

Mechanisms for Fabricating Criminal Cases Against Ukrainian Citizens in the Russian Federation

BRIEFING

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List of Abbreviations

ENGLISH ABBREVIATIONS

AFU — Armed Forces of Ukraine

CC — Criminal Code

DPR — self-proclaimed “Donetsk People’s Republic”

EMERCOM — Ministry of Emergency Situations (Russia)

FSB — Federal Security Service of the Russian Federation

HUR — Main Directorate of Intelligence of the Ministry of Defence of Ukraine

ICC — International Criminal Court

ICRC — International Committee of the Red Cross

LPR — self-proclaimed “Luhansk People’s Republic”

LPR/DPR — collective designation for the self-proclaimed LPR and DPR

MIA — Ministry of Internal Affairs

NGU — National Guard of Ukraine

NPP — nuclear power plant

OHCHR — Office of the United Nations High Commissioner for Human Rights

RF — Russian Federation

SBU — Security Service of Ukraine

SIZO — pre-trial detention facility (следственный изолятор)

UN — United Nations

SELECTED RUSSIAN ABBREVIATIONS USED IN CONTEXT

FZ — federal law (федеральный закон)

UK RF — Criminal Code of the Russian Federation (Уголовный кодекс РФ)

Introduction

During Russia's full-scale invasion of Ukraine, which began on 24 February 2022, Russian forces occupied significant parts of four Ukrainian regions — Donetsk, Luhansk, Zaporizhzhia, and Kherson. On 30 September 2022, the Russian authorities staged formal referendums in the newly occupied territories, declared them constituent entities of the Russian Federation, and introduced corresponding amendments to the Russian Constitution. Under international law, however, these territories continue to be regarded as occupied within the meaning of Article 42 of the 1907 Hague Regulations, and their annexation has not been recognized by the international community (see, for example, UN General Assembly Resolution ES-11/4 and subsequent resolutions). Nevertheless, by the autumn of 2022, a process of rapid integration of the occupied territories into the Russian legal system had already begun.

The adopted regulatory acts, including amendments to federal legislation, made it possible to extend the application of Russian criminal and criminal procedural law to these territories through a simplified procedure, despite the fact that, under Article 64 of the Fourth Geneva Convention, an occupying power is generally required to maintain the existing legislation of the occupied territory and may introduce its own criminal legislation only to the limited extent necessary to ensure security. Thus, on 31 July 2023, the President of Russia signed Federal Law No. 395-FZ, which enabled the accelerated and simplified replacement of the criminal and procedural legislation of Ukraine, as well as that of the self-proclaimed "Luhansk People's Republic" (LPR) and "Donetsk People's Republic" (DPR), with corresponding provisions of Russian law in the course of criminal proceedings. A key feature of this law was the introduction of retroactive criminalization of certain acts committed before the formal "incorporation" of these territories into the Russian Federation, in violation of the universal principle of *nullum crimen sine lege* ("no crime without law"), enshrined in both domestic and international legal instruments, including Article 15 of the International Covenant on Civil and Political Rights and Article 7 of the European Convention on Human Rights.

As a result, actions that were previously lawful under Ukrainian law are now treated as criminal offenses under Russian legislation if they are interpreted as being directed against the interests of Russia or Russia-controlled entities. This creates a situation of legal conflict in which conduct lawful under Ukrainian law becomes retrospectively punishable under Russian law.

For example, pursuant to Federal Law No. 359-FZ, acts committed before 30 September 2022 in the territories of the so-called "LPR" and "DPR," as well as the Zaporizhzhia and Kherson regions, against the interests of Russia, the LPR, the DPR, or citizens of the LPR/DPR, are recognized as crimes under the Russian Criminal Code, despite the absence of internationally recognized Russian jurisdiction over

these territories. At the same time, acts classified as criminal under Ukrainian law, if committed in these territories but in the interests of Russia or the self-proclaimed LPR and DPR, are not treated as criminal offenses and are not subject to prosecution under the Russian Criminal Code.

This federal law enabled the establishment of a mechanism for fabricating criminal cases (described in international practice as the fabrication of charges and often accompanied by arbitrary detention) against Ukrainian citizens who found themselves in Russian captivity or who were detained or abducted for the purpose of subsequent criminal prosecution in the occupied territories.

Mechanisms for Fabricating Criminal Cases

An analysis of law enforcement practices reveals a consistent pattern of criminal prosecution involving several successive stages.

Abductions and Incommunicado Detention

In most cases, the first stage is the detention of an individual. In many instances, these detentions effectively amount to abductions: state agents carrying out the detention do not identify themselves, do not present any documents, and in some cases conceal their faces with masks. The detainee then effectively “disappears,” being held without any formal procedural status, without notification of relatives, and without access to legal counsel.

In some cases, detentions occur spontaneously, following denunciations by local residents. More often, however, they take place during so-called filtration procedures. “Filtration” is a term used to describe the screening practices imposed on civilians in Ukrainian territories under Russian control. Available evidence suggests that these procedures are used as instruments of verification, control, and segregation and may be accompanied by serious human rights violations.

As a rule, filtration procedures involve several layers of screening. At the initial stage, which may take place either within the occupied territory itself or when attempting to leave it, individuals are subjected to preliminary checks that include questioning, document verification, inspection of mobile devices and their contents, collection of personal data, searches of personal belongings and the body (including checks for tattoos), as well as cross-checking against available databases.

Based on the results of these checks, individuals are assessed for their degree of “loyalty” or suspected connections to Ukrainian state institutions. Depending on the outcome, Ukrainian civilians may:

- be allowed to continue their movement;
- be subjected to additional screening or temporary detention;
- be held for longer periods of time;
- be subjected to violence, ill-treatment, or forced transfer.

According to human rights organizations, more coercive procedures are carried out in specially equipped filtration points or detention facilities. There, detainees may undergo repeated interrogations, biometric data collection (including fingerprinting and photographic registration), as well as examinations of their contacts and digital information. In a number of documented cases, physical and psychological pressure, including torture, has been used.

There have also been reports of individuals being held incommunicado for prolonged periods, making it difficult to determine their whereabouts or legal status. Such individuals are at risk of enforced disappearance, torture, and criminal prosecution.

According to estimates by the Ukrainian Parliament Commissioner for Human Rights, Dmytro Lubinets, more than 16,000 civilians¹ may currently be detained in Russia and in the occupied territories of Ukraine. These figures are based on information available to the Ukrainian authorities and may be revised as new information emerges.

Incommunicado detention may persist for several weeks, several months, or even more than three years, thereby constituting a continuing internationally wrongful act. During this time, the abducted person is completely isolated from the outside world. In practice, this creates a situation of enforced disappearance which, when committed on a widespread or systematic basis, may amount to a crime against humanity under Article 7 of the Rome Statute of the International Criminal Court. In such cases, state authorities deny the detention or refuse to disclose information concerning the fate or whereabouts of the individual. Throughout this entire period, relatives often do not know whether their loved one is alive.

There are three principal scenarios through which a person may eventually emerge from incommunicado detention.

First scenario

The first scenario is the person's formal incorporation into the Russian legal system through the initiation of criminal proceedings and the filing of criminal charges.

In such cases, a period of secret detention is followed by the detainee's formal "legalization" within the framework of a criminal case. One mechanism used to

¹ В российской неволе находится более 16 тысяч украинских гражданских — Лубинец / ZMINA ("More than 16,000 Ukrainian civilians are being held in Russian captivity" — Lubinets / ZMINA). URL: <https://zmina.info/ru/news-ru/v-rossijskoj-nevole-nahoditsya-bolee-16-tysyach-ukrainskih-grazhdanskih-lubinecz/>

achieve this involves penitentiary officials drafting reports claiming to have discovered indications of a criminal offense in the actions of a person already being held in custody. This typically occurs when a decision is made to open a criminal case and to bring the detainee into the public sphere of the Russian criminal justice system.


Without providing substantive details, the operative officer describes the circumstances of the alleged offense that allegedly “came to light during operational activities.”

These reports then serve as the basis for initiating criminal proceedings, allowing the authorities to retroactively assign procedural status to a previously abducted individual. In doing so, they circumvent criminal procedural safeguards governing detention time limits and the conditions under which suspects may be held in custody, while also violating the right to judicial review of deprivation of liberty.

In this way, an unlawful deprivation of liberty is transformed into what appears to be a lawful criminal prosecution. This process of “defreezing” detainees—as it is reportedly referred to in the jargon of Russian security and law enforcement agencies—reduces the burden on investigative authorities while simultaneously lending an appearance of legality and legitimacy to the criminal prosecution of citizens of another state in the context of Russia’s ongoing full-scale invasion of that state’s territory. This practice has been described in international literature as a form of simulation of legality.

Second scenario

The second scenario involves the Russian authorities officially acknowledging that a person has been detained, typically using the formula that the individual was apprehended “for obstructing the conduct of the special military operation.” In such cases, the Russian authorities do not disclose the detainee’s whereabouts but do confirm that the person is under their control.

 *Ihor Kolykhaiev*, the mayor of Kherson, was abducted on 28 June 2022 during the seizure of the Kherson City Council building by Russian military forces. Kolykhaiev had remained in the city after its occupation by the Russian army, refused to cooperate with the occupation administration, and continued to provide Ukrainian media outlets with information about developments in the occupied city.

The Russian state news agency RIA Novosti described his detention as a “neutralization” and referred to Kolykhaiev as a “hero for the Nazi milieu,” indicating a politically motivated characterization of his activities.

In 2023, the International Committee of the Red Cross (ICRC) confirmed that Kolykhaiev was being held in detention. In November 2024, the Russian Ministry of Defence formally confirmed in writing that he had been detained “for obstructing the special military operation” and advised his relatives to contact the ICRC, which, “in accordance with the Geneva Conventions,” would facilitate correspondence with the detainee. However, the ICRC did not respond to numerous inquiries submitted by Kolykhaiev’s family. Letters sent by his son through the ICRC also went unanswered.


The absence of responses or follow-up action by the ICRC in many documented cases raises concerns about the challenges the organization may face in carrying out its humanitarian mandate. These difficulties further prolong the suffering of detainees and the uncertainty endured by their families.


In particular:

- Failure to facilitate family contact. Under the Geneva Conventions, one of the ICRC's core functions is to facilitate communication between detainees and their families. In practice, however, many families remain in complete uncertainty regarding the fate of their loved ones and receive no guidance on possible next steps.
- Lack of transparency regarding information received. If the ICRC has in fact received information from Russian authorities concerning these detainees, its refusal to confirm or transmit any information deprives families of the ability to establish even the most basic facts regarding their relatives' status and whereabouts.
- Potential obstruction to humanitarian assistance. In cases where families attempt to send letters or parcels, the absence of ICRC involvement effectively isolates detainees from outside support, undermining the fundamental humanitarian principles that the organization is mandated to uphold.

Third scenario

Indefinite incommunicado detention.

 In March 2022, *Sniezhana Kozlova*, a Ukrainian civilian, left Mariupol together with her minor son, *Oleksandr Radchuk*, who had sustained a serious eye injury, in order to seek medical treatment for him in Donetsk. In the settlement of *Bezymenne*, they were stopped and directed to a filtration point. According to *Oleksandr*, his mother was questioned there by personnel of the Russian Ministry of Emergency Situations (EMERCOM). Information about both of them, as well as the contents of the interviews, was entered into a computer database. Later that same day, unknown armed men took *Sniezhana Kozlova* away to an undisclosed location. The boy was transferred to a hospital in Donetsk and was later collected by his grandmother. Since then, the fate and whereabouts of *Sniezhana Kozlova* have remained unknown.

 *Volodymyr Manuilov* and *Serhii Tymoshev*, both members of the Armed Forces of Ukraine, were taken prisoner while leaving the *Azovstal* steel plant. Their whereabouts remain unknown to this day. All inquiries and requests submitted by their relatives and legal representatives to the authorities of the Russian Federation and the occupied territories have gone unanswered. At the same time, there is a photograph of *Tymoshev* holding a numbered identification board (No. 796), taken after the explosion in Barrack No. 200 of the penal colony in *Olenivka*. *Manuilov's* mother, a citizen of the Russian Federation, has stated that she confidently identified her son in a report by journalist

Ivlev for the Vesti Nedeli program on the Russia 1 television channel, which featured Ukrainian prisoners of war being held in the Smolensk region (Vyazma).

Under this third scenario, the risks to the life and physical integrity of the detained or abducted person increase dramatically, and there are grounds to fear the worst possible outcome, particularly in cases involving civilians. There have been documented instances in which the bodies of previously abducted individuals were returned as part of prisoner-of-war exchanges.

Residents of the Kherson region *Yevhen Oleksandrovykh Revak* (born 19 August 1990) and *Oleksandr Oleksandrovykh Revak* (born 30 August 1985) were detained during a filtration operation and taken away from the center of their village on 5 March 2022 during the occupation. Both were civilians and had no affiliation with Ukrainian law enforcement agencies or the armed forces. According to Yevhen's wife, "On 7 March, friends of Oleksandr called his phone number, and a serviceman of the Russian Armed Forces again confirmed that they were being held, ominously adding that they would be 'dealt with appropriately.'" In the summer of 2024, the bodies of both men were discovered near Chornobaivka Airport, where they were awaiting DNA identification. In June 2025, the family was informed that the remains had been positively identified as those of the abducted men.

In cases such as these, even where there are clear grounds for preliminary inquiries and criminal investigations aimed at establishing the circumstances of a disappearance, the competent authorities – including investigative bodies and courts – ignore requests submitted by relatives and lawyers through the procedures provided by law.

Ukrainian citizens *Roman Matviichenko* and *Oleksii Brazhnyk* worked at the Zaporizhzhia Nuclear Power Plant (hereinafter — NPP). Following the plant's takeover by Russian armed forces in March 2022, both men were detained by armed representatives of the Russian Federation, allegedly on suspicion of cooperating with Ukrainian intelligence services. According to video footage published by the Russian state news agency RIA Novosti, Brazhnyk and Matviichenko were "deported" from the territory of the Zaporizhzhia region. In the videos, unidentified masked individuals read aloud, in Russian, the text of a purported "decision" by an unidentified authority ordering their expulsion. The footage does not identify the location or boundaries of the alleged "border zone" where the deportation was carried out, and the security officer announcing the decision does not identify himself.

According to information from Ukraine's Coordination Headquarters for the Treatment of Prisoners of War, Brazhnyk and Matviichenko are being held in captivity. Former detainees have reported that the two men were forced to perform labor for Russian armed forces before being transferred to a pre-trial detention facility in Taganrog. Their current whereabouts remain unknown.

In cases of this nature, relatives and their representatives submit numerous inquiries to the Russian authorities. However, responses are either not provided at all or are purely formalistic and contain no information regarding the detainees' whereabouts, legal status, or health condition.

In a number of cases, complaints have been filed seeking the opening of criminal investigations into enforced disappearances and possible killings. Under Russian law, such complaints must be reviewed within a reasonable period, generally not exceeding one month, and must result either in the initiation of criminal proceedings or in a reasoned decision refusing to do so. In practice, however, investigative authorities frequently fail to carry out the necessary preliminary inquiries, neglect obvious investigative measures, and refrain from issuing any procedural decisions.

Some applicants have challenged this inaction before the courts. Yet no judicial decisions have been issued in response to these complaints. This pattern suggests a coordinated failure across the Russian legal system to investigate crimes committed against Ukrainian citizens. It is sustained through the systematic disregard of requests submitted by victims' representatives, procedural delays, and the effective refusal to undertake basic and readily available investigative steps.

Torture and Coerced "Confessions"

Incommunicado detention creates extensive opportunities for the use of torture, cruel, inhuman, or degrading treatment, psychological pressure, and threats.

Available evidence points to the systematic use of:

- physical violence (beatings, torture with electric shocks);
- sexualized violence;
- psychological coercion;
- threats against family members;
- mock executions and other forms of intimidation.

Where an individual is intended to be "defrozen" and "legalized" through the initiation of criminal proceedings, the purpose of torture extends beyond punishment and ill-treatment. It is also used to extract "confessions," which are later relied upon as the primary evidence in criminal cases.

Confessions obtained in this manner are subsequently formalized through procedural documents, often in the presence of state-appointed defense lawyers, and later serve as the basis for convictions, regardless of whether the accused subsequently retracts those statements.

According to the criminal case materials reviewed for this report, during periods of incommunicado detention, suspects and defendants invariably appear to "decline" contact with their families and "agree" to representation by court-appointed counsel. In

the presence of such counsel, they provide incriminating statements in Russian, despite the fact that many are accused of particularly serious offenses allegedly motivated by hostility toward Russia and everything Russian, including the Russian language itself.

These interrogation records subsequently form the foundation of convictions, irrespective of the position later taken by defendants at trial. In violation of both the Constitution of the Russian Federation and its procedural safeguards, courts routinely rely on written statements obtained outside lawful procedural frameworks and signed by individuals who were deprived of contact with the outside world and denied access to independent legal representation.

Judicial Proceedings as a Mere Formality

In most cases, the judicial phase is largely a formality rather than a genuine mechanism for ensuring justice and due process. Common features include:

- reliance on evidence obtained through unlawful means;
- the absence of effective pre-trial investigations, judicial scrutiny, or review of allegations that evidence was obtained through torture;
- systematic violations of the right to defense;
- expedited proceedings in cases involving particularly serious charges, in violation of defendants' procedural rights;
- violations of the right to a public hearing, despite the absence of legitimate grounds for closed court sessions;
- the use of videoconferencing instead of personal appearance in cases involving especially serious criminal charges.

As a result, courts effectively endorse and formalize materials collected during the investigation stage without subjecting them to meaningful scrutiny. Extrajudicial detentions and abductions, followed by their subsequent "legalization" through criminal proceedings, are thus given a veneer of legitimacy within the justice system.

As noted above, in the vast majority of cases defendants had previously been held incommunicado for varying periods of time, ranging from several months to as long as three years. This fact alone calls into question the reliability and admissibility of any evidence obtained during the preliminary investigation.

Nevertheless, courts routinely disregard these circumstances. They ignore not only defendants' allegations that they were subjected to torture and other prohibited methods of coercion during the investigative stage, but also objective and readily apparent indications that such methods were used.

During the criminal proceedings against nine Ukrainian civilians — *Oleh Bohdanov, Serhii Heidt, Serhii Kabakov, Yurii Kaiev, Serhii Kovalskyi, Denys Lialko, Serhii Ofitserov, Kostiantyn Reznik, and Yurii Tavozhnianskyi* — who were accused of attempting to assassinate officials of the occupation administration in the Kherson region, it was established, and effectively acknowledged by the court, that following their abduction they had been held in a secret detention facility for more than two months (from July until 4 October 2022) without any judicially authorized preventive measure and without being granted any formal procedural status.

During this period, evidence later used to secure their convictions was fabricated through coercion, including by forcing the detainees to participate in staged investigative and operational reenactments. While being held in the secret prison, the detainees created hidden caches in which they left records of their presence and the abuses they had endured. Following the liberation of Kherson, these materials became part of the basis for the opening of a criminal investigation in Ukraine into the circumstances of their detention.

Although an attempt was made to destroy evidence of the crimes by blowing up the building of the National Police, a substantial portion of the basement where the so-called “Kherson Nine” and other detainees had been held survived, together with the contents of the hidden caches.

During the trial, operational officers who testified as witnesses confirmed that, from late July until early October 2022, the defendants had been detained without a court order and without any formal procedural status in a location inaccessible to third parties — the basement of the National Police building of the Ministry of Internal Affairs in the Kherson region.

Moreover, by issuing a conviction based on this evidence, the court both formally and substantively acknowledged the defendants’ unlawful detention. Officially, all nine defendants were recorded as having been arrested on 6 October 2022 in Simferopol, where they had been transferred one day before Kherson was liberated by the Armed Forces of Ukraine. However, when calculating their sentences, the court ordered that time served be counted from the date of their actual apprehension — between 16 July and 3 August 2022 — more than two months before their officially recorded arrest.

Thus, the Russian court legally recognized the fact of detention in an unlawful prison for more than two months while simultaneously relying on evidence fabricated during that period to support the convictions.

Oleksandr Pohorielov (born 1978) was detained by the authorities of the self-proclaimed “Donetsk People’s Republic” (DPR) and has remained in custody since December 2016. Only six years later was he convicted by the Southern District Military Court in Rostov-on-Don on charges of attempting to assassinate DPR leaders

Aleksandr Zakharchenko and Vyacheslav Vydrin, as well as participating in the killing of Arsen Pavlov (“Motorola”), commander of the Sparta Battalion.

In reaching its verdict, the court relied almost exclusively on interrogation records produced by the prosecutor’s office of the self-proclaimed DPR. These interrogations were conducted without the presence of legal counsel and were later repudiated by Pohorielov during trial. He maintained that the statements had been extracted through prolonged torture and psychological coercion, including pressure exerted through his close family members.

During the proceedings, Pohorielov provided detailed testimony regarding the time, place, and circumstances of the torture. These allegations were supported by materials contained in the case file, including a forensic medical examination documenting multiple rib fractures sustained after his detention.

Pohorielov also alleged that his mother had effectively been taken hostage. This claim is likewise supported by case materials, including a record of her administrative detention issued immediately after her son’s arrest. The document contains no indication of lawful grounds for holding an elderly woman with no prior history of legal violations in custody for thirty days.

Thus, courts disregard allegations of torture even when supported by direct or circumstantial evidence.

Another recurring violation concerns the denial of public hearings without adequate justification. Judicial practice demonstrates numerous instances in which criminal proceedings have been closed to the public on the grounds that the case materials allegedly contain state secrets, even where such claims appear unfounded.

Defendants are accused of transmitting information regarding the movements or locations of Russian military units to Ukrainian intelligence services. Yet the indictments themselves often state that the information in question had already been communicated to the alleged recipient and can no longer be classified as a state secret at all.

According to the factual findings set out in the judgment, on 26 September 2022 *Ivan Zabavskiy*, allegedly acting on instructions from an officer of the Security Service of Ukraine (SBU), transmitted text messages and screenshots of maps indicating the locations of Russian military personnel, weapons, and military equipment in the village of Tavalzhanka, Dvurechenski District, Kharkiv Region, Ukraine (as stated in the case materials). Without addressing the question of why a Ukrainian citizen would be expected to protect the state secrets of the Russian Federation while on the territory of the Kharkiv region — which, according even to Russia’s own official position, remains part of Ukraine — it should be noted that the information in question necessarily lost any confidential status once it had been transmitted to the intended recipient. Accordingly, the legal basis for restricting the defendant’s rights, including by requiring defense counsel to obtain security clearance for access to allegedly classified materials, appears highly questionable.

Such measures not only undermine the right to a public hearing but may also exert pressure on defense lawyers, who are granted access to classified materials that often leads to restrictions on travel outside the Russian Federation.

Target Groups and the Logic of Criminal Prosecution of Captured Ukrainians

The development of a fictitious body of judicial practice targeting Ukrainian citizens serves several interconnected purposes.

First, it reflects the punitive logic of a system that seeks to punish and establish control over those perceived as resisting its authority.

Second, it serves a propaganda function by promoting the portrayal of Ukraine as a nationalist or “pro-fascist” state — an alleged “anti-Russia” — thereby helping to justify the full-scale invasion.

Third, it is intended to intimidate dissenting and disloyal populations in the occupied territories. For this reason, fabricated criminal prosecutions target both military personnel and civilians.

The prosecution of captured military personnel has been examined in detail in our report, “Azov’s ‘Honourable Captivity’: The System of Propaganda, Violence, and Judicial Persecution of Ukrainian National Guard Personnel in the Russian Federation.”

A significant proportion of prosecuted Ukrainian citizens did not participate in the armed conflict. This group includes both former military personnel who were no longer serving by February 2022 and individuals who were entirely civilian.

Monitoring of judicial practice indicates that a substantial number of those convicted and officially classified as “servicemen” were not active members of Ukraine’s security forces at the time of their detention. They had completed their military service before the start of the full-scale invasion and were living as civilians.

For example, Nazarii Hordeiev, Yaroslav Zhdamarov, Aleksandr Mukhin, Artem Hrebeshkov, Oleh Mizhhorodskyi, Oleh Zharkov, Oleh Tyshkul, and Anatolii Hrytsyk had all served at various times before 2022 in Military Unit No. 3057 of the National Guard of Ukraine. However, as of 24 February 2022, none of them was on active military service. They had left the armed forces for a variety of reasons, including retirement, the expiration of their contracts, or the completion of compulsory military service.

They were detained in different circumstances: some at their places of residence, others during filtration procedures, while some voluntarily presented themselves after learning that law enforcement authorities had expressed interest in them. None of them joined a terrorist organization, as neither the National Guard of Ukraine nor any of its units constitutes such an organization.

By signing military contracts between 2016 and 2021 or performing compulsory military service, they could not have known that the “Azov Regiment Volunteer Armed Formation” had been designated a terrorist organization by the so-called courts of the DPR. Moreover, they were issued identification documents as servicemen of Military Unit No. 3057 of the National Guard of Ukraine, not as members of a “volunteer formation.” At the same time, the Russian Federation itself, at the time of the alleged offenses, did not recognize either the legality of the judicial decisions of the self-proclaimed DPR or its legal personality.

The fabrication of criminal cases also affects individuals who have never had any connection to military service. Among them are:

- employees of critical infrastructure facilities (including personnel of nuclear power plants, doctors, and teachers);
- technical and maintenance staff working at military facilities;
- civil servants;
- residents of occupied territories deemed disloyal to the occupation authorities.

Some cases demonstrate the criminalization of ordinary professional activities, which are seen as participation in a terrorist organization or assistance to the enemy. For example, engineers at the Zaporizhzhia Nuclear Power Plant have been convicted of “terrorist activities” or “espionage” after refusing to cooperate with the Russian-appointed administration of the facility. Women employed as cooks at a boarding facility associated with the Azov Regiment were convicted of participation in a terrorist organization despite performing exclusively domestic and support functions.

▮ *Serhii Potyng* — an engineer at the Zaporizhzhia NPP — was prosecuted on charges of attempted commission of a terrorist act after refusing, as a Ukrainian citizen, to sign an employment contract with the plant’s new management appointed by the occupying authorities. Potyng was effectively detained on 21 June 2023 and remained incommunicado until 1 December 2023. Only on 22 December 2023 was he transferred to a pre-trial detention facility (SIZO) as a person formally held in custody within the framework of a criminal case. The criminal case materials and the court’s judgment confirm that Serhii Potyng had been under the control of Russian security services since 21 September 2023, and that his sentence of 20 years’ imprisonment is to be calculated from that date of actual detention. The authorities thus effectively acknowledge that

he was deprived of his liberty outside any legal procedural framework for more than two months during the pre-trial investigation. At the same time, it was precisely during this period of incommunicado detention that the criminal case was allegedly fabricated, torture was used, confessions and self-incriminating statements were coerced, and his rights to independent legal representation and legal assistance were violated.

In situations where the actual perpetrators of an offense are physically beyond the reach of the authorities, a pattern has emerged of prosecuting those who are accessible can be detained instead. Such individuals initially appear in proceedings as witnesses but are later transformed into defendants. Actions that form part of their ordinary professional activities are subsequently reinterpreted as participation in a crime, without establishing either the requisite mental element (*mens rea*) or criminal intent.

■ A striking example is the criminal case arising from the explosion on the *Crimean Bridge* on 8 October 2022. The Ukrainian authorities have neither denied nor concealed responsibility for the operation and have publicly acknowledged that it was carried out by the Security Service of Ukraine (SBU). Given that the Crimean Bridge is a heavily protected facility equipped with sophisticated screening systems, the perpetrators allegedly concealed explosive devices beneath layers of construction film. The devices were assembled outside the Russian Federation, disguised as construction materials, and transported to the bridge through the territories of third countries via a complex logistical route. It is evident that the individuals involved in transporting the cargo were not aware of its actual contents.

In this case, five Russian citizens, two Ukrainian citizens, and one Armenian citizen were prosecuted. According to the indictment, their role was limited to providing logistical support for the transportation of the cargo.

Initially, all of them were treated as witnesses. Their actions fell entirely within the scope of their ordinary commercial activities in the freight transportation sector. Following the explosion, none of them attempted to evade the authorities; on the contrary, they cooperated with the investigation. One of the convicted individuals, Antipov, voluntarily contacted the Federal Security Service (FSB) and, after receiving no response, personally appeared at a local FSB office to provide the information in his possession.

Despite this, all of these individuals were ultimately prosecuted. The judgment contains no evidence demonstrating criminal intent on their part and merely establishes that the offense itself occurred. The Crimean Bridge case thus serves as a striking example of a prosecution lacking both admissible and inadmissible evidence of individual guilt, while also illustrating the extent to which law enforcement and judicial decision-making may be influenced by political and reputational considerations.

It is likely for these reasons that the trial was closed to the public despite the absence of any genuine grounds related to state secrets or the security of the participants. All defendants were sentenced to life imprisonment².

A Special Category: Individuals Acting on Instructions from Ukrainian Security Services

Some of the defendants in the cases under review belong to a distinct category that may be described as civilians acting on instructions from Ukrainian intelligence or other security agencies in occupied territories. They are also referred to as “hidden combatants”.

These are Ukrainian citizens who, while not members of the regular armed forces, carried out tasks assigned by Ukrainian state authorities. Under international humanitarian law, such individuals may be regarded as lacking privileged combatant status and therefore may not enjoy immunity from criminal prosecution for their participation in hostilities. Nevertheless, they remain entitled to the minimum guarantees provided by Common Article 3 of the Geneva Conventions, as well as the protections afforded under relevant UN human rights mechanisms.

In other words, participation in hostilities does not relieve a state of its obligation to respect the fundamental guarantees established under international humanitarian law and international human rights law, including the prohibition of torture, the right to humane treatment, and the right to a fair trial.

Most of these individuals were detained or abducted by the de facto authorities of the so-called LPR and DPR, where criminal proceedings were initiated against them on serious and particularly serious charges. They were subsequently transferred to the territory of the Russian Federation, where their prosecution continued under Russian law.

The cumulative pattern of practices documented in their cases—including enforced disappearances, prolonged incommunicado detention, torture, coercion to provide self-incriminating statements, the use of confessions obtained under duress, and convictions based on such evidence—indicates conduct that may amount to grave breaches of the Geneva Conventions and war crimes.

Nearly all of these individuals were subjected for prolonged periods to torture and cruel, inhuman, or degrading treatment, and in some cases to sexualized violence. Many

² «Мы доказали, что невиновны». Не признавшие вину фигуранты дела о подрыве Крымского моста получили пожизненные сроки. Суд взыскивает с них 7 миллиардов рублей / Новая газета (“We Proved Our Innocence”: Defendants Who Maintained Their Innocence in the Crimean Bridge Bombing Case Sentenced to Life Imprisonment; Court Awards 7 Billion Rubles in Damages — Novaya Gazeta). URL: <https://novayagazeta.ru/articles/2025/11/27/my-dokazali-cto-nevinovny-ne-priznavshie-vinu-figuranty-dela-o-podryve-krymskogo-mosta-poluchili-pozhiznennye-sroki-sud-vzyskivaet-s-nikh-7-milliardov-rublei-news>

experienced hunger and other forms of deprivation. Some of those detained suffer from serious medical conditions.

Despite their actual involvement in activities connected to the armed conflict, in practice these individuals are treated as civilians, which excludes them from prisoner-of-war exchange mechanisms. Following conviction, they are transferred to serve their sentences in remote regions of the Russian Federation, significantly limiting access by independent lawyers and reducing the possibility of external monitoring and oversight. At present, the Southern District Military Court in Rostov-on-Don is hearing both group and individual cases involving this category of defendants. In a number of cases, severe sentences have already been imposed.

The psychological condition of these detainees remains extremely difficult. They were apprehended while carrying out tasks assigned by their authorities, subjected to prolonged torture and deprivation, and now face little realistic prospect of being returned through prisoner exchange mechanisms.

I *Dmytro Golubev*, born in 1972, a civilian, stated that he had entered into a contract with Ukraine's Main Directorate of Intelligence (HUR). He was captured on 9 August 2022 and, for a prolonged period, was held without any formal procedural status and detained incommunicado. During this time, he was subjected to torture and other unlawful investigative methods.

By a judgment of the Southern District Military Court dated 23 November 2023, he was found guilty and sentenced to 18 years' imprisonment. During the trial, he did not admit guilt, stating that he had acted on the territory of Ukraine:

"Air raid sirens were sounding, missiles were flying, and tanks were advancing. How can this be called international terrorism? Any man will defend his family when he sees his people being killed..."

DMYTRO GOLUBEV, FROM TESTIMONY IN COURT

I *Nataliia Vlasova*, born in 1981, was detained on 21 March 2019 by representatives of the security services of the self-proclaimed DPR. In June 2023, she was transferred to Pre-Trial Detention Center No. 1 in the Rostov Region following the referral of her case to the Southern District Military Court of the Russian Federation.

During the court proceedings, Vlasova provided a detailed account of the conditions of detention in the so-called "Izolyatsia" facility — an unofficial place of detention in Donetsk — and the systematic use of torture there.

According to her testimony:

- detainees were held in basement cells lacking basic sanitary conditions;

- physical and sexualized violence was routinely employed;
- electric shocks were used as a method of torture;
- detainees were subjected to death threats and degrading treatment.

According to Vlasova, the abuse continued even after she had signed incriminating statements and was systematic in nature.

“They are sadists in the strict clinical sense of the word... Because deriving pleasure from inflicting pain on a naked, bound woman and committing all kinds of perversions is something not every person is capable of... Yevdokimov personally filed down my teeth with a metal file, twisted my nipples, and tried to force a bottle into my vagina... Meanwhile, his henchmen struck me unexpectedly from different directions... They stripped me, bound me with tape, poured water over me, applied electric shocks, and inserted a stick into my anus. If I did not scream loudly enough, they increased the voltage and the beatings became even more frenzied...”

NATALIIA VLASOVA, FROM TESTIMONY IN COURT

Conclusions

A stable and well-established system for the fabrication of criminal cases against Ukrainian citizens has emerged in the Russian Federation.

1. The key elements of this system are abductions, incommunicado detention, torture, and the absence of effective judicial oversight.
2. Civilians constitute a significant proportion of the victims and represent one of the most vulnerable groups affected by these practices.
3. The judicial system functions primarily as a mechanism for legitimizing violations rather than preventing them.

The practices described above are accompanied by multiple violations of fundamental rights, including:

- the prohibition of torture and cruel, inhuman, or degrading treatment;
- the right to liberty and security of person;
- the right to a fair trial;
- the right to legal representation and access to counsel;
- the right to a public hearing.

These violations are not isolated incidents but form part of a widespread and systematic pattern. They recur across different cases, territories, and categories of individuals, indicating the institutionalized nature of these practices.

The criminal justice system is used not merely as a mechanism of law enforcement but also as an instrument of coercion, control, and the legitimization of political objectives in the context of the full-scale invasion.

Recommendations

The following measures are necessary:

- strengthening international monitoring, including through UN mechanisms, as well as through the instruments of the International Criminal Court and the exercise of universal jurisdiction;
- documenting and preserving evidence for future international investigations;
- imposing targeted sanctions on individuals involved in the fabrication of criminal cases and in violations of the rights of Ukrainian detainees;
- ensuring unrestricted access for independent representatives of the International Committee of the Red Cross (ICRC) to places of detention;
- securing the prompt exchange of prisoners of war and the unconditional release of civilian detainees;
- considering the inclusion of “hidden combatants” in prisoner exchange mechanisms, taking into account their actual involvement in the armed conflict and their severe humanitarian circumstances, regardless of their formal legal status.