to amend the Law of Ukraine "On Burial and Funeral Affairs", adding provisions for:

1. Use of ground penetrating radar, high-resolution drones and satellite monitoring to locate graves in hard-to-reach or hidden locations.
2. Mandatory DNA testing for identification of the dead with centralised records in a national database.

3. Development of digital registers to document the results of exhumation and reburial, ensuring transparency of the procedure.

The implementation of these changes will result in a substantial enhancement of the speed and accuracy of identifying the deceased, thereby reducing the risks for specialists carrying out these tasks.

The involvement of the international community in exhumation and reburial activities is a key element of Ukraine's humanitarian policy. Co-operation with organisations such as the International Committee of the Red Cross ensures not only financial support, but also access to advanced methods and technologies.

Therefore, it is proposed to:

1. Enshrine provisions in the Law of Ukraine "On International Treaties of Ukraine" that allow for the conclusion of international agreements on funding and methodological support for exhumation and reburial procedures.

2. The development of standards for collaborative endeavours between international and national search groups is imperative to ensure the harmonisation of procedures and the facilitation of the repatriation of foreign citizens' remains.

3. It is recommended that the possibility of involving international experts in the development of national standards in this area be given due consideration.

The proposed amendments to national legislation are designed to facilitate the adaptation of the legal framework to contemporary challenges associated with war. This will be achieved by ensuring procedural flexibility, financial efficiency, and the adoption of advanced technologies. The improvement of the legal framework will contribute to the fulfilment of humanitarian objectives, the upholding of the rights of the relatives of the deceased, and the increase in the transparency of governmental activities. Furthermore, co-operation with international partners will be a key instrument for integrating Ukraine into global humanitarian initiatives.

It is also important to emphasise that under martial law, the number of military and civilian casualties has increased significantly, requiring large-scale funding for extensive and urgent programmes. At the same time, funding is complicated by the burden of defence and social spending on national and local budgets. This underscores the need to secure international assistance and create specialised funds to support exhumation and reburial efforts.

Thus, financial support for exhumation and reburial is a multi-faceted process involving state, local and international resources. Proper organisation of these resources will facilitate the realisation of citizens' rights, the fulfilment of Ukraine's international obligations, and the preservation of the memory of the victims of war and repression.

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