Introduce

In the first 10 months of 2025, Russian judicial authorities accepted at least 77 cases involving terrorism-related charges against residents of Crimea and the newly occupied territories of Kherson and Zaporizhzhia regions. Prior to the full-scale Russian invasion, there was no high level of terrorist threat in these regions, which makes the number of prosecutions even more anomalous.

Three hypotheses have been put forward to explain this phenomenon:

a) local residents are actively resisting the occupation in the form of actual terrorist acts and other terrorism-related crimes;
b) accusations of terrorist crimes allow the criminalisation of cases involving Ukrainian prisoners of war, which is part of a broader policy of justifying armed aggression against Ukraine in the form of a fight against terrorism;
c) under the guise of combating terrorist crimes, the occupying authorities are masking illegal repression against the civilian population in order to legalise the use of force to control the captured regions;

It is possible that all of the above are elements of an overall strategy for managing the occupied territories. Thus, the **aim of the study** is to examine the specific features of the occupation authorities' application of anti-terrorism legislation to the inhabitants of the occupied territories.

The **relevance of the problem** under study and the processes associated with it lies in the mass nature of the persecution and the extremely severe consequences in the form of criminal punishment, including life imprisonment. In addition, criminal proceedings for terrorism-related crimes are only part of a wide range of judicial forms of persecution in the newly occupied territories, which have not been sufficiently studied to date.

The **objectives of the study** are:

1) to collect a body of information on terrorism-related criminal proceedings within the framework defined by the study;
2) developing indicators to determine the motive for prosecution and the evidence of guilt;
3) analysing cases based on the developed indicators and conducting a comparative analysis to determine the share of each motive in the overall trend of criminal prosecution for terrorism-related crimes.

Geography and time frame: The main research focuses on court proceedings against residents of occupied Crimea, as well as newly occupied territories of Zaporizhzhia and Kherson regions of Ukraine, or persons detained by Russians in this territory. The time frame of the study covers only trials in which the first instance verdict was announced between 1 January 2025 and 31 October 2025.

Research process:

To address the first task, an open search was conducted using data on court proceedings in the Southern District Military Court (SDMC), whose jurisdiction has been extended to Crimea since 2017 and to the Kherson and Zaporizhzhia regions since 2022. The search covered the entire list of articles ranging from 205 to 205.5 and Article 361, 'Act of International Terrorism,' as well as those individuals whose information was not concealed in the case files.

In total, between 1 January and 1 November 2025, the Southern Military District Court completed the review of 397 criminal cases related to terrorism, among which, through additional verification, it was possible to identify 77 individuals who lived or were detained in the occupied territories of Crimea, Kherson and Zaporizhzhia regions.

The second task involved identifying indicators to determine the motives for persecuting residents in the occupied territories. To determine the criteria for identifying a number of indicators of terrorist crimes, the terms, definitions and concepts of the Shanghai Convention on Combating Terrorism, the International Convention for the Suppression of the Financing of Terrorism, Resolution of the Plenum of the Supreme Court of the Russian Federation No. 1 of 9 February 2012 (hereinafter referred to as the Plenum), the Criminal Code of the Russian Federation (CC RF), as well as the provisions of the Third Geneva Convention and the Fourth Geneva Convention (to differentiate between actions to defend the country during armed conflict and cases of terrorist crimes).

Based on the above-mentioned normative acts, the following indicators should be included among those indicating the motive for prosecuting residents of occupied territories on charges of terrorist crimes:

1. If a terrorist crime has been committed:

1.1) Is the person accused of committing a terrorist crime a civilian (Article 4 of the Fourth Geneva Convention) or a combatant and participant in an armed conflict (Article 4 of the Third Geneva Convention)?

1.2) Who were the targets of the actions with signs of a terrorist nature - combatants or persons not actively participating in military operations (Article 1 of the Shanghai Convention)?

1.3) in the case of actions directed against persons not actively participating in military operations (civilian objects), the existence of verifiable evidence that the actions were aimed at with signs of a terrorist nature was intimidation of the population, violation of public safety or influence on the authorities to incite action/inaction (Article 1 of the Shanghai Convention);

2. In cases of accusations of planning (organising) a terrorist crime:

2.1) the existence of verifiable evidence of the deliberate collection of information for the purpose of committing a terrorist offence (Article 30 of the Criminal Code of the Russian Federation);

2.2) the existence of verifiable evidence of material and technical preparation for the commission of a terrorist offence (Article 30 of the Criminal Code of the Russian Federation);

3. In cases of charges of financing terrorist crimes:

3.1) the existence of verifiable evidence of financing actions directed against persons not actively participating in military operations (Article 1 of the Shanghai Convention);

3.2.1) whether the type of terrorist activity financed is included in the exhaustive list (in accordance with Article 2 of the International Convention for the Suppression of the Financing of Terrorism);

3.2.2) whether there is verifiable evidence of financing activities aimed at intimidating the population, disrupting public safety, etc. (in accordance with Article 2 of the International Convention for the Suppression of the Financing of Terrorism);

4. In cases of charges of organising a terrorist community:

4.1) the existence of verifiable evidence of the stability of the group - its duration of existence, links between participants (clause 6 of the Plenum Resolution);

4.2) the existence of verifiable evidence of a goal related to the commission of terrorist activities (clause 22 of the Plenum Resolution);

4.3) the existence of verifiable evidence of the distribution of roles within the community (clause 6 of the Plenum Resolution).

5. In cases of charges of undergoing training to commit a terrorist offence:

5.1) the existence of verifiable evidence of the defendants' training in the use of weapons, ammunition, explosive devices, etc. (clause 22.1 of the Plenum Resolution);

5.2) the existence of verifiable evidence that the accused underwent relevant instruction, training, shooting practice, and exercises (clause 15 of the Plenum Resolution).

6. In cases of accusations of propaganda (justification) of terrorism:

6.1.1) the existence of publications with signs of incitement to carry out terrorist activities (clause 18 of the Plenum Resolution);

6.1.2) the existence of publications with signs of recognition of the ideology and practice of terrorism as correct, deserving of support and imitation (note 1 to Article 205.2 of the Criminal Code of the Russian Federation);

7. When charged with aiding and abetting terrorist crimes:

7.1) establishing the specific method of aiding and abetting terrorist crimes (Article 205.1 of the Criminal Code of the Russian Federation)

7.2.1) the existence of verifiable evidence of influence aimed at involvement in the commission of terrorist crimes (clause 14 of the Plenum Resolution);

7.2.2) the existence of verifiable evidence of deliberate facilitation of the commission of a crime by advice, instructions, provision of information, means or instruments for committing

the crime, or removal of obstacles to its commission (note 1.1 to Article 205.1 of the Criminal Code of the Russian Federation);

In this context, the term '***verifiable evidence***' was understood to mean:

a) published court judgments;

b) public testimony of witnesses and defendants related to circumstances that are significant as indicators;

c) video recordings or other evidence available for analysis, the nature of which precludes the possibility of fabrication by the prosecution.

It should be noted separately that in cases where the defendants were found to have been subjected to enforced disappearance, detention in isolation without legal status, and torture, the public testimony of the defendants was excluded from the 'verifiable evidence' due to the unlimited possibilities of influencing the defendants' will with the aim of self-incrimination.

Thus, the sorting of all criminal cases of a terrorist nature against residents of the occupied territories of Crimea, Kherson and Zaporizhzhia regions considered by the SDMC was organised in the following order:

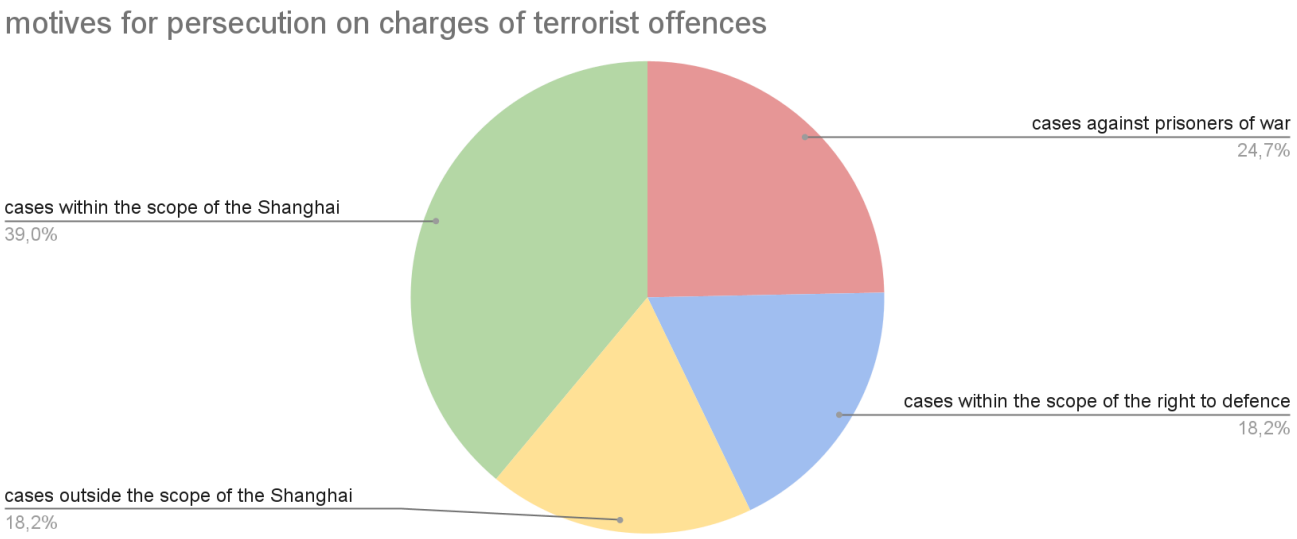
Stage 1 - verification of information on whether the person subject to criminal prosecution is a prisoner of war within the meaning of Article 4 III of the Geneva Convention. All Ukrainian prisoners of war are considered in this study as a separate group, prosecuted with the aim of criminalising the resistance of the Ukrainian armed forces and justifying Russian armed aggression. The evidence and arguments in support of this assertion are presented in detail in the joint research "Denial of the right to a fair trial as an international crime during Russia's war against Ukraine: context, practice, law and prospects" and are therefore not subject to detailed examination in this study.

Stage 2 – identification of criminal cases in which Russian military personnel or facilities used in military operations are the targets of terrorist crimes. This is in line with the Shanghai Convention, which excludes acts against combatants in armed conflict from the definition of "terrorism". And Article 51 of the UN Charter explicitly refers to the right to collective defence as 'inalienable' for members of the organisation who have been subjected to armed attack. Actions against representatives of the armed forces of the attacking party are an exercise of the right to individual and collective self-defence and, accordingly, do not fall under the generally accepted concepts of terrorist crimes.

Stage 3 – identification of criminal cases that, according to their description, do not fall under the definition of terrorist activity within the meaning of the Shanghai Convention: propaganda or justification of terrorism, training for the purposes of terrorist activity, organisation of or participation in a terrorist community. Without disputing the right of each state to pursue its own policy on counter-terrorism, we nevertheless considered it necessary to separate acts that are only applicable in the Russian legal context and have the characteristics of terrorist offences from acts that can be indisputably recognised as terrorist offences at the international level. At the same time, this category of cases was processed for the presence of the above-mentioned indicators pointing to signs of a terrorist crime.

Stage 4 – the criminal cases remaining after the first three filters had signs of terrorist activity within the meaning of the Shanghai Convention. They were also analysed for the presence of the above-mentioned indicators pointing to signs of terrorist offences in order to assess the validity of the convictions handed down by Russian courts in this area.

Overall, the structure of prosecutions in the first 10 months of 2025 against residents of occupied Crimea, Zaporizhzhia and Kherson regions under terrorism-related articles looks as follows:



The diagram shows that in 19 cases, prosecutions on charges of terrorist offences concerned prisoners of war or in absentia convictions of Ukrainian military personnel (1 case). As noted above, this type of prosecution is described in detail in the joint study "Denial of the right to a fair trial as an international crime during Russia's war against Ukraine: Context, Practice, Law and Prospects", which argues that such prosecutions are usually based on a formal pretext (the recognition of a number of Ukrainian armed forces formations as terrorist organisations) and are aimed at justifying military aggression against Ukraine.

In 14 cases, it was also established that plans or actual acts with signs of terrorist crimes were aimed at killing or causing serious harm to Russian military personnel (e.g., the case against Nadezhda Grekova), as well as damage to military equipment (e.g., the case against Sergey Kucherenko) or objects used in military operations (e.g., the case against Maxim Timofeev). As noted above, these actions do not fall under the generally accepted definition of terrorist crimes and should be regarded exclusively as the exercise of the right to individual or collective self-defence against armed invasion.

In 14 other cases, it was established that the charges concerned residents of occupied territories for propaganda or justification of terrorism, which are not included in the list of acts assessed as terrorist by the Shanghai Convention. It should be noted that a number of similar crimes not covered by this convention – training for the purposes of terrorist activity, as in the case against Sergei Solodkiy, or membership of a terrorist community, as in in the case against Dmitry Adamonok – also occurred in the judicial practice of the SDMC during

the period under review, but were part of charges under other categories of terrorist crimes and were not considered separately.

When analysing this type of prosecution, it was noted that there is not a single publicly available conviction on charges of propaganda or justification of terrorism, which precludes the possibility of a full investigation into the true circumstances of such cases. The publications of the prosecuted persons could be analysed for signs of incitement to terrorist activity or recognition of the ideology and practice of terrorism as correct, worthy of support and emulation.

There were isolated cases when representatives of the occupying forces partially disclosed the essence of the charges in public, such as in the case against Vitaly Mashkarintsev, who allegedly “justified the shelling of civilian objects and the population of the Russian Federation by armed formations of Ukraine in his comments”. However, the prosecution's interpretation of the statements makes it impossible to reliably determine whether the statement was:

a) a positive assessment;

b) motivational (requiring support and imitation);

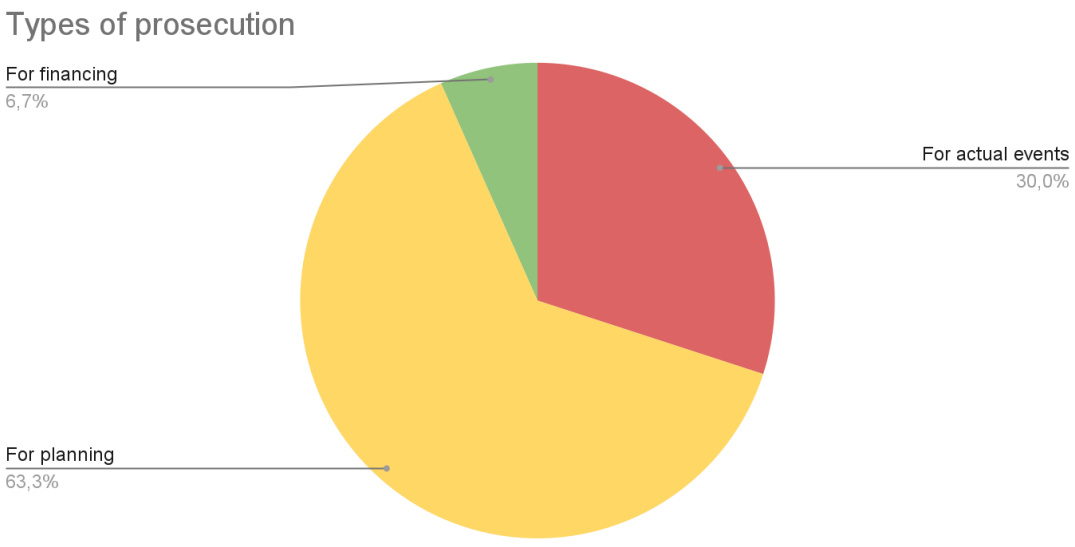
c) unrelated to the analysis of causes or assessment of historical events.

Thus, in all cases of this type of prosecution, there is no convincing evidence that the court struck a balance between freedom of expression and its restriction in the interests of public safety.

Only 39% of the total number of prosecutions analysed had charges that showed signs of terrorist offences as defined by the Shanghai Convention. A more detailed examination of this category of cases revealed three main types of prosecution:

1) for real events directed against persons not actively participating in hostilities in a situation of armed conflict or with the aim of intimidating the population/disrupting public safety;
2) for planning similar events that were prevented;
3) for financing terrorist communities.

Overall, the distribution by type in this category was as follows:



The diagram shows a high proportion of charges for terrorist offences at the planning stage. Almost two-thirds of all prosecutions of this type were allegedly prevented terrorist acts, which is certainly indicative in light of one of the hypotheses put forward at the beginning of the study that, under the guise of combating terrorist crimes, the occupying authorities are masking illegal repression against the civilian population in order to legalise forceful methods of control over the occupied regions.

Each of the cases was carefully analysed for indicators that would give an idea of whether there were signs of terrorist crimes within the meaning of the Shanghai Convention. The first thing that was noted was the total absence of publicly available court verdicts on this type of case. At the same time, court verdicts in such cases are one of the key sources for verifying the validity and legality of the charges.

Moving on to a detailed analysis of this group of cases, let us start with the financing of terrorism, which formed the basis of the charges against Stanislav Rudenko and Vladislav Bugar. Rudenko was convicted of financing the Azov regiment, which is recognised as a terrorist organisation under Russian law, Bugar was convicted of financing an unnamed Ukrainian paramilitary nationalist organisation.

The lack of grounds for considering Azov a terrorist organisation, given that the unit is part of the Ukrainian army and due to a number of procedural violations in the process of recognising the organisation as terrorist, is detailed by the human rights organisation Memorial in its justification of the political nature of the persecution of Stanislav Rudenko.

In addition, the study noted a complete lack of information in both cases indicating the purpose of the funding, which is essential for determining whether there are grounds to consider these acts as terrorist financing (within the meaning of the convention on the prohibition of terrorist financing). According to the logic of this document, the court should have established that the material or other assistance was directed specifically at acts against persons not actively participating in hostilities in a situation of armed conflict or with the aim of intimidating the population/disrupting public safety. However, there is no publicly available evidence that the court followed this sequence.

In particular, with regard to Bugar, according to the FSB press service, the court established that ‘in January of this year, Bugar, while in the Zaporizhzhia region, repeatedly transferred funds to the bank accounts of one of the Ukrainian paramilitary nationalist organisations using an online banking service.’ There is no information in this report indicating any real evidence of the crime of ‘financing terrorism.’

Of the nine people convicted on charges of involvement in actual events with signs of terrorist acts, in three cases the defendants were victims of enforced disappearance with prolonged detention in complete isolation (as, for example, in the case against Vladislav Gershon), in four other cases, torture was reported (as, for example, in the case against the Melitopol family), and in one other case, the defendant exhibited strange behaviour with signs of self-incrimination (the case against Vladislav Litvinenko).

It should be emphasised that in all the cases analysed, representatives of the occupying authorities and propaganda media presented detailed accounts of the charges, which included acts with signs of terrorist intent. However, given the widespread use of torture and

abductions, the absence of published verdicts, public data on witness testimony, other evidence, as well as the empirically established closed nature of one of the formally open hearings of this type, as observed by observers of the ‘Crimean process’, it is not possible to reliably ascertain that the court did indeed establish that the crime was aimed at intimidating the population, violation of public safety, or influence on the authorities to induce action/inaction, as required not only by the Shanghai Convention, but also by paragraph 1 of the aforementioned Resolution of the Plenum of the Supreme Court of the Russian Federation.

The largest number of charges (19 cases) were for planning terrorist acts against representatives of military-civilian administrations in occupied territories or transport/utility infrastructure facilities that are used not only for military but also for civilian purposes. In two cases, it is noted that the detention was preceded by enforced disappearance with prolonged isolation. In five other cases, there are references to the use of torture against suspects.

The widespread use of illegal and unacceptable methods of investigating terrorist crimes calls into question the reliability of the confessions of those accused of certain acts, even in cases where no information about torture or abduction was recorded during the investigation. In addition, all court verdicts had to be excluded from the list of compelling evidence to be analysed in the study, as none of them were publicly available.

The evidence available for verification included visits to court hearings and video recordings or other evidence available for analysis, the nature of which ruled out the possibility of fabrication by the prosecution.

A fairly indicative case is that of five residents of Melitopol who were accused of creating a terrorist community and preparing an explosion near a humanitarian aid distribution point. According to Mediazona journalists, the correspondence that served as the main evidence for the prosecution did not contain any discussions of terrorist attacks: it mainly concerned the movement of Russian troops and everyday problems. At the end of October 2024, the open trial was closed to the public. The court's press service said at the time that the prosecutor had requested this in connection with ‘the examination of evidence that should not be made public’ – the defendants' correspondence and technical details of the manufacture of a homemade explosive device. Thus, there are deliberate actions on the part of the prosecution aimed at concealing circumstances that could confirm or refute signs of preparation for a terrorist crime.

In another case related to the preparation of an assassination attempt on a high-ranking representative of the occupation administration, observers of the Crimean Process noted that the court deliberately removed questions from the defence to one of the ‘community members’ who had entered into a pre-trial agreement. The court dismissed precisely those questions whose answers could have been indicators of whether or not preparations for a terrorist act had been made.

In another case involving allegations of intent to set fire to a civilian facility, which was observed by representatives of the Crimean Process, the court announced that only relatives would be allowed to attend the hearing, which contradicts the principles of openness and transparency of court proceedings even under Russian law.

Thus, in some cases, it has been noted that judges of the Southern Military District Court have shown a personal lack of interest in ensuring that the prosecution's evidence is made public and examined in detail during the trial. This behaviour can be explained by the weakness of the prosecution's evidence and the general policy of the courts' dependence on the security forces.

When analysing the availability of video materials that could serve as evidence in the investigation of the planning of terrorist acts, it was noted that in seven cases, reports of detained suspects were accompanied by video files of varying lengths. However, in no case are these video files informative in terms of proving the planning of a terrorist act – neither information about the targeted collection of information nor about logistical and technical preparations can be gleaned from the video files.

The case against Alexei Popadeikin, who was accused of planning an assassination attempt on the mayor of the resort town of Kirillovka in the Zaporizhzhia region, is of particular interest to researchers. In a special report for one of the Russian channels, with the obvious assistance of the FSB, various footage is presented, including footage related to the operational surveillance of one of the community members. The voiceover claims that all the suspects (including Alexei Popadeikin) were under constant surveillance, but no video confirming Popadeikin's involvement in the logistical preparation of the assassination attempt was published.

No less surprising are the footage of the ‘arrest’ of Crimean resident Konstantin Gorpinchenko, who was later convicted of attempting to set fire to relay cabinets on the railway near Sevastopol. The video presented by FSB officers only shows a man sitting silently on the ground, next to him several beer bottles allegedly containing an incendiary mixture. No details have been found that would dispel doubts about the staged nature of these recordings.

In another case, FSB officers presented as ‘evidence’ a video of a hand (similar to Alina Grek's hand) with a voiceover stating that the bottle contained an incendiary mixture. In the next video, a similar bottle is burning in the grass. No evidence has been presented to suggest that the convicted woman was actually preparing to set fire to the relay cabinets.

In the other four cases, video files were published showing the arrests of suspects and/or their confessions, which, given the widespread practice of abductions and torture, should be viewed critically. These files themselves do not contain any information that could confirm the preparation of terrorist crimes.

Conclusions:

The following should be noted as features of the judicial proceedings in the SDMC under articles on terrorism against residents of the occupied Crimea, Zaporizhzhia and Kherson regions in 2025:

1. A significant proportion (about 43%) of cases involving charges of terrorist crimes have nothing to do with the generally accepted and international concept of terrorist acts. Russian judges use a distorted interpretation of terrorism to justify Russian

military aggression and delegitimise the right of Ukrainian residents to defend themselves against aggression.

2. Propaganda or justification of terrorism are not part of internationally recognised norms in the fight against terrorism, but they have the right to be part of national legislation. At the same time, the charges examined in the study show signs of repression aimed at restricting freedom of speech, especially on issues related to Russian military aggression against Ukraine. At the same time, the courts avoid sufficient publicity in these cases.
3. The majority (63%) of cases with signs of terrorist offences relevant to international norms consist of charges of prevented terrorist acts. However, neither these 'planned' nor actual terrorist acts are presented in court proceedings in sufficient detail to identify convincing evidence of crimes of a terrorist nature.
4. One in three civilians convicted on charges of terrorist offences relevant to international standards has been subjected to abduction, incommunicado detention or torture. Such widespread abuse calls into question the credibility of confessions even in cases where no information about abduction or torture has been obtained.
5. None of the court decisions on terrorist crimes are freely available, in some cases judges have taken steps to conceal details of the proceedings, and no convincing evidence has been found in the information space that would allow the acts to be identified as terrorist crimes. Taken together, this leads to the conclusion that both real and alleged terrorist acts are widely used in the occupied territories to suppress resistance to the occupation and to legalise the use of force to control the captured regions.