



HUMAN RIGHT CENTER

ANALYTICAL REPORT

FOUR YEARS OF "PREVENTION".

What problems remain in the practice of holding individuals accountable for collaborative activity in 2025?



УДК

Four years of “prevention”. What problems remain in the practice of holding individuals accountable for collaborative activity in 2025? / D. Deputat, O. Syniuk, M. Demura edited by A. Lunova – Kyiv, 2026. – 76 pp.

This study aims to monitor trends in the application of Article 111-1 of the Criminal Code of Ukraine in 2025 – both those identified in previous periods and newly emerging trends – in comparison with previous years. An analysis of approaches at the pre-trial investigation stage, the application of preventive measures, as well as judicial proceedings at the first instance, appellate and cassation levels makes it possible to carry out a comprehensive assessment of the development of practice, identify cross-cutting issues and provide recommendations for addressing them.

Authors:

Diana Deputat, Junior Legal Analyst at the Human Rights Centre ZMINA

Onysiia Syniuk, Head of the Research Department at the Human Rights Centre ZMINA

Maryna Demura, Expert at the Human Rights Centre ZMINA

Editor:

Alena Lunova, Advocacy Director at the Human Rights Centre ZMINA



ZMINA is a Ukrainian human rights organisation working in the areas of protection of freedom of expression, combating discrimination, prevention of torture and ill-treatment, support for human rights defenders and civil society activists, as well as protection of the rights of victims of the war.

More information about the Human Rights Centre ZMINA and its activities is available at zmina.ua, zmina.info

ISBN

(c) Human Rights Centre ZMINA, 2026

CONTENTS

List of abbreviations	4
Introduction	5
Methodology	7
Executive summary	10
Chapter 1. General trends in criminal proceedings under Article 111-1 of the Criminal Code of Ukraine at the pre-trial investigation stage	12
Chapter 2. Practice of applying measures of restraint to suspects	24
Chapter 3. General trends in judicial practice under Article 111-1 of the Criminal Code of Ukraine	27
Chapter 4. Analysis of judicial practice under certain parts of Article 111-1 of the Criminal Code of Ukraine	34
Chapter 5. Appellate and cassation review of judgments in cases under Article 111-1 of the Criminal Code of Ukraine	41
Chapter 6. Acquittals in cases concerning collaborative activity	52
Chapter 7. Cross-cutting issues in the approach to liability for collaborative activity	59
Conclusions	72
Recommendations	74



LIST OF ABBREVIATIONS

CC of Ukraine – Criminal Code of Ukraine

CPC of Ukraine – Criminal Procedure Code of Ukraine

IHL – International Humanitarian Law

RF – Russian Federation

SC – Supreme Court

SSU – Security Service of Ukraine

TOT of Ukraine – Temporarily Occupied Territories of Ukraine

URPI – Unified Register of Pre-Trial Investigations

USRCD – Unified State Register of Court Decisions

INTRODUCTION

The issue of liability for collaborating with representatives of the aggressor state has been under discussion since the start of Russia’s aggression against Ukraine in 2014. However, the approach to criminalising collaborative activity was enshrined in law in March 2022, following the start of the full-scale invasion when Article 111-1 (“Collaborative activity”) was introduced into the Criminal Code of Ukraine.

The amendments to criminal legislation, which introduced liability for collaborative activity, were adopted primarily for preventive purposes – to prevent Ukrainian citizens in territories that had already been or were at risk of being occupied by the Russian Federation from cooperating with the occupying authorities and enemy forces. At the same time, part of Ukraine’s territory had already been under Russian occupation for over eight years at the time these amendments to the Criminal Code of Ukraine were adopted.

The ineffectiveness of the “preventive” approach in the context of ongoing occupation, the insufficient consideration of the conditions of occupation since 2014, and the broad wording of the new article of the Criminal Code raised concerns immediately after the Law was adopted. However, after four years of analysing the practice of applying Article 111-1 (“Collaborative activity”), it can be concluded that the issues highlighted by human rights organisations as early as 2022 are systemic in nature and still require resolution.

ZMINA conducted four studies on holding individuals accountable for offences under Article 111-1 of the CC of Ukraine, which were published in November 2022¹, September 2023², July 2024³ and May 2025⁴. Consistent monitoring of judicial practice confirms the cross-cutting issues identified at the outset of the study. In particular, these include the failure to take into account the context of occupation and the conditions in which Ukrainian citizens reside in the temporarily occupied territories of Ukraine, the necessity of certain forms of interaction with the occupying authorities to sustain life in occupied areas, as well as a formalistic approach to the assessment of the defendants’ actions and insufficient examination of direct intent and coercion. The United Nations Monitoring Mission in Ukraine has repeatedly warned that state authorities continue to hold Ukrainians criminally liable for collaborative activity on the basis of work that may lawfully be required by the occupying

1 Analytical note “Criminal liability for collaborationism: analysis of current legislation, practice of its application, and proposals for amendments” / NGO “The Human Rights Centre ZMINA”, NGO “Civil Holding “GROUP OF INFLUENCE”, NGO “Donbas SOS”, NGO “Crimea SOS”, Charity Foundation “East SOS”, Charity Foundation “Stabilization Support Services” and NGO “The Crimean Human Rights Group”, December 2022: https://zmina.ua/wp-content/uploads/sites/2/2022/12/zvit_zmina_eng-1.pdf

2 Analytical report “Collaborationism and abetting the aggressor state: practice of legislative application and prospects for improvement” / O. Syniuk, A. Lunova; Ed. D. Svyrydova / The Human Rights Centre ZMINA. – Kyiv, 2023. https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboration_web_eng.pdf

3 Analytical report “Survival or crime: how Ukraine punishes collaborationism” / O. Syniuk, D. Deputat, I. Vyshnevskaya, V. Volkovynska, V. Chervonna, M. Yelihulashvili; Ed. A. Lunova – Kyiv, 2024: https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboratz_eng_web.pdf

4 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025: https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

power under international humanitarian law.⁵ The Independent International Commission of Inquiry of the United Nations on Ukraine also emphasised that the broad definition of “collaborative activity” in the Criminal Code of Ukraine has led to legal uncertainty and to the interpretation of acts that do not harm national security as constituting criminal offences.⁶

The issue of the incompatibility of legislation on criminal liability for collaborative activity with the norms of IHL and the standards of legal certainty extends far beyond purely legal analysis. The criminalisation of life under occupation in the context of ongoing armed aggression affects state policy towards residents of the TOT of Ukraine and may also negatively impact the development of transitional justice policy. The lack of amendments to legislation on collaborative activity since the introduction of the relevant provision into the CC of Ukraine in 2022 demonstrates both the absence of political consensus in Parliament regarding the direction of changes to Article 111-1 of the CC of Ukraine and a reluctance to amend the legislative framework until the active phase of the armed aggression against Ukraine is over. At the same time, this position contradicts the objective of developing a re-integration policy for residents of the TOT of Ukraine and creates grounds for further stigmatisation of the experience of living under occupation.

This analytical report has been prepared to assess the current state and practices of holding individuals criminally liable for collaborative activity in 2025. This analysis provides a necessary basis for the development and advocacy of proposals for amendments to Article 111-1 of the CC of Ukraine.

5 Report on the human rights situation in Ukraine, 1 June – 30 November 2025 / Office of the United Nations High Commissioner for Human Rights, 9 December 2025: <https://ukraine.ohchr.org/sites/default/files/2025-12/2025-12-09%20OHCHR%2043rd%20periodic%20report%20on%20Ukraine%20ENG.pdf>

6 Report of the Independent International Commission of Inquiry on Ukraine, 9 March 2026: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session61/advance-version/a-hrc-61-61-auv.pdf>



METHODOLOGY

The main part of the study covers the period from 1 January to 31 December 2025. At the same time, for the purposes of comparative analysis and trend analysis across several years of practice, the study also takes into account data from both pre-trial investigations and judicial proceedings for the period 2022–2024. In addition, judgments delivered between 1 January and 31 December 2025 and analysed in this study also relate to proceedings initiated prior to 2025. The analysis employed a quantitative and statistical-analytical approach, as well as a comparative method with elements of trend analysis.

The detailed analysis conducted within this study covers 1,143 judgments out of 3,103 judgments registered in the USRCD.⁷

Chapter 1, “*General trends in criminal proceedings under Article 111-1 of the Criminal Code of Ukraine at the pre-trial investigation stage*” is based on official statistical data of the Office of the Prosecutor General, published in the Unified Report on Registered Criminal Offences and the Results of Their Pre-Trial Investigation⁸, the Unified Report on Persons Who Committed Criminal Offences⁹, as well as responses of state authorities to a request from the Human Rights Centre ZMINA. To ensure the comparability of indicators, data for the same reporting period – one year – was used, specifically covering 2023, 2024 and 2025. The main focus was placed on analysing data for 2025 in order to identify current trends. The analysis examined the dynamics of the number of recorded criminal proceedings under Article 111-1 of the CC of Ukraine, notices of suspicion, the application of measures of restraint, suspension of pre-trial investigations, special pre-trial investigation (in absentia), as well as forms of termination of proceedings at the pre-trial investigation stage. The methodological basis of the study is a comparative and statistical-analytical approach with elements of trend analysis. The data was systematised by year and by parts of Article 111-1 of the CC of Ukraine (misdemeanours and crimes), which made it possible to identify key trends, changes in the structure of proceedings and in the practice of procedural decisions. Additionally, an analysis was conducted of the characteristics of persons in respect of whom proceedings were initiated (age, education, employment, prior convictions) in order to develop a generalised socio-demographic profile of suspects.

Chapter 2, “*Practice of applying measures of restraint to suspects*”, presents an analysis of judicial practice on the application of measures of restraint in criminal proceedings under Article 111-1 of the CC of Ukraine for the period from 1 January to 31 December 2025. The primary focus is on proceedings conducted with the participation of the accused. The

⁷ The figure of 3,103 does not include judgments prohibited from publication pursuant to paragraph 4 of part 1 of Article 7 of the Law of Ukraine “On Access to Court Decisions”, and does not account for duplicate entries in the system, judgments under related Articles, or judgments delivered at the appellate or cassation levels.

⁸ On registered criminal offences and the results of their pre-trial investigation (Unified Report on Criminal Offences), Office of the Prosecutor General of Ukraine, reports for 2023, 2024 and 2025 are available at this link and were used in the study: <https://gp.gov.ua/ua/posts/pro-zareyestrovani-kriminalni-pravoporusnennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2>

⁹ On persons who committed criminal offences (Unified Report on Persons Who Committed Criminal Offences), Office of the Prosecutor General of Ukraine, reports for 2023, 2024 and 2025 are available at this link and were used in the study: <https://gp.gov.ua/ua/posts/pro-osib-yaki-vchinili-kriminalni-pravoporusnennya-2>



analysis covers the types of measures of restraint applied, the presence or absence of bail, the duration of detention, cases in which a more severe measure of restraint was replaced with a less severe one, as well as specific features of the application of measures of restraint depending on the relevant part of Article 111-1 of the CC of Ukraine. The material is systematised by individual parts of Article 111-1 of the CC of Ukraine, which made it possible to identify differences in judicial approaches, the degree of severity of the measures applied, and instances of potentially excessive restrictions on liberty prior to the delivery of a judgment.

Chapter 3, “*General trends in judicial practice under Article 111-1 of the Criminal Code of Ukraine*”, provides a comparative analysis of general statistical data on the application of Article 111-1 of the CC of Ukraine, based on judgments delivered between 1 January and 31 December 2025, as compared with the corresponding indicators of previous annual periods. The main emphasis is placed on data for 2025 in order to identify current aggregated changes in judicial practice. The analysis covers the quantitative distribution of judgments across specific parts of Article 111-1 of the CC of Ukraine, as well as the main procedural forms of case examination, including special proceedings (in absentia), approval of plea agreements, and simplified proceedings. The material is systematised by individual parts of Article 111-1 of the CC of Ukraine, which made it possible to identify changes in the distribution of judgments, the dynamics of procedural forms of case examination, and general trends in the development of judicial practice.

Chapter 4, “*Analysis of judicial practice under certain parts of Article 111-1 of the Criminal Code of Ukraine*”, provides an analysis of judgments delivered under specific Parts of Article 111-1 of the CC of Ukraine in the period from 1 January to 31 December 2025. The material is systematised by the respective Parts of this Article, which made it possible to trace the specific features of law application depending on the constituent elements of the criminal offence. The analysis covers judicial approaches to the legal classification of acts, including concurrence of criminal offences, assessment of forms of complicity, imposition of principal and additional penalties, as well as procedural features of case examination, including special proceedings (in absentia), simplified proceedings, and proceedings based on plea agreements. Particular attention is given to comparing the identified trends with data from 2024.

Chapter 5, “*Appellate and cassation review of judgments in cases under Article 111-1 of the Criminal Code of Ukraine*”, provides an analysis of the practice of appellate and cassation review of judgments in cases under Article 111-1 of the CC of Ukraine. The analysis covers statistics on appeals by specific parts of Article 111-1 of the CC of Ukraine, typical grounds for appellate review, as well as selected legal conclusions of the SC formulated in 2025 in this category of cases. It also takes into account that some appellate and cassation proceedings were still ongoing at the time of preparation of the report, and therefore their outcomes are not final. The material is systematised into analytical blocks: statistics on appellate and cassation appeals, typical grounds for review of judgments, and legal conclusions of the SC on specific issues in cases under Article 111-1 of the CC of Ukraine.

Chapter 6, “*Acquittals in cases concerning collaborative activity*”, provides an analysis of acquittals in cases under Article 111-1 of the CC of Ukraine available in the USRCD. The

quantitative overview covers the full body of identified judgments in proceedings concerning collaborative activity as of 31 December 2025, while the qualitative analysis focuses on acquittals delivered by courts of first instance in the period from 1 January to 31 December 2025. It also takes into account that some of those judgments were under appellate or cassation review at the time of preparation of the report, and therefore their status is not final. For analytical purposes, acquittals are systematised according to the predominant ground for acquittal; however, this classification is conditional, as in some cases several interrelated grounds for acquittal may be identified simultaneously.

In Chapter 7, “*Cross-cutting issues in the approach to liability for collaborative activity*” an analysis of the development of the main trends identified in previous studies in the consideration of proceedings concerning collaborative activity is also carried out. In particular, this includes violations of the principle of legal certainty in the provisions of Article 111-1 of the CC of Ukraine and, as a consequence, in its application; insufficient examination of the intent of individuals to cause harm to national security; difficulties in distinguishing between offences against the foundations of national security and related offences (in particular, Articles 111-1, 111-2 and 436-2 of the CC of Ukraine), as well as between the parts of Article 111-1, problems in taking into account the standards of IHL, and insufficient examination of voluntariness and coercion in the context of occupation. Particular attention is also paid to the issue of informing the population about legislative changes concerning collaborative activity (an issue not previously examined). The comparative and trend analysis is conducted on the basis of the practice of appealing judgments in proceedings concerning collaborative activity in the cassation instance from 1 January to 31 December 2025.

EXECUTIVE SUMMARY

The analysis of statistical data from **pre-trial investigation** bodies for 2023–2025 demonstrates a consistent trend – the prioritisation of investigations into criminal offences (Parts 3–8 of Article 111-1 of the CC of Ukraine) over cases concerning criminal misdemeanours (Parts 1–2 of Article 111-1 of the CC of Ukraine), as well as an overall decrease in the number of recorded proceedings under this Article. There has also been a decrease in the number of pre-trial investigations conducted in absentia, which is not correspondingly reflected in special judicial proceedings. Over the three-year period, the predominant form of completion of pre-trial investigations remains the referral of cases to court with an indictment. In the vast majority of proceedings during 2023–2025, pre-trial investigation bodies report that, by the end of the year, no procedural decision on completion or suspension had been taken, which may indicate the prolonged duration of pre-trial investigations and changes to the calculation of pre-trial investigation time limits introduced in 2023.

Among the total number of persons in respect of whom proceedings were recorded in 2023–2025, individuals aged 40 to 54 prevail. In terms of education, the largest number of proceedings concerns persons with higher and professional pre-higher education. As regards criminal background, the overwhelming majority of persons accused of collaborative activity had not previously been held criminally liable. Most recorded proceedings concern able-bodied individuals who are neither employed nor in education.

In the fourth year of the application of Article 111-1 of the CC of Ukraine, certain trends that had previously been most clearly observed at the pre-trial investigation stage have also become reflected in **judicial practice**. While in previous periods judgments in cases concerning criminal misdemeanours prevailed numerically, in 2025 judgments delivered under Parts 5 and 7 of this Article began to dominate. At the same time, the share of judgments delivered under special judicial proceedings (in absentia) continued to increase: in cases under Parts 3, 5 and 7 of Article 111-1 of the CC of Ukraine, it exceeded 80%. In cases under Part 4, judgments based on plea agreements continue to prevail.

A distinct and persistent trend is the predominant application of detention as a measure of restraint to suspects and accused persons, often without setting the amount of bail. In some proceedings, the duration of such detention reached up to three years. An analysis of rulings on the imposition and extension of preventive measures shows that the reasoning for their application and continuation is formalistic in nature: courts generally limit themselves to general references to the risks provided for in Article 177 of the CPC of Ukraine, without giving proper consideration to the individual circumstances of the case and the personal situation of the suspect or the accused.

The expansion of the body of judgments has been accompanied by the development of review practice. In 2025, 198 appellate and 10 cassation proceedings were initiated in cases under Article 111-1 of the CC of Ukraine. The main grounds for review remained issues of substantial violations of criminal procedural law, the relevance, admissibility and suffi-

ciency of evidence, the correctness of the legal classification of acts, and the proportionality of the sentence imposed. At the same time, approaches to the interpretation of this provision in cassation judicial practice have not changed. On the contrary, in 2025 the SC largely reaffirmed its previously established positions. Over the entire period of the existence of judicial practice under Article 111-1 of the CC of Ukraine, 11 acquittals have been delivered, seven of which were delivered in 2025. As of 31 December 2025, only one acquittal in cases under Article 111-1 of the CC of Ukraine has entered into force following appellate review initiated by the prosecutor.¹⁰

Judicial practice continues to develop in the context of vague legislative wording, which gives rise to difficulties in distinguishing both between specific offences against the foundations of national security and between different parts of Article 111-1 of the CC of Ukraine. In particular, the distinction between Parts 2 and 5 (holding managerial and non-managerial positions in unlawful authorities), as well as between Parts 5 and 7 (holding managerial positions and holding positions in unlawful law enforcement bodies) of this Article remains problematic. The approach persists whereby, for the purposes of legal classification, the mere fact of holding a position in an unlawful authority is considered sufficient, without adequate examination of the functions actually performed and an assessment of the social harm of the specific act.

In judicial decisions, the existence of direct intent and the voluntariness of conduct is increasingly substantiated by the mere fact of a person’s presence in the temporarily occupied territories of Ukraine and the absence of attempts to leave them. Such an approach fails to take into account both the atmosphere of fear and coercion created by the aggressor state in the TOT of Ukraine and the actual ability of civilians to influence their own behaviour under the conditions of armed control exercised by the aggressor state.

One of the most persistent and problematic trends remains the failure to take into account the standards of IHL. In 2025, the practice of holding individuals criminally liable for activities related to ensuring the basic living conditions of the civilian population in occupied territories continues. In particular, convictions were delivered in proceedings concerning individuals who worked in fire and rescue units. With regard to employees in the medical and municipal sectors, the trend of prosecution for holding managerial positions persists. As a result, the practice fails to ensure a proper distinction between activities that may genuinely contribute to the functioning of the occupying authorities and those that are necessary to sustain the life of the population under occupation.

Overall, the study confirms that, despite certain positive trends – namely, a shift in focus towards the investigation of crimes – the practice of applying Article 111-1 of the CC of Ukraine has not undergone a qualitative revision. It continues to be characterised by a broad interpretation of criminally punishable conduct, a formalistic approach to the assessment of intent, coercion and voluntariness, as well as insufficient consideration of IHL and the realities of occupation. Without legislative amendments aimed at clarifying the scope of criminal liability, eliminating legal uncertainty and taking into account the standards of IHL, these problems will persist.

10

As of 1 March 2026, two additional acquittals have become final, as the time limit for their appeal has expired.

CHAPTER 1.

GENERAL TRENDS IN CRIMINAL PROCEEDINGS UNDER ARTICLE 111-1 OF THE CRIMINAL CODE OF UKRAINE AT THE PRE-TRIAL INVESTIGATION STAGE

The analysis of statistical data on the progress of criminal proceedings under Article 111-1 of the CC of Ukraine at the pre-trial investigation stage is important for understanding current state practice in responding to instances of collaborative activity. It is at this stage that the main body of evidence is formed, the procedural strategy of the prosecution is determined, and key decisions are taken regarding notices of suspicion, the application of preventive measures, and the suspension or completion of proceedings. In order to develop a more comprehensive understanding of the practice of applying Article 111-1 of the CC of Ukraine, it is important to analyse not only judgments, but also pre-trial investigation statistics. Unlike judgments, which reflect the outcomes of judicial proceedings with a significant time lag, data on the progress of criminal proceedings at the pre-trial investigation stage provides a more timely picture of current trends in the work of pre-trial investigation bodies and the prosecution. Judicial proceedings in criminal cases are often lengthy, whereas pre-trial investigations are procedurally regulated and subject to time limits established by the CPC of Ukraine. Therefore, the analysis of statistical indicators of pre-trial investigations allows for a more accurate assessment of current practice, the priorities of law enforcement bodies, and the dynamics of procedural decisions within criminal proceedings under Article 111-1 of the CC of Ukraine.

TOTAL NUMBER OF RECORDED PROCEEDINGS¹¹

In 2025, the number of recorded criminal offences decreased compared to the corresponding period in 2024 by nearly 30% (29.1%). In particular, there was a significant reduction in the number of proceedings under Parts 1 and 2 of Article 111-1 (criminal misdemeanours) – by 82.4%, while the number of proceedings under Parts 3–8 (crimes) decreased by 19.7%.

¹¹ All data used in this section of the analytical study are derived from official reports:

- On registered criminal offences and the results of their pre-trial investigation (Unified Report on Criminal Offences), Office of the Prosecutor General of Ukraine, reports for 2023, 2024 and 2025 are available at this link and were used in the study: <https://gp.gov.ua/ua/posts/pro-zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2>

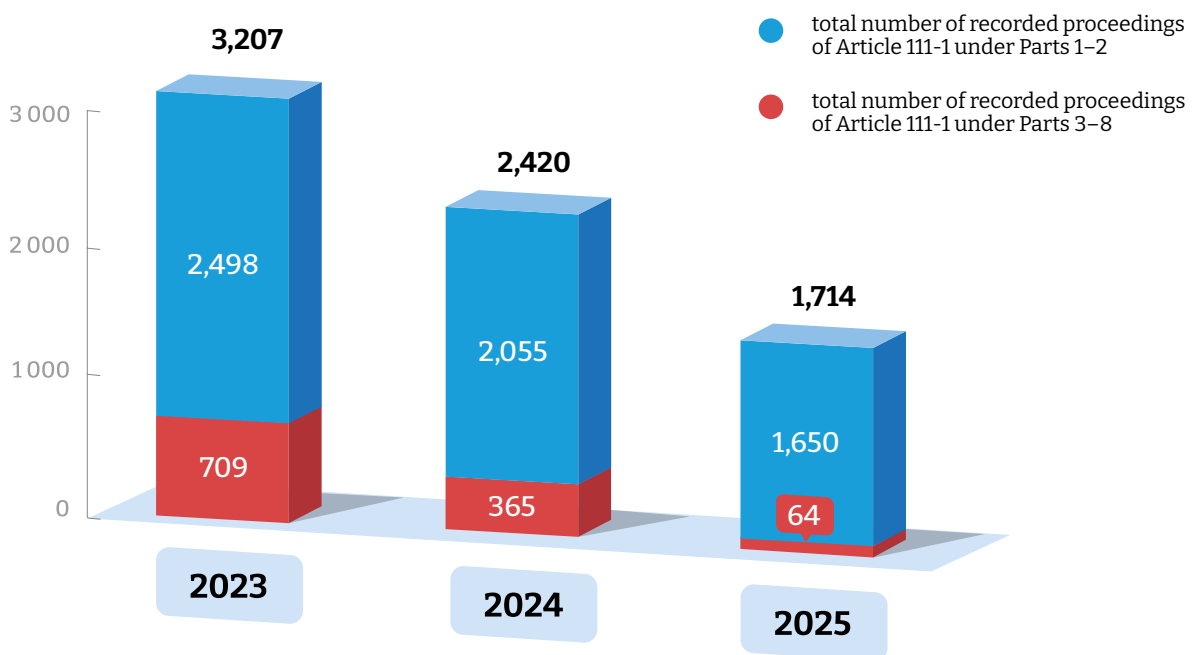
- On persons who committed criminal offences (Unified Report on Persons Who Committed Criminal Offences), Office of the Prosecutor General of Ukraine, reports for 2023, 2024 and 2025 are available at this link and were used in the study: <https://gp.gov.ua/ua/posts/pro-osib-yaki-vchinili-kriminalni-pravoporushennya-2>

In the period from 1 January to 31 December 2025, 1,714 criminal offences under Article 111-1 of the CC of Ukraine were recorded, of which 64 were recorded under Parts 1 and 2, and 1,650 under Parts 3–8.

In the corresponding period of 2024, 2,420 criminal offences were recorded, of which 365 under Parts 1 and 2 of Article 111-1, and 2,055 under Parts 3–8.

In 2023, 3,207 criminal offences under Article 111-1 of the CC of Ukraine were recorded, of which 709 under Parts 1 and 2, and 2,498 under Parts 3–8.

Figure 1. | *Number of proceedings recorded under Article 111-1 of the CC of Ukraine in 2023–2025*



This change in the number of recorded proceedings under different parts confirms the trend identified in the previous year – **the prioritisation of investigations into criminal offences over cases concerning criminal misdemeanours within this Article**¹². The hypothesis that the decrease in the number of proceedings under Part 1 of Article 111-1 of the CC of Ukraine may be related to a shift in the approach to the legal classification of acts falling under Part 1 of Article 111-1, and their reclassification under Article 436-2 of the CC of Ukraine (“Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants”), is not supported by the preliminary analysis.

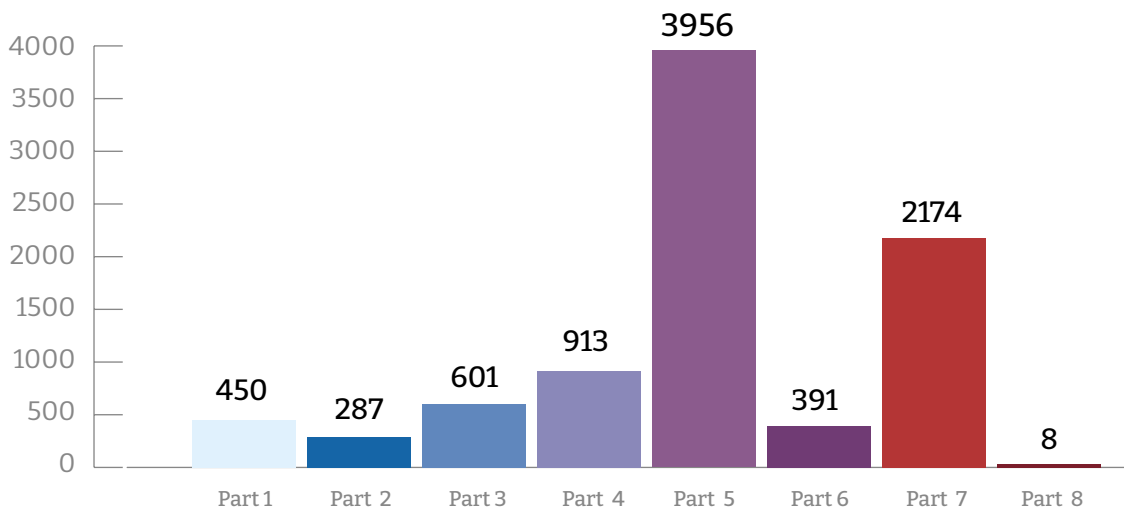
Under Article 436-2 of the CC of Ukraine, 1,016 offences were recorded in 2023, 754 in 2024, and 683 in 2025. Thus, under Article 436-2 of the CC of Ukraine, a downward trend in the number of detected and recorded offences has also persisted over three consecutive years, and accordingly in the number of such cases considered by courts.

¹² Liability for collaborationism: how has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 15 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

In the majority of proceedings under Article 111-1 of the CC of Ukraine, pre-trial investigations are conducted by the SSU: 1,335 proceedings in 2025, 1,789 in 2024, and 2,320 in 2023. The remaining cases are investigated by the National Police. At the same time, the CPC of Ukraine provides for exclusive (mandatory) jurisdiction over criminal offences under Article 111-1 of the CC of Ukraine. In accordance with Article 216(2) of the CPC of Ukraine, it is the investigative bodies of the security service that conduct pre-trial investigations of criminal offences under Article 111-1 of the CC of Ukraine. Therefore, in practice, a situation arises in which police authorities lack a legislatively defined jurisdiction to investigate this category of offences.

According to the SSU, in the period from March 2022 to 31 December 2025, SSU investigators conducted (and continue to conduct) pre-trial investigations in 8,780 criminal proceedings under Article 111-1 of the CC of Ukraine.

Figure 2. | *Number of proceedings investigated by SSU investigators from March 2022 to 31 December 2025¹³*



NOTICES OF SUSPICION

The decrease in the number of registered proceedings under Article 111-1 of the CC of Ukraine has correspondingly been reflected in a decrease in the number of criminal proceedings in which notices of suspicion were issued. In 2025, notices of suspicion were issued in 719 proceedings, of which 32 concerned Parts 1 and 2, and 687 concerned Parts 3–8 of Article 111-1 of the CC of Ukraine.

In the corresponding period of 2024, notices of suspicion were issued in 1,148 proceedings, of which 205 concerned Parts 1 and 2, and 943 concerned Parts 3–8 of Article 111-1 of the CC of Ukraine. Although notices of suspicion relating to Parts 3–8 (crimes) prevail over those concerning misdemeanours, the overall number of notices of suspicion in 2025 decreased significantly (by 37.3%).

¹³ Response of the Deputy Head of the Main Investigation Department of the Security Service of Ukraine No. 6/2-1691 dated 5 February 2026 to the request of the Human Rights Centre ZMINA

In 2023, notices of suspicion were issued in 1,305 proceedings, of which 344 concerned Parts 1 and 2, and 961 concerned Parts 3–8 of Article 111-1 of the CC of Ukraine.

The data indicates a steady decrease in the number of notices of suspicion under Parts 1 and 2 over three years by more than tenfold. The number of notices of suspicion under Parts 3–8 has also decreased significantly, and this trend has persisted for three consecutive years.

Comparing the number of recorded proceedings with the number of proceedings in which notices of suspicion were issued, the following can be observed:

- in 2025, there is a significant decrease in quantitative indicators; however, the trend returns to that observed in 2023 – when the number of recorded proceedings exceeds the number of proceedings with notices of suspicion by 2.4 times (1,714 recorded, of which 719 with notices of suspicion);
- in 2024, every second recorded criminal proceeding, in the course of the investigation, was transformed into a proceeding against a specific person (2,420 recorded proceedings, of which 1,148 with notices of suspicion);
- in 2023, the number of recorded proceedings exceeded the number of proceedings with notices of suspicion by 2.4 times, meaning that more often than every second recorded criminal proceeding, in the course of the investigation, was transformed into a proceeding against a specific person – a notice of suspicion was issued (3,207 recorded proceedings, of which 1,305 with notices of suspicion).

SPECIAL PRE-TRIAL INVESTIGATION (IN ABSENTIA)

Special pre-trial investigations (in absentia) were conducted in respect of 352 persons in 2025, 498 persons in 2024, and 1,127 persons in 2023. In line with the overall trend of a decrease in the number of recorded proceedings under Article 111-1 of the CC of Ukraine, the number of in absentia proceedings has also declined. At the same time, court statistics indicate the opposite trend – an increase in the number of special judicial proceedings in 2025 compared to the previous year. This may be partially explained by the fact that special pre-trial investigations are subsequently transformed into special judicial proceedings once the case is referred to court, and at present courts are still considering cases initiated in previous years.

In the course of criminal proceedings, situations sometimes arise where it is necessary to **suspend proceedings**. Official statistical data group the grounds for suspension in accordance with Articles 280 and 615 of the CPC of Ukraine and record the following grounds separately:

- due to the illness of the suspect;
- where the whereabouts of the suspect are unknown;
- due to the conduct of procedural actions within the framework of international cooperation.

At the same time, Article 280(1) of the CPC of Ukraine was amended in 2022 by adding paragraph 4 in accordance with Law No. 2201-IX of 14 April 2022¹⁴ introducing a new ground for the suspension of proceedings: the existence of objective circumstances that make it impossible to continue the pre-trial investigation under martial law¹⁵. Article 615 of the CPC of Ukraine provides further clarification, in particular that, in the event of the introduction of martial law and where there is no objective possibility to continue or complete the pre-trial investigation and refer the case to court with an indictment, a motion for the application of compulsory medical or educational measures, or a motion for exemption from criminal liability, the time limit for the pre-trial investigation in criminal proceedings shall be suspended on the basis of a reasoned decision of the prosecutor setting out the relevant circumstances, and shall be resumed once the grounds for suspension cease to exist. Prior to suspending the pre-trial investigation, the prosecutor is required to decide on the extension of the period of detention.

According to official statistical data, this ground has not been applied even once since 2022. This may be explained by the use of a large number of evaluative concepts in this provision, which makes its practical application difficult.

Despite the partial updating of the provisions of the CPC of Ukraine, law enforcement bodies continue to rely primarily on previously established grounds for the suspension of proceedings.

In total, under Articles 280 and 615 of the CPC of Ukraine, decisions to suspend proceedings were adopted in 122 cases in 2025, of which one concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 121 concerned Parts 3–8. In most cases, proceedings were suspended due to the whereabouts of the suspect being unknown – in 109 cases.

In 2024, 246 proceedings were suspended, of which 74 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 172 concerned Parts 3–8. In all 246 cases, the ground relied upon was that the whereabouts of the suspect were unknown.

In 2023, 262 proceedings were suspended, of which 43 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 219 concerned Parts 3–8. In 261 cases, proceedings were suspended due to the whereabouts of the suspect being unknown.

FORMS OF COMPLETION OF PRE-TRIAL INVESTIGATION

The predominant form of completion of pre-trial investigation is the referral of proceedings to court with an indictment. In 2025, a total of 523 proceedings were referred to court with an indictment, of which 28 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 495 concerned Parts 3–8.

14 Law of Ukraine “On Amendments to the Criminal Procedure Code of Ukraine Regarding the Improvement of the Procedure for Conducting Criminal Proceedings under Martial Law” dated 14 April 2022 No. 2201-IX: <https://zakon.rada.gov.ua/laws/show/2201-20#Text>

15 On Amendments to the Criminal Procedure Code of Ukraine Regarding the Improvement of the Procedure for Conducting Criminal Proceedings under Martial Law: Law of Ukraine: <https://zakon.rada.gov.ua/laws/show/2201-20#n37>



At the same time, no proceedings were referred to court by the prosecution with a motion for exemption from criminal liability or with a motion to close the proceedings.

In 2024, a total of 853 proceedings were referred to court with an indictment, of which 132 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 721 concerned Parts 3–8. One proceeding was referred to court with a motion for the application of compulsory medical measures.

In 2023, the total number of criminal proceedings referred to court was equal to the number of proceedings referred with an indictment, amounting to 984 proceedings, of which 300 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 684 concerned Parts 3–8.

Thus, over a three-year period, a consistent trend is observed whereby the referral of proceedings to court with an indictment prevails over other forms of completion of pre-trial investigation.

CLOSURE OF CRIMINAL PROCEEDINGS AT THE PRE-TRIAL INVESTIGATION STAGE

The number of proceedings under Article 111-1 of the CC of Ukraine closed at the pre-trial investigation stage remains low:

- in 2025, only 5 proceedings were closed, of which 1 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 4 concerned Parts 3–8;
- in 2024, 16 proceedings were closed, of which 13 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 3 concerned Parts 3–8;
- in 2023, 48 proceedings were closed, of which 27 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 21 concerned Parts 3–8.

At the same time, no proceedings were closed on rehabilitative grounds during these years. It should be noted that rehabilitative grounds for closing criminal proceedings are those which indicate the complete innocence of a person in the commission of a criminal offence, result in the removal of all suspicions, and give rise to the right to compensation for damage caused by unlawful criminal prosecution. Rehabilitative grounds include:

1. establishment of the absence of an event of a criminal offence (Article 284(1)(1) of the CPC of Ukraine);
2. establishment of the absence of the elements of a criminal offence in the act (Article 284(1)(2) of the CPC of Ukraine);
3. insufficient evidence to prove a person’s guilt in court and exhaustion of the possibilities to obtain such evidence (Article 284(1)(3) of the CPC of Ukraine).

Thus, over a three-year period, the prosecution has not identified any grounds for closing criminal proceedings at the pre-trial investigation stage under Article 111-1 of the CC of Ukraine that would indicate the complete innocence of a person and their rehabilitation.

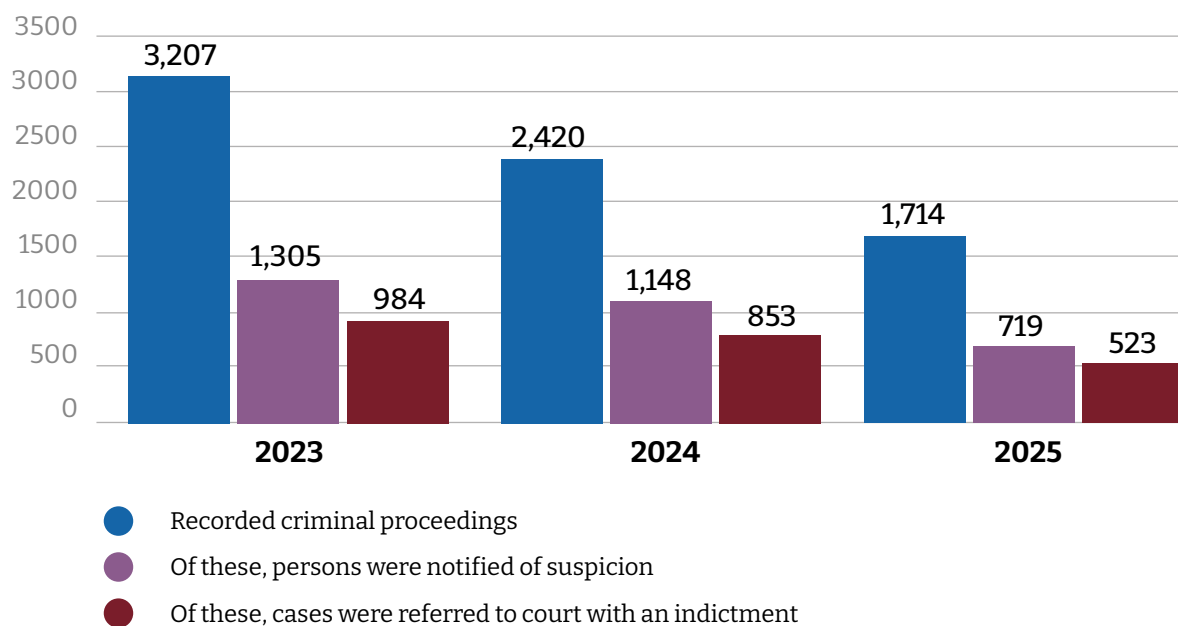
NUMBER OF CASES REFERRED TO COURT AND CLOSED CRIMINAL PROCEEDINGS

In line with the overall trend of a decrease in the number of recorded proceedings, **the number of cases referred to court and closed criminal proceedings has also declined accordingly.**

A comparison of data on recorded criminal proceedings, proceedings in which notices of suspicion were issued, and proceedings referred to court with an indictment demonstrates a growing trend of a decrease in the number of proceedings that progress from registration to court:

- in 2023, the number of proceedings referred to court was 3.2 times lower than the number of recorded proceedings;
- in 2024, 2.8 times lower;
- in 2025, 3.2 times lower.

Figure 3. *Progress of criminal proceedings from registration in the URPI to referral to court with an indictment*



Such a gap between the number of recorded proceedings and the number of those referred to court can be explained by several factors.

First, the 2012 CPC of Ukraine established the obligation for pre-trial investigation bodies to register any applications and reports. Some of these are not substantiated during verification, and the proceedings are subsequently closed.

Second, **in a large proportion of proceedings, no decision had been taken by the end of the reporting period (either on completion or suspension).** In 2025, this amounted to

1,069 proceedings, of which 35 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 1,034 concerned Parts 3–8. In total, 1,714 proceedings were recorded in this year. Thus, in the vast majority of recorded proceedings, no final decision had been taken.

As of the end of 2024, no decision (on completion or suspension) had been taken in 1,319 proceedings, of which 159 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 1,160 concerned Parts 3–8. In total, 2,420 proceedings were recorded in this year.

In 2023, no decision (on completion or suspension) had been taken in 1,957 proceedings, of which 364 concerned Parts 1 and 2 of Article 111-1 of the CC of Ukraine and 1,593 concerned Parts 3–8. In total, 3,207 proceedings were recorded in this year.

Thus, a trend can be observed whereby proceedings in which no procedural decision on completion or suspension has been taken by the end of the reporting period prevail over those in which a decision has been made to refer the case to court with an indictment. This may indicate the prolonged duration of pre-trial investigations in this category of cases, particularly with regard to the period prior to the notification of suspicion. Another contributing factor may be the change in the method of calculating pre-trial investigation time limits. In 2023, amendments were introduced to the CPC of Ukraine¹⁶ and currently, pursuant to Article 219(1) of the CPC of Ukraine, the time limit for pre-trial investigation is calculated *from the moment a person is notified of suspicion* until the day the case is referred to court with an indictment, a motion for the application of compulsory medical or educational measures, a motion for exemption from criminal liability, a motion to close the criminal proceedings, or until the day a decision to close the criminal proceedings is adopted (that is, the time limit for pre-trial investigation prior to notification of suspicion is not established by law and is not calculated separately).

Taking into account the previously identified trend that only in every second proceeding a notice of suspicion is issued, in practice the majority of proceedings are conducted without such notification. Accordingly, in light of the amendments to the CPC of Ukraine in 2023 and the absence of calculation of pre-trial investigation time limits prior to notification of suspicion, a trend can be observed whereby the absence of a decision to close or suspend pre-trial investigations reflects both the change in the calculation of time limits and the relatively low proportion of notices of suspicion compared to the total number of recorded criminal proceedings.

CHARACTERISTICS OF PERSONS WHO COMMITTED CRIMINAL OFFENCES.

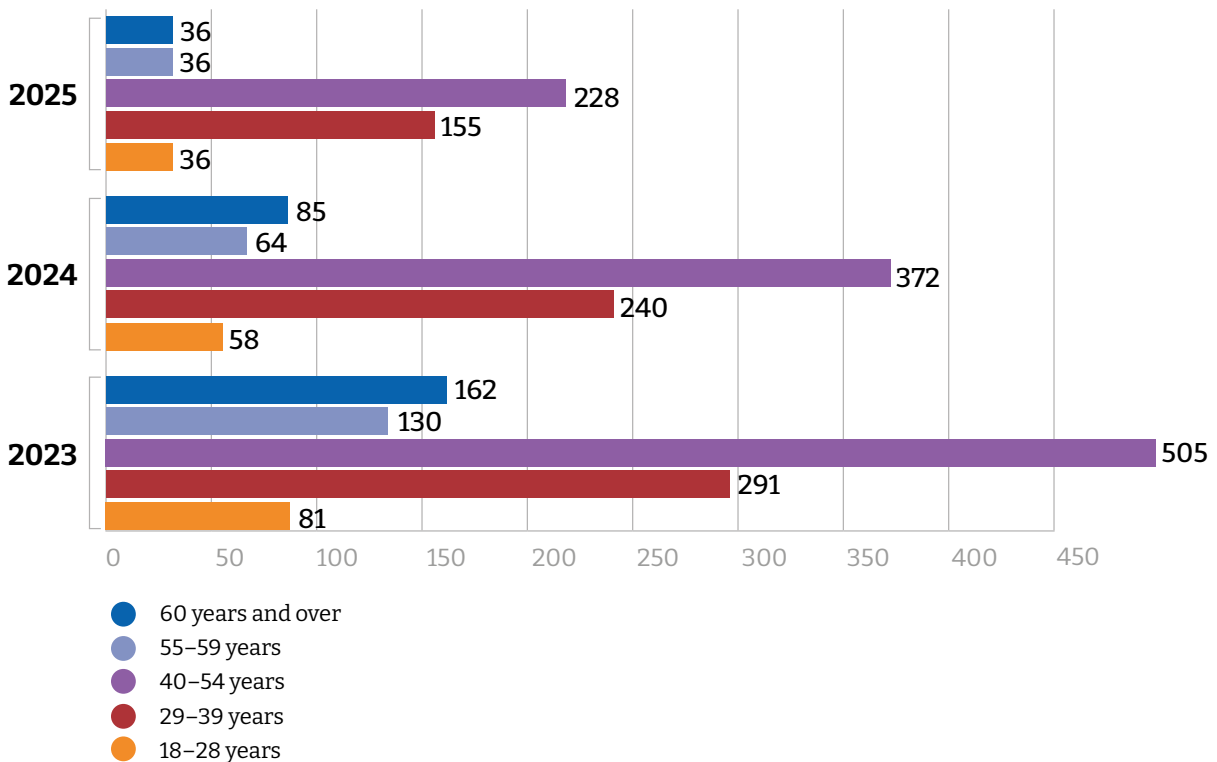
The profile of individuals is presented according to several criteria:

- by age;
- by the presence or absence of a criminal record;
- by employment status and professional affiliation.

¹⁶ Law of Ukraine “On Amendments to the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Regarding Strengthening the Independence of the Specialised Anti-Corruption Prosecutor’s Office” dated 8 December 2023 No. 3509-IX: <https://zakon.rada.gov.ua/laws/show/3509-20#n14>

Among the total number of persons in respect of whom proceedings were recorded in 2023, 2024 and 2025, individuals aged 40 to 54 prevail. The second most common age group each year is 29 to 39. In third place are individuals aged 60 and over at the time of committing the criminal offence.

Figure 4. *Age distribution of persons subject to pre-trial investigation under Article 111-1 of the CC of Ukraine*



In terms of education, the largest number of proceedings concerns persons with higher and professional pre-higher education (681 in 2023, 458 in 2024, and 272 in 2025).

This is followed by persons with basic secondary and upper secondary education (154 in 2023, 97 in 2024, and 66 in 2025).

Next are persons with vocational (technical) education (330 in 2023, 263 in 2024, and 153 in 2025).

Each year, one or two suspects in criminal offences under Article 111-1 of the CC of Ukraine have only primary education or no education at all.

As regards criminal background, the overwhelming majority of persons accused of collaborative activity had not previously been held criminally liable.

In 2023, out of the total number of persons notified of suspicion (1,305), only 24 had previously committed criminal offences, 11 of whom had an outstanding or unspent conviction.

In 2024, 34 persons had previously committed criminal offences, 18 of whom had an outstanding or unspent conviction.

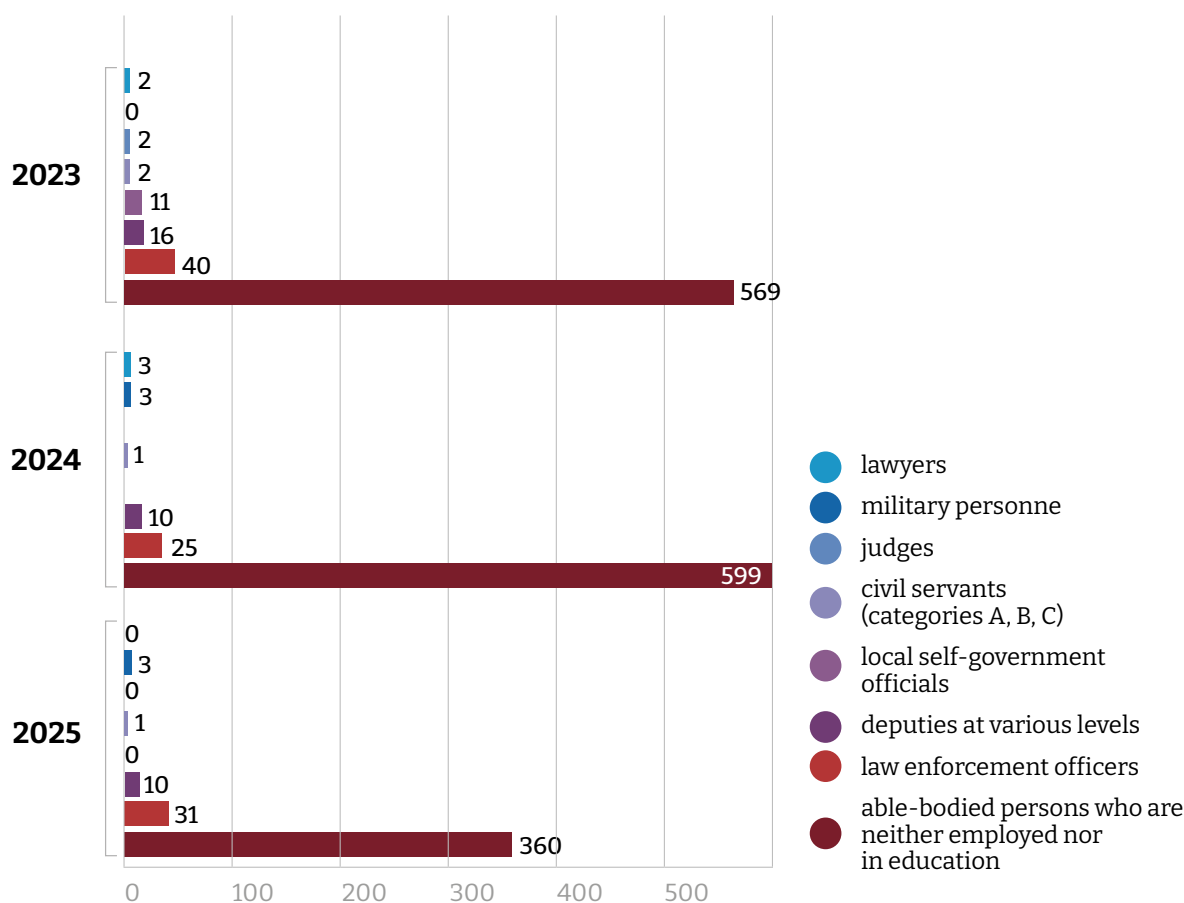
In 2025, the same trend is observed – only 18 persons had previously committed criminal offences, 8 of whom had an outstanding or unspent conviction.

The above demonstrates a consistent trend: the overwhelming majority of persons suspected of collaborative activity have no prior criminal record. The share of individuals with previous convictions in 2023–2025 remains minor and consistently low.

Over the three-year period, a stable trend can be observed in the distribution of persons by employment status:

The majority of recorded proceedings concern able-bodied individuals who are neither employed nor in education (569 in 2023, 599 in 2024, and 360 in 2025).

Figure 5. *Distribution by employment status of persons subject to pre-trial investigation under Article 111-1 of the CC of Ukraine*



Among other categories, isolated cases of collaborative activity can be observed involving notaries, officials and civil servants of other state authorities, etc.

In summary, based on the analysis of statistical indicators on the progress of criminal proceedings under Article 111-1 of the CC of Ukraine for 2023–2025 at the pre-trial investigation stage, the following trends can be identified:

1. Over the period of application of Article 111-1 of the CC of Ukraine, law enforcement bodies have developed a substantial body of criminal proceedings, the vast ma-



jority of which are completed by referral to court with indictments. The shift from proceedings under Parts 1 and 2 of Article 111-1 of the CC of Ukraine (misdemeanours) towards proceedings under the more serious parts of the Article, namely Parts 3–8 (crimes), indicates an increased complexity of the subject matter of proof at the pre-trial investigation stage and confirms the trend identified in the previous year during the analysis of court statistics – the prioritisation of investigations into crimes over cases concerning misdemeanours within this Article. The hypothesis that the decrease in the number of proceedings under Part 1 of Article 111-1 of the CC of Ukraine may be related to a shift in the approach to the legal classification of acts falling under Part 1 of Article 111-1, and their reclassification under Article 436-2 of the CC of Ukraine (“Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants”), has not been confirmed, as a decreasing trend in the number of initiated proceedings under Article 436-2 of the CC of Ukraine has also been observed over three consecutive years.

2. The trend of a decrease in the overall number of recorded proceedings has been reflected in a corresponding decrease in the number of criminal proceedings in which notices of suspicion were issued. Overall, there has been a steady decline in the number of notices of suspicion under Parts 1 and 2 of Article 111-1 of the CC of Ukraine over three years – by more than tenfold. The number of notices of suspicion under Parts 3–8 has also decreased significantly, and this trend has persisted for three consecutive years. In 2023, the number of recorded proceedings exceeded the number of proceedings with notices of suspicion by 2.4 times. In 2024, every second recorded criminal proceeding, in the course of the investigation, was transformed into a proceeding against a specific person. In 2025, the trend returned to the level observed in 2023 – when the number of recorded proceedings exceeded the number of proceedings with notices of suspicion by 2.4 times.
3. Special pre-trial investigations (in absentia) were conducted in respect of 352 persons in 2025, 498 in 2024, and 1,127 in 2023. In line with the overall trend of decreasing numbers of recorded proceedings under Article 111-1 of the CC of Ukraine, the number of proceedings conducted in absentia has also declined. At the same time, court statistics indicate the opposite trend – an increase in the number of special judicial proceedings in 2025 compared to the previous year. This may be partially explained by the fact that special pre-trial investigations are subsequently transformed into special judicial proceedings once the case is referred to court, and that courts are currently examining cases initiated in previous years. However, it will only be possible to confirm or refute this hypothesis through further analysis of court statistics data.
4. The primary ground for the suspension of proceedings over the three-year period remains that the whereabouts of the suspect are unknown. For example, in 2025, 121 out of 122 proceedings were suspended on this ground. In turn, the ground introduced into the CPC of Ukraine in 2022 – “the existence of objective circumstances that make it impossible to continue the pre-trial investigation under martial law” – has not been applied over the past three years.

5. The primary form of completion of pre-trial investigation is the referral of proceedings to court with an indictment. In line with the overall trend of a decrease in the number of recorded proceedings, the number of cases referred to court and closed criminal proceedings has also declined accordingly. A comparison of data on recorded criminal proceedings, proceedings in which notices of suspicion were issued, and proceedings referred to court with an indictment demonstrates a growing trend of a decrease in the number of proceedings that progress from registration in the URPI to an indictment: in 2023, the number of proceedings referred to court was 3.2 times lower than the number of recorded proceedings; in 2024 – 2.8 times lower; in 2025 – 3.2 times lower.
6. Over the three-year period, no proceedings were referred to court by the prosecution with a motion for exemption from criminal liability or with a motion to close the proceedings.
7. An extremely low rate of closure of criminal proceedings at the pre-trial investigation stage is observed: only 5 proceedings were closed in 2025, 16 in 2024, and 48 in 2023. At the same time, rehabilitative grounds for closing proceedings have not been applied even once.
8. A consistent trend can be observed whereby proceedings in which no decision on completion or suspension has been taken by the end of the reporting period prevail. This is due to the fact that in a significant proportion of proceedings no notice of suspicion is issued, while the 2023 amendments to the CPC of Ukraine regarding the calculation of pre-trial investigation time limits effectively contribute to the prolonged status of such proceedings without procedural completion.
9. Regarding the characteristics of persons who committed criminal offences:
 - by age, individuals aged 40 to 54 prevail. The second most common age group each year is 29 to 39. In third place are individuals aged 60 and over at the time of committing the criminal offence;
 - by education, the largest number of proceedings concerns persons with higher and professional pre-higher education, followed by persons with basic secondary and upper secondary education, and then those with vocational (technical) education;
 - regarding criminal background, the overwhelming majority of persons accused of collaborative activity had not previously been held criminally liable. The proportion of individuals with prior convictions in 2023–2025 remains minor and consistently low;
 - the overwhelming majority of recorded proceedings concern able-bodied individuals who are neither employed nor in education. Among other categories, cases of collaborative activity are also recorded among representatives of law enforcement bodies and members of parliament, while involvement of local government officials, civil servants, judges, military personnel and lawyers remains isolated or episodic. Individual cases are also observed among notaries and officials of other state authorities, however, these do not constitute an independent or consistent trend.



CHAPTER 2.

PRACTICE OF APPLYING MEASURES OF RESTRAINT TO SUSPECTS

The application of measures of restraint to suspects under different parts of Article 111-1 of the CC of Ukraine continues to present challenges. As noted in previous reports¹⁷, the provisions of criminal procedural law, in particular Article 176(6) of the CPC of Ukraine (“General provisions relating to measures of restraint”)¹⁸, allow for the application of the most severe preventive measure (detention) where relevant risks are present. However, in practice, the application of measures of restraint to persons accused of collaborative activity reveals instances of unjustifiably prolonged detention without the determination of bail. An analysis of the reasoning in court decisions shows that the justification for such measures of restraint is often formalistic: courts frequently limit themselves to general references to the risks provided for in Article 177 of the CPC of Ukraine, without properly examining the individual circumstances of the case and the personal characteristics of the suspect or accused. The differences identified across specific parts of Article 111-1 of the CC of Ukraine, as well as the formalised approach to judicial reasoning, indicate the need for courts to provide more thorough justification for imposing detention without bail, and to assess, in each case, whether alternative, less severe measures of restraint could be applied.

As a rule, courts do not apply measures of restraint in proceedings concerning criminal misdemeanours. During the period under review, a preventive measure in the form of detention was applied to the suspect in one proceeding under Part 2 of Article 111-1 of the CC of Ukraine, which was later replaced with a personal undertaking (the person was initially suspected under Part 5 of Article 111-1 of the CC of Ukraine and subsequently reclassified under Part 2). As a result, the person was convicted under Part 2 of Article 111-1 of the CC of Ukraine for holding the position of technical manager of the Kupiansk timber processing unit of the State Enterprise “Kupiansk Forestry”¹⁹.

Measures of restraint are applied much more frequently to suspects and accused persons in felony cases. Overall, in proceedings under Parts 3–7 of Article 111-1 of the CC of Ukraine, the following common trends can be observed:

- the predominant use of detention, often without setting bail;
- prolonged use of detention without setting bail;

¹⁷ Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025, p. 25 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

¹⁸ Criminal Procedure Code of Ukraine dated 13 April 2012 No. 4651-VI, Article 176: <https://zakon.rada.gov.ua/laws/show/en/4651-17#Text>

¹⁹ Judgment of the Chervonozavodskyi District Court of the city of Kharkiv dated 4 March 2025 in case No. 646/1668/25: <https://reyestr.court.gov.ua/Review/125603958>

- and isolated cases in which, by the time of conviction, the person has effectively already served the sentence imposed.

This raises the issue of the proper justification for applying detention without bail, particularly in light of the possibility of applying less severe measures of restraint. At the same time, judicial practice varies depending on the specific part of Article 111-1 of the CC of Ukraine.

Thus, under **Part 3**, due to the limited number of cases examined with the participation of the person concerned (4 cases), it is difficult to identify clear trends in the application of measures of restraint: in one proceeding, a personal undertaking was applied;²⁰ in two proceedings, detention without bail was applied (in one case – for three months,²¹ in the other – the decision was adopted prior to the person’s arrest, and following the arrest USRCD contains no data confirming that the measure was actually enforced)²²; and in one proceeding, no measure of restraint was applied.²³

In contrast, under **Part 4**, a more varied judicial practice can be observed: alongside detention without bail (14 proceedings), courts also widely applied bail (16 proceedings), detention with bail set (7 proceedings), and house arrest (7 proceedings).

At the same time, even under this part, there are instances of excessively prolonged detention.

Thus, for example, in a case concerning a resident of the settlement of Babyntsi, Bucha District, Kyiv Region, who was accused of having “voluntarily established close ties with unidentified servicemen of the armed forces of the Russian Federation and other military formations of the aggressor state, to whom she voluntarily and on her own initiative provided material resources and services, including accommodation”, a measure of restraint in the form of detention was applied for more than 2 years and 9 months. Following the consideration of the appeal, the appellate court recognised that she had already served her sentence.²⁴

In at least two proceedings, detention was applied for more than two years.²⁵ There were also instances in which measures of restraint were replaced with less severe ones: in 3 proceedings, detention without bail was replaced in the judgment by a personal undertaking;²⁶ In one proceeding, detention with bail set was replaced by a personal undertaking²⁷.

20 Judgment of the Halytskyi District Court of the city of Lviv dated 27 March 2025 in case No. 461/6802/24: <https://reyestr.court.gov.ua/Review/126217302>

21 Judgment of the Industrialnyi District Court of the city of Kharkiv dated 25 June 2025 in case No. 644/3717/25: <https://reyestr.court.gov.ua/Review/128385826>

22 Judgment of the Shakhtarskyi City Court of Dnipropetrovsk Region dated 7 October 2025 in case No. 186/1608/23: <https://reyestr.court.gov.ua/Review/130817764>

23 Judgment of the Kherson City Court of Kherson Region dated 7 October 2025 in case No. 186/1608/23: <https://reyestr.court.gov.ua/Review/127005624>

24 Ruling of the Kyiv Court of Appeal dated 2 May 2025 in case No. 369/6411/22: <https://reyestr.court.gov.ua/Review/127202914>

25 Judgment of the Kherson City Court of Kherson Region dated 21 May 2025 in case No. 766/5/23: <https://reyestr.court.gov.ua/Review/127488475>; and judgment of the Shevchenkivskyi District Court of the city of Kharkiv dated 9 June 2025 in case No. 638/6778/23: <https://reyestr.court.gov.ua/Review/127983690>

26 Judgment of the Holosiivskyi District Court of the city of Kyiv dated 28 April 2025 in case No. 752/10105/25: <https://reyestr.court.gov.ua/Review/126913404> and judgment of the Dzerzhinsky District Court of the city of Kharkiv dated 15 January 2025 in case No. 638/21993/24: <https://reyestr.court.gov.ua/Review/124417005>

27 Judgment of the Sviatoshynskyi District Court of the city of Kyiv dated 1 September 2025 in case No. 759/15924/25: <https://reyestr.court.gov.ua/Review/129862289>

Proceedings involving multiple suspects should be assessed separately, as courts applied measures of restraint of varying degrees of severity to each individual.

The most stringent practice in the application of measures of restraint is observed **under Parts 5 and 7 of Article 111-1 of the CC of Ukraine:**

- under **Part 5**, among 56 proceedings examined with the participation of the person concerned, the following measures of restraint were applied: detention without bail (47 proceedings); detention with bail set (two proceedings); house arrest, subsequently replaced by detention with bail set (one proceeding). The average duration of detention was 1 year and 5 months, and in individual cases – 2 years and 8 months,²⁸ 2 years and 9 months²⁹ and 2 years and 10 months³⁰.
- under **Part 7**, among 28 proceedings examined with the participation of the person concerned, the following measures of restraint were applied: detention without bail (23 proceedings); bail set after 2 years and 6 months of detention without bail (one proceeding, in a case where the person was acquitted); no measure of restraint applied (3 proceedings, including two involving defendants who were prisoners of war)³¹. The average duration of detention was 1 year and 6 months, and in individual cases – 2 years and 7 months³² and 2 years and 10 months.³³

Particular attention should be paid to **Part 6** of Article 111-1 of the CC of Ukraine: despite the small number of proceedings examined with the participation of the person concerned (four proceedings), it is here that the duration of detention is most illustrative – ranging from 9 months³⁴ to 3 years and 1 month³⁵.

Thus, the practice of applying measures of restraint in proceedings under Article 111-1 of the CC of Ukraine is characterised by the predominant use of detention without bail and its considerable duration (ranging from several months to three years), particularly under Parts 5–7 of this Article. The approach to applying this measure of restraint is largely formalistic and is not accompanied by an examination of the individual circumstances of the case or consideration of the possibility of applying alternative, less severe preventive measures.

28 Judgment of the Kherson City Court of Kherson Region dated 8 December 2025 in case No. 766/1170/23: <https://reyestr.court.gov.ua/Review/132558788>

29 Judgment of the Khadzhybeyskyi District Court of the city of Odesa dated 22 September 2025 in case No. 521/5646/23: <https://reyestr.court.gov.ua/Review/130804257> and judgment of the Balakliia District Court of Kharkiv Region dated 6 November 2025 in case No. 610/28/23: <https://reyestr.court.gov.ua/Review/131570528>

30 Judgment of the Shevchenkivskyi District Court of the city of Kharkiv dated 13 October 2025 in case No. 638/4239/23: <https://reyestr.court.gov.ua/Review/130932944>

31 Judgment of the Ivano-Frankivsk City Court of Ivano-Frankivsk Region dated 24 October 2025 in case No. 344/15409/25: <https://reyestr.court.gov.ua/Review/130486582>; and judgment of the Ivano-Frankivsk City Court of Ivano-Frankivsk Region dated 15 September 2025 in case No. 344/15411/25: <https://reyestr.court.gov.ua/Review/130195266>

32 Judgment of the Khadzhybeyskyi District Court of the city of Odesa dated 7 October 2025 in case No. 521/9363/23: <https://reyestr.court.gov.ua/Review/131150315>

33 Judgment of the Khadzhybeyskyi District Court of the city of Odesa dated 7 October 2025 in case No. 521/9363/23: <https://reyestr.court.gov.ua/Review/131150315>

34 Judgment of the Khadzhybeyskyi District Court of the city of Odesa dated 15 January 2025 in case No. 643/7151/24: <https://reyestr.court.gov.ua/Review/124421611>

35 Judgment of the Pecherskyi District Court of the city of Kyiv dated 1 May 2025 in case No. 757/18654/22-k: <https://reyestr.court.gov.ua/Review/127730059>

CHAPTER 3.

GENERAL TRENDS IN JUDICIAL PRACTICE UNDER ARTICLE 111-1 OF THE CRIMINAL CODE OF UKRAINE

Since the introduction of Article 111-1 (“Collaborative Activity”) into the Criminal Code of Ukraine, there has been an ongoing need for a systematic analysis of its application in judicial practice. Previous analytical reports by the Human Rights Centre ZMINA identified a number of consistent trends, in particular regarding the legal certainty of the constituent elements of criminal offences,³⁶ the distinction between offences under Articles 111-1 and 436-2 of the CC of Ukraine (“Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants”),³⁷ the assessment of intent to harm to national security and the voluntariness of conduct,³⁸ as well as the failure to take into account the standards of international humanitarian law in legislation.³⁹

In 2025, within this category of proceedings, previously identified procedural and statistical trends persisted: a decrease in the number of judgments concerning criminal misdemeanours, an increase in the number of judgments delivered under Parts 3–7 of Article 111-1 of the CC of Ukraine, expanded use of special proceedings (in absentia), and the predominant delivery of judgments on the basis of plea agreements in proceedings under Part 4 of Article 111-1 of the CC of Ukraine. At the same time, in 2025, the quantitative distribution of judgments across the parts of Article 111-1 changed: judgments under Parts 5 and 7 became predominant, and, for the first time, a judgment was delivered under Part 8 of that Article.

As of 31 December 2025, 3,103 judgments⁴⁰ under Article 111-1 of the CC of Ukraine had been registered in the USRCD.

36 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 40 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

37 Analytical report “Collaborationism and abetting the aggressor state: practice of legislative application and prospects for improvement” / O. Syniuk, O. Lunova; Ed. D. Svyrydova / The Human Rights Centre ZMINA. – Kyiv, 2023. https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboration_web_eng.pdf; Analytical report “Survival or crime: how Ukraine punishes collaborationism” / O. Syniuk, D. Deputat, I. Vyshnevskaya, V. Volkovynska, V. Chervonna, M. Yelihulashvili; Ed. A. Lunova – Kyiv, 2024, p.33: https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboratz_eng_web.pdf

38 Analytical report “Survival or crime: how Ukraine punishes collaborationism” / O. Syniuk, D. Deputat, I. Vyshnevskaya, V. Volkovynska, V. Chervonna, M. Yelihulashvili; Ed. A. Lunova – Kyiv, 2024, p.36: https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboratz_eng_web.pdf

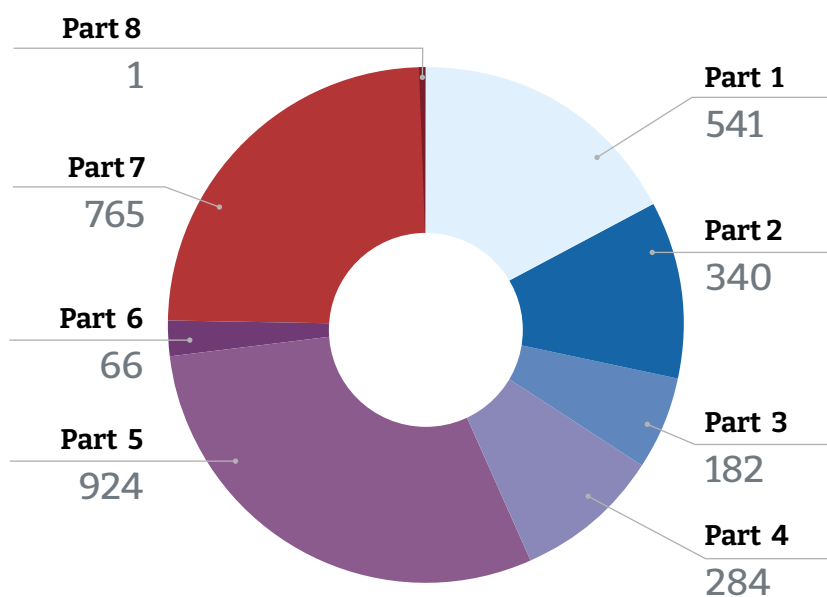
39 *ibid*, p.29.

40 The figure of 3,103 does not include judgments prohibited from publication pursuant to Paragraph 4 of Part 1 of Article 7 of the Law of Ukraine “On Access to Court Decisions”, and does not account for duplicate entries in the system, judgments under related Articles, as well as verdicts in appeal or cassation instance.

STATISTICS OF JUDGMENTS BY PARTS OF ARTICLE 111-1 OF THE CC OF UKRAINE

In 2025, according to data from the Unified State Register of Court Decisions (US-RCD), there was a significant shift in the quantitative distribution of judgments across different parts of Article 111-1 of the CC of Ukraine: whereas judgments under Part 1 of Article 111-1 of the CC of Ukraine had previously predominated (517 judgments as of 2024),⁴¹ as of 31 December 2025 the highest number of judgments had been recorded under Part 5 (924 judgments) and Part 7 (765 judgments) of Article 111-1 of the CC of Ukraine.

Figure 6. *Judgments in proceedings by parts of Article 111-1 of the CC of Ukraine since March 2022*



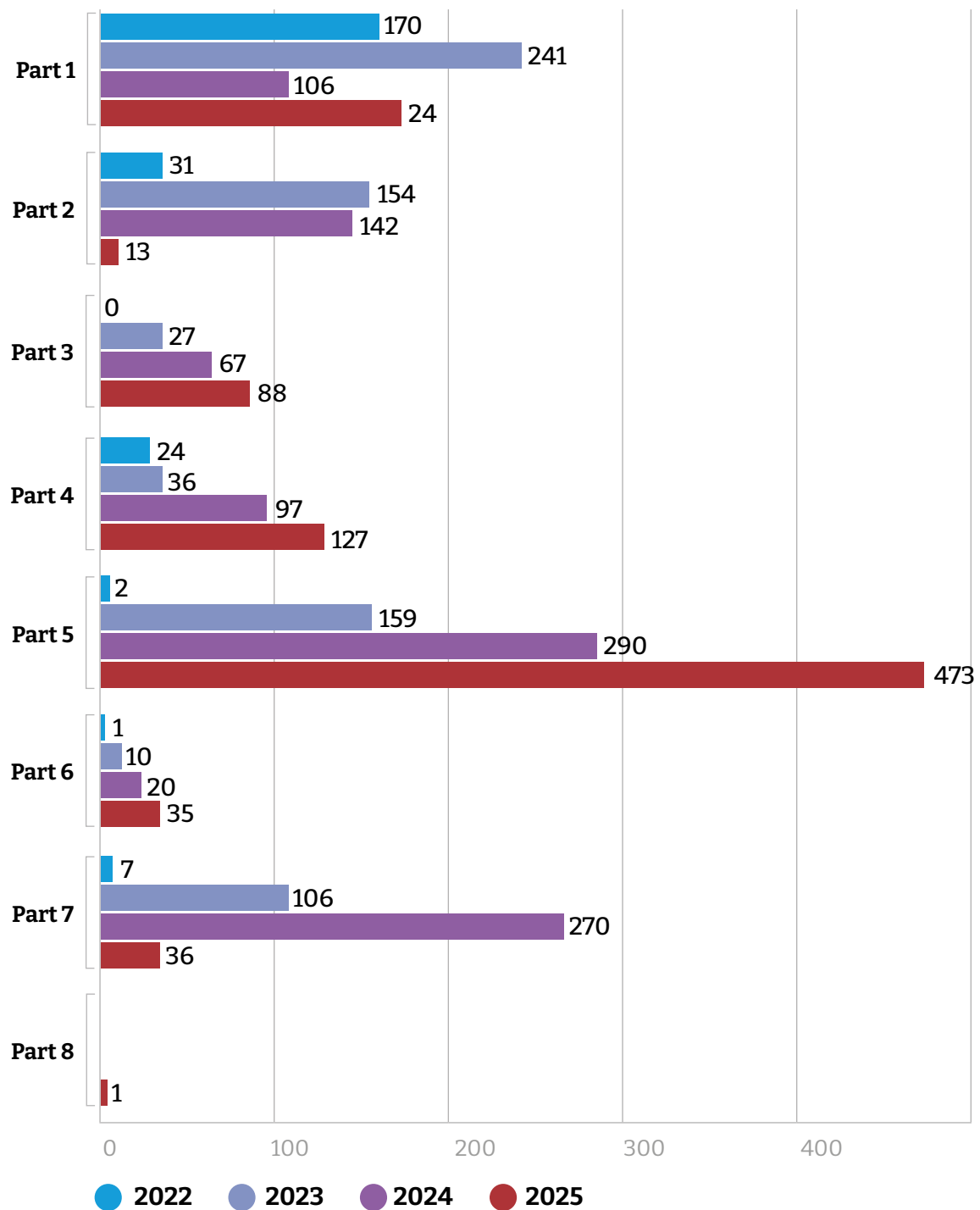
At the same time, the trend identified in previous reports persisted in 2025, namely a gradual decrease in the number of judgments delivered in respect of criminal misdemeanours (Parts 1 and 2 of Article 111-1 of the CC of Ukraine) and an increase in the number of judgments delivered under Parts 3–7 of this Article, which establish liability for crimes. As in 2024, judicial practice in 2025 shows that cases concerning crimes under Article 111-1 of the CC of Ukraine quantitatively predominate over those concerning criminal misdemeanours.

Statistics on judgments delivered for criminal misdemeanours (Parts 1 and 2 of Article 111-1 of the CC of Ukraine):

- under **Part 1**, 241 judgments were delivered in 2023, 106 in 2024, and only 24 in 2025. In contrast to 2024, the number of judgments delivered in 2025 decreased fourfold;
- under **Part 2**, 154 judgments were delivered in 2023, 142 in 2024, and only 13 in 2025 (decreased almost elevenfold compared to 2024).

⁴¹ Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 13 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

Figure 7. *Judgments in proceedings under the parts of Article 111-1 of the CC of Ukraine in 2022, 2023, 2024 and 2025*



The statistics on judgments delivered under parts 3 to 7 of Article 111-1 of the CC of Ukraine are as follows:

- under **Part 3**, 88 judgments were delivered in 2025, compared to 67 in 2024. The judgments delivered in 2025 under this Part constitutes 48% of the total number of judgment registered in the USRCD under Part 3;

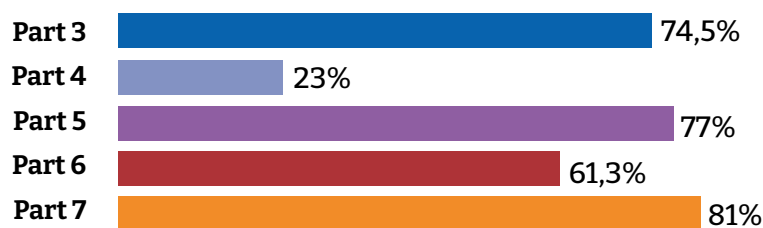
- under **Part 4**, 127 judgments were delivered in 2025, which constitutes 41% of the total number of judgments registered in the USRCD under Part 4;
- under **Part 5**, 473 judgments were delivered in 2025, which constitutes the largest number of judgments among all parts of Article 111-1 of the CC of Ukraine. Judgments delivered under Part 5 in 2025 constitutes 51% of the total number of judgments registered in the USRCD under Part 5;
- a similar trend is observed for **Parts 6 and 7**, as the number of judgments delivered in 2025 also constitutes approximately half of all judgments registered in the USRCD under those parts – 35 (53%) and 382 (50%), respectively.

In 2025, for the first time since the criminalisation of collaborative activity, a judgment was delivered under Part 8 of Article 111-1 of the CC of Ukraine.⁴²

STATISTICS ON THE EXAMINATION OF CASES UNDER SPECIAL PROCEEDINGS (IN ABSENTIA)

The upward trend in the number of judgments delivered in special proceedings (in absentia)⁴³, observed in previous periods, persisted in 2025 in proceedings under Parts 3–7 of Article 111-1 of the CC of Ukraine. As before, special proceedings were rarely applied in cases concerning criminal misdemeanours, with the exception of isolated instances related to the reclassification of the charges.⁴⁴ For illustrative comparison, the percentage share of cases examined in absentia out of the total number of judgments is provided, broken down by Parts of Article 111-1 of the CC of Ukraine as of 31 December 2024 (Figure 8):

Figure 8.⁴⁵ *Percentage of cases examined in absentia out of the total number of judgments as of 31 December 2024*



⁴² Judgment of the Komunarskyi District Court of the city of Zaporizhzhia dated 18 November 2025 in case No: <https://reyestr.court.gov.ua/Review/132265385>

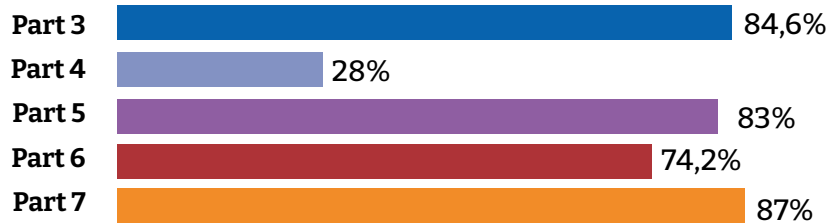
⁴³ Special procedure of criminal proceedings in the absence of a suspect (at the stage of pre-trial investigation) or an accused (at the stage of trial), applied in cases and under the conditions defined by the CPCof Ukraine (part two of Article 297-1 of the CPC of Ukraine)

⁴⁴ Judgment of the Ordzhonikidzevskyi District Court of the city of Zaporizhzhia dated 2 September 2024 in case No. 335/7086/23: <https://reyestr.court.gov.ua/Review/121304181>; and ruling of the Voznesenivskyi District Court of the city of Zaporizhzhia dated 21 May 2025 in case No. 35/7086/23: <http://reyestr.court.gov.ua/Review/127502143>

⁴⁵ Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 19 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

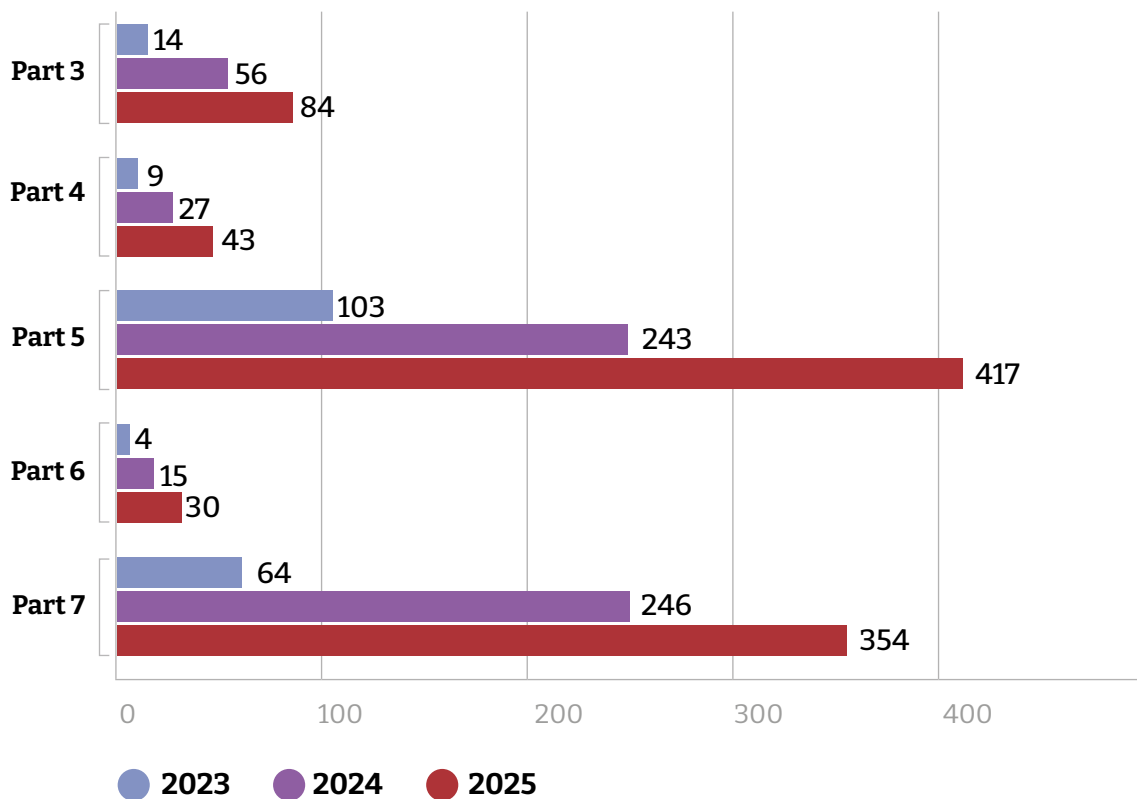
and as at 31 December 2025 (Figure 8):

Figure 9. *Percentage of cases examined in absentia out of the total number of judgments as of 31 December 2025*



The increase in the number of cases examined in absentia correlates with the overall increase in the number of judgments under Parts 3–7 of Article 111-1 of the CC of Ukraine. Compared to 2024, the number of such cases increased in 2025 (Figure 10):

Figure 10. *Judgments in in absentia proceedings under Parts of Article 111-1 of the CC of Ukraine in 2023, 2024 and 2025*



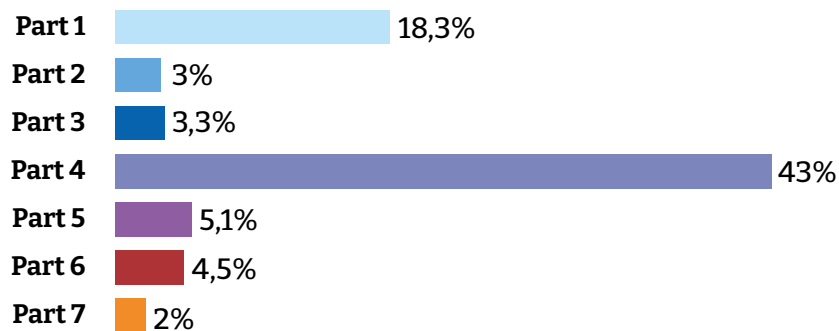
STATISTICS ON THE CONCLUSION AND APPROVAL OF PLEA AGREEMENTS

In 2025, the trend identified in previous reports persisted, namely a significant number of judgments based on plea agreements in proceedings under Part 4 of Article 111-1 of the CC of Ukraine. In 2025, 56 judgments based on plea agreements were delivered under this Part, compared to 39 in 2024, representing a 1.4-fold increase. However, this increase

is likely attributable to the overall rise in the number of cases examined⁴⁶ under Part 4 of Article 111-1 of the CC of Ukraine: 127 cases were examined in 2025, compared to 97 in 2024.

In addition, in 2025 there was a noticeable increase in the number of judgments based on plea agreements in proceedings under Part 5 of Article 111-1 of the CC of Ukraine, which may may likewise be explained by the increase in the number of proceedings examined under this Part. In particular, 15 such judgments based on plea agreements were delivered under this Part in 2025, compared to 8 in 2024 (almost a twofold increase). The overall percentage ratio of all plea agreements concluded since the criminalisation of collaborative activity relative to the number of judgments under each Part of Article 111-1 of the CC of Ukraine is presented below (Figure 11):

Figure 11. *Percentage of all plea agreements concluded since the criminalisation of collaborative activity relative to the number of judgments under each Part of Article 111-1 of the CC of Ukraine*



As noted in previous studies of judicial practice under Article 111-1 of the CC of Ukraine, the prevalence of plea agreements in this category of proceedings is closely linked to the number of proceedings conducted under special judicial proceedings (in absentia), since the approval of such agreements requires the participation of the parties and verification by the court of their voluntary nature in accordance with the requirements of the CPC of Ukraine.

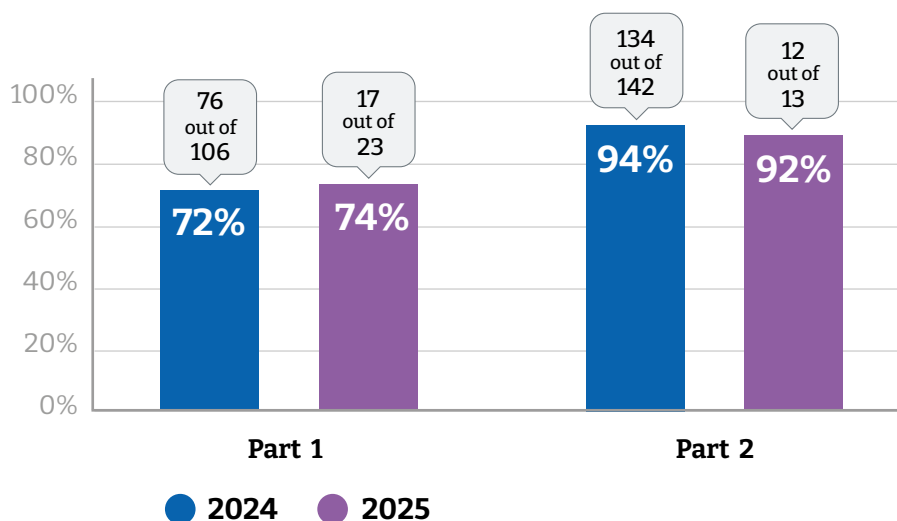
STATISTICS ON THE EXAMINATION OF CASES UNDER SIMPLIFIED PROCEEDINGS

In proceedings under Parts 1 and 2 of Article 111-1 of the CC of Ukraine, the trend towards extensive use of simplified proceedings persists⁴⁷, despite a significant decrease in the overall number of such proceedings in 2025 (Figure 12):

⁴⁶ A plea agreement is concluded between the prosecutor and the suspect/accused and is subject to approval by the court, which delivers a judgment on the basis of the agreement. For more details, see Articles 468–475 of the CPC of Ukraine

⁴⁷ A special procedure for examining an indictment without a court hearing and in the absence of the parties to the proceedings, applied with the consent of the accused provided that they do not dispute the circumstances established during the inquiry.

Figure 12. | *Examination of cases under simplified proceedings*



In 2025, for the first time, a trend previously observed at the pre-trial investigation stage was reflected in judicial practice in proceedings under Article 111-1 of the CC of Ukraine: in quantitative terms, judgments delivered under Parts 5 and 7 began to prevail against the background of a decrease in the number of judgments concerning criminal misdemeanours. This indicates a gradual shift in judicial practice from the examination of criminal misdemeanours to the examination of crimes. The number of judgments delivered within the special procedure (in absentia) is also increasing, both in absolute and percentage terms: in proceedings under Parts 3, 5 and 7, their share exceeds 80%. In addition, the number of judgments delivered on the basis of plea agreements in proceedings under Part 4 of Article 111-1 of the CC of Ukraine continues to increase.

CHAPTER 4.

ANALYSIS OF JUDICIAL PRACTICE UNDER CERTAIN PARTS OF ARTICLE 111-1 OF THE CRIMINAL CODE OF UKRAINE

This section analyses practice on the delivery of judgments under specific Parts of Article 111-1 of the CC of Ukraine for the period from 1 January to 31 December 2025. The analysis focuses on issues of the classification of acts in cases involving a combination of criminal offences, approaches of courts to the assessment of forms of complicity, the practice of imposing principal and additional penalties, as well as specific features of procedural examination, in particular the application of special proceedings (in absentia), simplified proceedings, and judicial practice on judgments delivered on the basis of plea agreements. Particular attention is paid to comparing the identified trends with the results of the previous judicial practice study published in May 2025⁴⁸.

Part 1 of Article 111-1 of the CC of Ukraine

Public denial by a citizen of Ukraine of the armed aggression against Ukraine, establishment and confirmation of the temporary occupation of a part of the territory of Ukraine or public calls by a citizen of Ukraine to support decisions and/or actions of the aggressor state, armed formations and/or occupation administration of the aggressor state, to cooperate with the aggressor state, armed formations and/or occupation administration of the aggressor state, non-recognition of the extension of the state sovereignty of Ukraine to the temporarily occupied territories of Ukraine – shall be punished by deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years.

the trend identified in the previous report persists: the vast majority of judgments delivered in 2025 concern convictions of individuals for statements made in public places, while significantly fewer relating to publications on internet resources. Thus, 17 out of 24 judgments concerned statements made in public places (on the premises of a village council, at a bus stop, at a pedestrian crossing, in catering establishments, in a pre-trial detention centre, and in the presence of police officers, etc.). The remaining 8 judgments concerned acts committed using internet resources, in particular on the social network Odnoklassniki – 4 judgments, Telegram – 2 judgments, and one judgment each for statements made on the information resource “[livejournal](#).”

48 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 42 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

[com](#)⁴⁹ and the platform YouTube⁵⁰. In one of the analysed proceedings, a plea agreement was concluded⁵¹;

in 5 cases, expert examinations were conducted, predominantly forensic linguistic (semantic-textual) and computer-technical; in one case, special confiscation was applied (a laptop and its charger were confiscated in favour of the State)⁵²;

- in two cases, the accused had prior convictions for other criminal offences⁵³ at the time of committing the act, which may indicate recidivism⁵⁴. In addition, in one further case, the person committed a criminal misdemeanour under Part 1 of Article 111-1 of the CC of Ukraine in a pre-trial detention centre, where they were being held on suspicion of committing other criminal offences.⁵⁵
- variability in the imposition of the principal penalty persists: in two judgments concerning publications on the social network Odnoklassniki, the individuals were sentenced to deprivation of the right to hold positions in public authorities and local self-government bodies for a period of 12 years⁵⁶, whereas in a similar case, also concerning publications on the same social network, the individual was sentenced to 10 years of a similar restriction.

Part 2 of Article 111-1 of the CC of Ukraine

Voluntary occupation by a citizen of Ukraine of a position not related to the performance of organisational-administrative or administrative-economic functions in illegal authorities established in the temporarily occupied territory, including in the occupation administration of the aggressor state, – shall be punished by deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years with or without confiscation of property.

- a degree of standardisation in approaches to the imposition of the principal penalty is observed: in 12 out of 13 cases, a penalty of deprivation of the right to hold certain

49 LiveJournal website: <http://livejournal.com>

50 YouTube video hosting platform: <https://www.youtube.com/>

51 Judgment of the Velykyi Bereznyi District Court of Zakarpattia Region dated 27 March 2025 in case No. 298/885/22: <https://reyestr.court.gov.ua/Review/126157423>

52 Judgment of the Kyivskiy District Court of the city of Odesa dated 22 September 2025 in case No. 947/34907/25: <https://reyestr.court.gov.ua/Review/130400887>

53 In one case – under part one of Article 111-1 of the Criminal Code of Ukraine (see judgment of the Kharkiv District Court of Kharkiv Region dated 4 April 2025 in case No. 635/2500/25: <https://reyestr.court.gov.ua/Review/126400942>), and in another – under part two of Article 114-2 (“Unauthorised dissemination of information on the direction, movement or supply of weapons, armaments or ammunition to Ukraine, or on the movement, relocation or deployment of the Armed Forces of Ukraine or other military formations established in accordance with the laws of Ukraine, committed under martial law or a state of emergency”), as well as parts two and three of Article 436-2 of the Criminal Code of Ukraine (see judgment of the Novobavarskyi District Court of the city of Kharkiv dated 27 November 2025 in case No. 639/8811/25: <https://reyestr.court.gov.ua/Review/132106431>)

54 Commission of a new intentional criminal offence by a person who has a prior conviction for an intentional criminal offence. For more details, see Article 34 of the CC of Ukraine

55 The person was convicted under part two of Article 111, part two of Article 111, and part two of Article 436-2 of the Criminal Code of Ukraine (see judgment of the Novobavarskyi District Court of the city of Kharkiv dated 21 November 2025 in case No. 639/8688/25: <https://reyestr.court.gov.ua/Review/131938239>)

56 Judgment of the Saksahanskyi District Court of the city of Kryvyi Rih, Dnipropetrovsk Region dated 10 January 2025 in case No. 214/10157/24: <https://reyestr.court.gov.ua/Review/124340900>; and judgment of the Kyivskiy District Court of the city of Odesa dated 22 September 2025 in case No. 947/34907/25: <https://reyestr.court.gov.ua/Review/130400887>

positions or engage in certain activities for a term of 10 years was imposed; only in one case (concerning the position of acting accountant) was a penalty of deprivation of the right to hold certain positions or engage in certain activities for a term of 11 years imposed⁵⁷;

- almost all cases were examined under simplified proceedings: was this procedure not applied only in one proceeding; however, a plea agreement was concluded in that case;
- all cases were examined by courts in only two regions: Kharkiv Region (10 cases) and Kherson Region (3 cases).

Part 3 of Article 111-1 of the CC of Ukraine

Propaganda by a citizen of Ukraine in educational institutions, regardless of the type and form of ownership, with the aim of facilitating the armed aggression against Ukraine, establishing and confirming the temporary occupation of a part of the territory of Ukraine, avoiding responsibility for the armed aggression against Ukraine by the aggressor state, as well as the actions of citizens of Ukraine aimed at implementing the educational standards of the aggressor state in educational institutions, – shall be punished by correctional labour for up to two years or arrest for up to six months, or imprisonment for up to three years with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years.

- as in 2024, a significant number of proceedings during the analysed period were conducted in absentia: out of 88 proceedings, only 4 were examined with the participation of the person (in two of them, a plea agreement was concluded);
- the number of judgments in which the act was classified under a combination of Parts 3 and 5 of Article 111-1 of the CC of Ukraine has increased: whereas in 2024 such classification appeared in only two judgments⁵⁸, in 2025 it was applied in 11. In certain cases, such classification may be justified, as actions related to the implementation of the aggressor State’s education standards may be combined with the voluntary occupation of a position in unlawful authorities. However, some judgments raise questions as to the justification of the additional classification under Part 5 of Article 111-1 of the CC of Ukraine (i.e. the presence of the constituent elements of the criminal offence provided for in Part 5). The correct classification of the act has a significant impact on sentencing, given the different sanction thresholds: under Part 3 – up to 3 years’ imprisonment; under Part 5 – from 5 years’ imprisonment.
- inconsistency in judicial practice is observed with regard to criminal offences under Parts 3 and 5 of Article 111-1 of the CC of Ukraine. In particular, in one case an individual was convicted under Part 3 for occupying the position of the so-called “Minister of

57 Judgment of the Osnovianskyi District Court of the city of Kharkiv dated 5 September 2025 in case No. 646/8433/25: <https://reyestr.court.gov.ua/Review/130019266>

58 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 22 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

Education and Science of the LPR”⁵⁹, whereas in another case an individual was convicted under Part 5 for occupying the position of Deputy Minister of the so-called “Minister of Education, Science and Youth of the Republic of Crimea”⁶⁰. This indicates inconsistency in judicial practice and the absence of a unified approach to distinguishing between the constituent elements of these criminal offences;

- only in three proceedings involving the participation of the accused did the court impose a sentence with exemption from serving it on probation; in two of those proceedings, judgments were delivered on the basis of plea agreements;
- variability is observed in the imposition of the principal penalty for substantively similar acts. Thus, in one case, for occupying the position of acting director of Secondary General Education School No. 8 in the city of Kupiansk, the individual was sentenced to three years of imprisonment,⁶¹ whereas in another case, for occupying the position of director at the Starchenkivska School of the Volodarskyi District, the individual was sentenced to two years of imprisonment. Such divergence in approaches to sentencing requires further analysis in terms of proportionality to the committed act.

Part 4 of Article 111-1 of the CC of Ukraine

The transfer of material resources to illegal armed or paramilitary groups established in the temporarily occupied territory and/or armed or paramilitary groups of the aggressor state, and/or conducting economic activity in cooperation with the aggressor state, illegal authorities established in the temporarily occupied territory, including the occupation administration of the aggressor state, –

shall be punished by a fine of up to ten thousand non-taxable minimum incomes of citizens, or imprisonment for a term of three to five years, with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years, with confiscation of property.

- the trend towards the predominant conclusion of plea agreements in proceedings examined with the participation of the accused persists. In 2025, judgments were delivered with the participation of the accused in 84 proceedings, 56 of which were based on plea agreements;
- imprisonment predominates as the principal penalty: a fine, as a less severe type of principal penalty was imposed in 23 proceedings and only in cases examined with the participation of the accused, whereas imprisonment was imposed in 101 proceedings. At the same time, in a significant proportion of such cases (51 proceedings), courts exempted convicted persons from serving the sentence subject to probation;

59 Judgment of the Synelnykove City District Court of Dnipropetrovsk Region dated 29 October 2025 in case No. 191/4890/23: <https://reyestr.court.gov.ua/Review/131383963>

60 Judgment of the Solomianskyi District Court of the city of Kyiv dated 6 February 2025 in case No. 760/23310/23: <https://reyestr.court.gov.ua/Review/125365652>

61 Judgment of the Shakhtarskyi City Court of Dnipropetrovsk Region dated 7 October 2025 in case No. 186/1608/23: <https://reyestr.court.gov.ua/Review/130817764>

- in 43% of cases, individuals were convicted of committing the act in complicity;
- isolated cases of convictions for a combination of criminal offences under other Articles of the CC of Ukraine were recorded: in conjunction with Part 6 of Article 111-1, Part 5 of Article 111-1, Parts 3 and 4 of Article 358 (“Forgery of documents, seals, stamps and forms, sale or use of forged documents, seals, stamps”), and Part 1 of Article 249 (“Illegal fishing or hunting or any other sea hunting industry”);⁶²
- for the first time since the criminalisation of collaborative activity, in one judgment was imposed, as part of exemption from serving the sentence on probation, the completion of a free online civic education course on the EdEra platform – the critical thinking platform “Think Twice”.⁶³

Part 5 of Article 111-1 of the CC of Ukraine

Voluntary occupation by a citizen of Ukraine of a position related to the performance of organisational-administrative or administrative-economic functions in illegal authorities established in the temporarily occupied territory, including the occupation administration of the aggressor state, or voluntary election to such authorities, as well as participation in organising and conducting illegal elections and/or referendums in the temporarily occupied territory or public calls for conducting such illegal elections and/or referendums in the temporarily occupied territory – shall be punished imprisonment for a term of five to ten years with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years with or without confiscation of property.

- in more than half of the proceedings (264 out of 473), a measure to secure criminal proceedings in the form of seizure of property was applied;
- an increase is observed in proceedings in which judgments were delivered on the basis of plea agreements: in 15 out of 56 proceedings examined with the participation of the accused, such agreements were concluded. At the same time, this increase is likely attributable to the overall rise in the number of judgments delivered under Part 5;
- in 31 judgments, the act was classified as involving a combination of criminal offences provided for in other Articles of the CC of Ukraine: in conjunction with Part 2 of Article 110 (“Encroachment upon the territorial integrity and inviolability of Ukraine”), Part 1 of Article 110, Part 3 of Article 436-2, Part 2 of Article 436-2, and Part 1 of Article 436-2. There are also judgments in which the act was classified in combination with other Parts of Article 111-1 of the CC of Ukraine, in particular Parts 1, 3, 4, 5 and 6.
- in a small number of proceedings (13 out of 473), the provisions of Article 69 of the CC of Ukraine (“Imposition of a more lenient punishment than provided for by

⁶² The list of articles of the CC of Ukraine under which persons were convicted for a combination of criminal offences is presented depending on the number of such convictions: from the highest to the lowest.

⁶³ Judgment of the Perechynskyi District Court of Zakarpattia Region dated 3 June 2025 in case No. 304/512/25: <https://reyestr.court.gov.ua/Review/127867096>

law”) were applied at the sentencing stage; most of these proceedings concerned convictions for organising illegal referendums;

- in 73 out of 473 analysed judgments, individuals were convicted of committing the act in complicity;
- in one proceeding, an individual was convicted of preparation to commit a crime under Part 5 (organisation and preparation for holding an illegal referendum).

Part 6 of Article 111-1 of the CC of Ukraine

Organising and conducting political events, carrying out information activities in cooperation with the aggressor state and/or its occupation administration aimed at supporting the aggressor state, its occupation administration or armed formations and/or at avoiding responsibility for armed aggression against Ukraine, in the absence of signs of treason, active participation in such activities – shall be punished by imprisonment for a term of ten to twelve years with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years with or without confiscation of property.

- in the majority of proceedings, the act was classified as constituting a combination of criminal offences, in particular in conjunction with the following Articles of the CC of Ukraine: Article 436-2 (“Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants”); Article 436 (“Propaganda of war”); Parts 1 and 2 of Article 110 (“Encroachment upon the territorial integrity and inviolability of Ukraine”); Parts 2 and 3 of Article 109 (“Actions aimed at the violent change or overthrow of the constitutional order or seizure of State power”). One proceeding was also recorded in which the act was classified in combination with Part 4 of Article 111-1 of the CC of Ukraine.

Part 7 of Article 111-1 of the CC of Ukraine

Voluntary occupation by a citizen of Ukraine of a position in illegal judicial or law enforcement bodies established in the temporarily occupied territory, as well as voluntary participation of a citizen of Ukraine in illegal armed or paramilitary formations established in the temporarily occupied territory and/or in the armed formations of the aggressor state or assisting such formations in conducting military operations against the Armed Forces of Ukraine and other military formations established in accordance with the laws of Ukraine, voluntary formations that were established or self-organised to protect the independence, sovereignty and territorial integrity of Ukraine, – shall be punished by imprisonment for a term of twelve to fifteen years, with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years and with or without confiscation of property.

- during the analysed period, only one plea agreement was concluded;
- in six proceedings Article 69 of the CC of Ukraine (“Imposition of a more lenient

- punishment than provided for by law”) was applied at the sentencing stage; in one of those proceedings, the judgment was delivered on the basis of a plea agreement;
- in a small proportion of proceedings, the act was classified as constituting a combination of criminal offences provided for in other Articles of the CC of Ukraine: in conjunction with Part 1 of Article 111-2 (“Aiding the aggressor State”); Part 2 of Article 111 (“Treason”); Part 1 of Article 111-3; Part 1 of Article 258-3 (“Creation of a terrorist group or terrorist organisation”); Part 2 of Article 260 (“Creation of unlawful paramilitary or armed formations”); Part 1 of Article 438 (“War crimes”); Part 4 of Article 408 (“Desertion”); Parts 6 and 3 of Article 111-1; Part 1 of Article 111-2; and Part 2 of Article 162 (“Violation of security of residence”).

Part 8 of Article 111-1 of the CC of Ukraine

Actions by the persons specified in Parts 5-7 of this Article or decision-making which led to the death of people or other serious consequences, – shall be punished by imprisonment for a term of fifteen years or life imprisonment with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years with or without confiscation of property.

For the first time since the inclusion of Article 111-1 in the CC of Ukraine, a judgment has been delivered in which an individual was convicted under Part 8 of Article 111-1 of the CC of Ukraine.⁶⁴

According to the judgment, the accused voluntarily assumed the position of the so-called mayor of the city of Berdiansk, Zaporizhzhia Region (a temporarily occupied territory of Zaporizhzhia Region). Acting jointly with others, he organised the unlawful transfer of material resources to representatives of the aggressor State, including grain products, mineral fertilisers, vehicles, fuel and components, which were owned by a number of companies, thereby causing material damage to them in the total amount of UAH 6,375,463,117.44, which exceeds the non-taxable minimum income of citizens by more than one thousand times and constitutes serious consequences.

The individual was convicted in absentia under Part 8 of Article 111-1, Part 3 of Article 27, Part 1 of Article 111-2, Part 2 of Article 28, and Part 2 of Article 438 of the CC of Ukraine.

In particular, under Part 8 of Article 111-1 of the CC of Ukraine, a sentence of life imprisonment was imposed, with deprivation of the right to hold any positions in public authorities and local self-government bodies for a period of 15 years, along with confiscation of all property belonging to him.

At present, this is the only case in which the court has granted more than 10 civil claims for compensation of material damage, 7 of which provide for recovery of funds from the accused in the amount of UAH 1.1011 billion, while the remaining 3 civil claims provide for joint recovery of funds from the accused and the RF in the amount of UAH 1.9 billion.

⁶⁴ Judgment of the Komunarskyi District Court of the city of Zaporizhzhia dated 18 November 2025 in case No. 333/7817/23: <https://reyestr.court.gov.ua/Review/132265385>

CHAPTER 5.

APPELLATE AND CASSATION REVIEW OF JUDGMENTS IN CASES UNDER ARTICLE 111-1 OF THE CRIMINAL CODE OF UKRAINE

Practice of reviewing judgments in cases under Article 111-1 of the CC of Ukraine in 2025 indicates that the primary oversight of the quality of judicial examination is concentrated at the appellate level, while only a limited number of cases reach the cassation level. In particular, appellate proceedings were initiated under all Parts of Article 111-1 of the CC of Ukraine (except for Parts 2 and 8), whereas cassation proceedings were initiated only under Parts 5–7. The most common grounds of appeal include substantial violations of criminal procedural law, issues relating to the relevance, admissibility and sufficiency of evidence, incorrect application of the law of Ukraine on criminal liability, and the disproportionality of the sentence to the gravity of the criminal offence and the personality of the accused. In light of this, the section focuses on appeal statistics, typical grounds for appellate review, as well as selected legal conclusions of the Supreme Court (SC) that are relevant for ensuring procedural safeguards, sentencing, and the assessment of evidence in such cases.

The statistics on the number of appellate and cassation proceedings initiated in 2025 are presented below, broken down by Parts of Article 111-1 of the CC of Ukraine:

Figure 13. | *Number of appellate proceedings initiated in 2025*

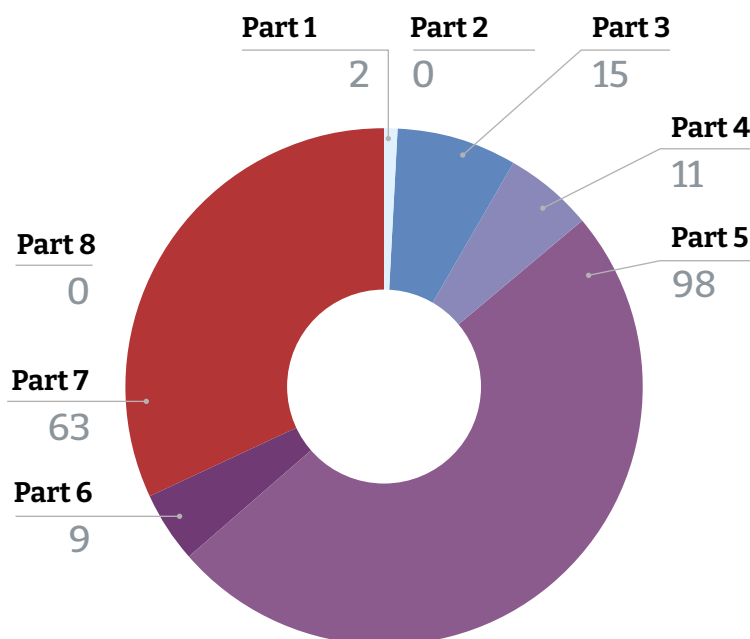
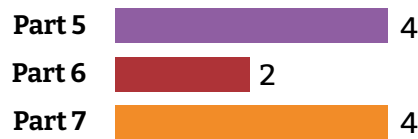


Figure 14. | Number of cassation proceedings initiated in 2025



The data below reflect statistics appeals on appellate and cassation levels against judgments delivered by courts of first instance in 2025, disaggregated by specific Parts of Article 111-1 of the CC of Ukraine.

A detailed analysis of cases before appellate courts indicates the following:

- under **Part 1**, appeals were lodged against two judgments, in respect of which appellate proceedings were initiated: one appeal was lodged by the prosecutor against an acquittal, while in another case appeals were lodged by both the defence counsel and the accused; following the consideration of the latter, the case was remitted for a new trial⁶⁵;
- under **Part 2**, no appeals were lodged against the judgments delivered;
- under **Part 3**, the trend of predominantly defence-led appeals persists⁶⁶: in 14 appellate proceedings, appeals were lodged exclusively by the defence, and in one additional proceeding – by both parties. In 8 appellate proceedings (including the one in which both parties lodged appeals), the appeals were dismissed and the judgments upheld;
- under **Part 4**, 11 appellate proceedings were initiated: in 9 cases following appeals lodged by the defence, and in 2 cases following appeals lodged by both parties. In four appellate proceedings, the defence appeals were dismissed. In one proceeding, the appeals lodged by the defence counsel were partially upheld: the probationary period was reduced from two years to one year⁶⁷;
- under **Part 5**, appeals were lodged against 99 out of 473 judgments registered in the USRCD. In 61 cases, appeals were lodged by the defence: 39 appeals were dismissed, in one case leave to open appellate proceedings⁶⁸, was refused, one appeal was returned⁶⁹ (in this case, the defence also lodged a cassation appeal, but leave to initiate cassation proceedings was refused),⁷⁰ and four appeals were partially upheld; in the remaining 16 cases, appellate proceedings are ongoing.

65 Ruling of the Zhytomyr Court of Appeal dated 9 June 2025 in case No. 295/7769/22: <https://reyestr.court.gov.ua/Review/128166214>

66 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025. p. 22 https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

67 Ruling of the Kharkiv Court of Appeal dated 20 August 2025 in case No. 645/7293/24: <https://reyestr.court.gov.ua/Review/129686719>

68 Ruling of the Kherson Court of Appeal dated 13 November 2025 in case No. 766/4941/25: <https://reyestr.court.gov.ua/Review/131866881>

69 Ruling of the Kharkiv Court of Appeal dated 1 July 2025 in case No. 619/1669/24: <https://reyestr.court.gov.ua/Review/128563925>

70 Ruling of the SC dated 3 October 2025 in case No. 619/1669/24: <https://reyestr.court.gov.ua/Review/130710724>

Following appeals lodged by the prosecution, 16 appellate proceedings were initiated: in two cases, the prosecutor withdrew the appeal;⁷¹ in one proceeding, the appeal was dismissed; and in one proceeding, it was partially upheld (claims were concerning the wording of the operative part of the judgement)⁷², the remaining proceedings are ongoing.

In a further 11 cases, appeals were lodged by both parties: in one case, the prosecutor’s appeal was dismissed, while the defence appeals were partially upheld;⁷³ in four cases, the defence appeals were dismissed, whereas the prosecution appeals were upheld in whole or in part.

The analysis of cassation appeals shows that in four cases, leave to initiate cassation proceedings was refused following appeals lodged by the defence; in a further four cases, cassation proceedings were initiated, of which two are still ongoing, and in one case the SC dismissed the cassation appeal of defence counsel. This is the only case in which the SC delivered a ruling in proceedings concerning a judgment delivered by a court of first instance within the analysed period;

- under **Part 6**, 9 appellate proceedings were initiated, predominantly following appeals lodged by the defence: only one proceeding was initiated following an appeal by the prosecutor, and in one further case the prosecutor’s appeal was supplemented by an appeal lodged by the accused. In four out of the 9 proceedings, the defence appeals were dismissed. In one proceeding, the appeal of defence counsel was partially upheld, and the case was remitted for a new trial before the court of first instance. In two cases, cassation proceedings were initiated following cassation appeals lodged by the defence.
- under **Part 7**, 63 appellate proceedings were initiated. In 24 proceedings initiated exclusively following appeals lodged by the defence, the appeals were dismissed. Three proceedings were initiated following appeals lodged by the prosecutor, in one of which the appeal was upheld (with regard to the imposition of a more severe sentence). In a further five cases, appeals were lodged by both parties: in one case, the prosecutor withdrew the appeal, while the defence appeal was dismissed; in another case, the defence appeal was dismissed, whereas the prosecution appeal was upheld.

The analysis of cassation appeals identified four cassation appeals lodged by the defence: one appeal was dismissed, following consideration of two appeals, cassation proceedings were initiated, and one appeal was left without consideration.

Thus, the statistics on appellate and cassation appeals indicate that the number of challenged judgments varies significantly depending on the respective Part of Article 111-1 of the CC of Ukraine. The highest number of appellate proceedings was recorded in cases under Parts 5 and 7, whereas cassation review generally remains limited. At the same time,

71 Ruling of the Volyn Court of Appeal dated 29 October 2025 in case No. 161/12811/24: <https://reyestr.court.gov.ua/Review/131388738>

72 Ruling of the Kherson Court of Appeal dated 25 November 2025 in case No. 766/15782/24: <https://reyestr.court.gov.ua/Review/132076058>

73 Ruling of the Dnipro Court of Appeal dated 12 November 2025 in case No. 183/2545/23: <https://reyestr.court.gov.ua/Review/132068912>

appellate review was initiated predominantly by the defence, while the number of cases reaching the SC remains low.

THE MOST COMMON GROUNDS FOR THE AMENDMENT OR QUASHING OF JUDGMENTS BY APPELLATE COURTS

The CPC of Ukraine provides for five grounds⁷⁴ for the quashing or amendment of a judicial decision by an appellate court. However, an analysis of appellate court rulings and judgments in cases on collaborative activity shows that, when first-instance judgments are challenged, three grounds arise most frequently. These are substantial violations of criminal procedural law, misapplication of the law of Ukraine on criminal liability, and the disproportionality of the sentence to the gravity of the criminal offence and the personality of the accused. In some cases, several interrelated grounds for appeal arise simultaneously, including inconsistency between the court’s findings and the factual circumstances of the criminal proceedings⁷⁵ as well as the incompleteness of judicial examination⁷⁶. However, the classification below is based on the three dominant grounds and includes only those cases in which the appellate court amended or quashed judgments delivered by courts of first instance.

1. | SUBSTANTIAL VIOLATION OF THE REQUIREMENTS OF CRIMINAL PROCEDURAL LAW⁷⁷

This ground is one of the most common grounds for appealing judgments before an appellate court. For example, in a case under Part 1 of Article 111-1 of the CC of Ukraine⁷⁸ the appeals lodged by the defence counsel and the accused were partially upheld, and the case was remitted for a new trial due to a substantial violation of criminal procedural law. The appellate court found that the court of first instance “*provided only a partial and incomplete assessment of the arguments of the defence, and failed to set out in the judgment convincing reasons for rejecting the relevant arguments and evidence submitted by the defence in support thereof*”⁷⁹. In addition, the panel of judges noted that the court of first instance failed to take into account the conclusions of the SC regarding the interpretation of “public call”⁸⁰, whereas the defence maintained that the statement in question constituted a private conversation rather than a public expression.

74 Criminal Procedure Code of Ukraine dated 13 April 2012 No. 4651-VI, Article 409: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>

75 Ruling of the Zhytomyr Court of Appeal dated 9 June 2025 in case No. 295/7769/22: <https://reyestr.court.gov.ua/Review/128166214>

76 Ruling of the Kherson Court of Appeal dated 22 July 2025 in case No. 766/7563/23: <http://reyestr.court.gov.ua/Review/129034460>

77 Violations of the provisions of the CPC of Ukraine which prevented or could have prevented the court from delivering a lawful and well-reasoned judgment. For more details, see Article 412 of the CPC of Ukraine.

78 Judgment of the Bohunskyi District Court of the city of Zhytomyr dated 3 January 2025 in case No. 295/7769/22: <https://reyestr.court.gov.ua/Review/124209105>

79 Ruling of the Zhytomyr Court of Appeal dated 9 June 2025 in case No. 295/7769/22: <https://reyestr.court.gov.ua/Review/128166214>

80 Resolution of the SC dated 2 November 2022 in case No. 461/1790/19: <https://reyestr.court.gov.ua/Review/107219761>

This ground of appeal arises in cases under Part 3 of Article 111-1 of the CC of Ukraine, in which the majority of defence appeals concerned the evidentiary basis. For example, the defence challenged the admission as evidence of information which, in its view, should have been deemed inadmissible due to violations of the procedural rules governing its collection.⁸¹

Similar grounds for appealing judgments are also observed in cases under Part 5 of Article 111-1 of the CC of Ukraine. In two cases, appellate courts remitted the cases for a new trial precisely due to substantial violations of the requirements of criminal procedural law. In one case, the court of first instance based its judgment on the written statements of a witness who had not been examined at the hearing⁸². In another case, the reasoning part of the judgment of the court of first instance set out merely the circumstances established by the pre-trial investigation body, without independently establishing the factual circumstances of the criminal proceedings and formulating the charges found proven, which prevented the appellate court from reviewing the correctness of the legal classification of the accused's actions.⁸³

In two further cases under Part 5, the appellate court amended the reasoning part of the judgment. In one case, it excluded reference to an inspection record, the subject of which had been the materials of the criminal proceedings. In that case, the defence argued that the individual's guilt was not supported by conclusive evidence, as the witnesses who had identified the individual from photographs had not been examined at the hearing⁸⁴. In another case, it excluded the assertion that the individual had committed the criminal offence while holding the position of secretary of a polling station commission, finding that this circumstance had not been proven due to insufficient evidence.⁸⁵

Under Part 6 of Article 111-1 of the CC of Ukraine, one of the appeals concerned inconsistency between the court's findings and the factual circumstances, as well as the absence of direct evidence proving the individual's guilt.⁸⁶ In another case, the defence relied on a substantial violation of criminal procedural law, arguing that the judge of the court of first instance had remained in the deliberation room for only 2 hours and 27 minutes, although the case file comprised 8 volumes and the judgment extended to 27 pages.⁸⁷ The defence appeal was partially upheld, and the case was remitted for a new trial before the court of first instance.⁸⁸

81 Ruling of the Dnipro Court of Appeal dated 24 April 2025 in case No. 199/2465/24: <http://reyestr.court.gov.ua/Review/126947470>

82 Ruling of the Kharkiv Court of Appeal dated 26 May 2025 in case No. 638/5699/23: <https://reyestr.court.gov.ua/Review/130264531>

83 Ruling of the Dnipro Court of Appeal dated 10 December 2025 in case No. 198/136/25: <https://reyestr.court.gov.ua/Review/132624952>

84 Ruling of the Kherson Court of Appeal dated 24 June 2025 in case No. 766/754/23: <https://reyestr.court.gov.ua/Review/128374014>

85 Ruling of the Ternopil Court of Appeal dated 1 October 2025 in case No. 344/17471/24: <https://reyestr.court.gov.ua/Review/130719105>

86 Ruling of the Dnipro Court of Appeal dated 3 June 2025 in case No. 201/13194/23: <https://reyestr.court.gov.ua/Review/128019893>

87 Ruling of the Kharkiv Court of Appeal dated 20 March 2025 in case No. 643/7151/24: <https://reyestr.court.gov.ua/Review/126246638>

88 Ruling of the Kharkiv Court of Appeal dated 20 March 2025 in case No. 643/7151/24: <https://reyestr.court.gov.ua/Review/126246638>

2. MISAPPLICATION APPLICATION OF THE LAW OF UKRAINE ON CRIMINAL LIABILITY⁸⁹

This ground of appeal arises, in particular, in cases under Part 4 of Article 111-1 of the CC of Ukraine, where the defence argued that the accused were not business entities, did not exercise managerial functions and did not possess material resources, and therefore their actions did not contain the constituent elements of the criminal offence imputed to them.⁹⁰

Particular attention should be drawn to one case in which defence counsel also sought to have the judgment quashed and the proceedings closed on the grounds of the absence of the constituent elements of a criminal offence. However, the accused did not support the appeal and requested that it be left without consideration.⁹¹ The appeal was dismissed and the judgment upheld. At the same time, following the crediting of time spent in detention, the accused was released, as she had effectively served the imposed sentence (3 years’ imprisonment at the time the appellate court delivered its ruling).

In addition, in appellate proceedings concerning judgments under Part 6 of Article 111-1 of the CC of Ukraine, the defence raised arguments regarding inconsistency between the judgment with the factual circumstances of the criminal proceedings, misapplication of the law of Ukraine on criminal liability,⁹² the absence of the constituent elements of a criminal offence under Part 6 of Article 111-1 and Article 436 of the CC of Ukraine, incorrect legal classification under Article 110 of the CC of Ukraine,⁹³ , and the conduct of proceedings in absentia⁹⁴. In two such cases, cassation proceedings were initiated following cassation appeals lodged by the defence.

3. DISPROPORTIONALITY OF THE SENTENCE TO THE GRAVITY OF THE CRIMINAL OFFENCE AND THE PERSONALITY OF THE ACCUSED⁹⁵

Thus, two appeals⁹⁶, lodged against a judgment under Part 3 of Article 111-1 of the CC of Ukraine, as well as two defence appeals⁹⁷ against judgments under Part 4 of Article 111-1 of the CC of Ukraine, concerned the mitigation of the sentence.

89 Criminal Procedure Code of Ukraine dated 13 April 2012 No. 4651-VI, Article 413: <https://surl.li/rjbbkp>

90 Ruling of the Kyiv Court of Appeal dated 2 May 2025 in case No. 69/6411/22: <https://reyestr.court.gov.ua/Review/127202914>

91 Ruling of the Kyiv Court of Appeal dated 2 May 2025 in case No. 69/6411/22: <https://reyestr.court.gov.ua/Review/127202914>

92 Ruling of the Vinnytsia Court of Appeal dated 18 April 2025 in case No. 127/17629/24: <https://reyestr.court.gov.ua/Review/126734053>

93 Ruling of the Vinnytsia Court of Appeal dated 24 July 2025 in case No. 127/36075/24: <https://reyestr.court.gov.ua/Review/129096527>

94 Ruling of the Kropyvnytskyi Court of Appeal dated 8 July 2025 in case No. 405/2201/24: <https://reyestr.court.gov.ua/Review/128761579>

95 A sentence which, although falling within the limits established by the relevant article (or part of an article) of the CC of Ukraine, is manifestly unjust in its type or severity due to its excessive leniency or severity. For more details, see Article 414 of the CPC of Ukraine

96 Ruling of the Kherson Court of Appeal dated 22 July 2025 in case No. 766/7563/23: <http://reyestr.court.gov.ua/Review/129034460>; and ruling of the Kharkiv Court of Appeal dated 3 December 2025 in case No. 644/3717/25: <http://reyestr.court.gov.ua/Review/132438648>

97 Ruling of the Kherson Court of Appeal dated 9 September 2025 in case No. 766/17466/24: <https://reyestr.court.gov.ua/Review/130070340>; nd ruling of the Kherson Court of Appeal dated 30 April 2025 in case No. 766/2016/24: <https://reyestr.court.gov.ua/Review/127006656>

Under Part 5 of Article 111-1 of the CC of Ukraine, the imposed sentence was also the subject of appeal in a number of appellate proceedings. In particular, in one proceeding, the defence appeals concerning the application of Article 69 of the CC of Ukraine in sentencing were partially upheld.⁹⁸ In another proceeding, the appellate court delivered a new judgment, partially upholding the prosecutor’s appeal concerning the incorrect calculation of the term of sentence and the amendment of the additional penalty by expanding the list of positions the individual was prohibited from holding.⁹⁹

In two further appellate proceedings, the appeals concerned the amendment of the additional penalty, namely the expansion of the list of positions the individual was prohibited from holding.¹⁰⁰ Notably, one of these cases was before the appellate court for the second time. In December 2023, the individual was sentenced to 2 years and 6 months’ imprisonment, with deprivation of the right to hold positions in public authorities and local self-government bodies for a period of 10 years, without confiscation of property. Following an appeal lodged by the prosecutor, the judgment was quashed and the case remitted for a new trial. Following the new trial, the court of first instance imposed a more severe principal penalty – 5 years’ imprisonment. Subsequently, partially upholding the prosecutor’s appeal, the appellate court delivered a new judgment, amending the additional penalty by expanding the list of positions the individual is prohibited from holding (the restrictions were extended to include a prohibition on “engaging in activities related to the electoral process”), and also recognised as an aggravating circumstance the “commission of the offence under conditions of martial law”.¹⁰¹

Under Part 7 of Article 111-1 of the CC of Ukraine, two appeals lodged by the prosecutor were upheld, both concerning the imposition of a more severe sentence.

LEGAL CONCLUSIONS OF THE SC ON SPECIFIC ISSUES IN CASES UNDER ARTICLE 111-1 OF THE CC OF UKRAINE

Despite the relatively small number of cassation proceedings in cases under Article 111-1 of the CC of Ukraine, certain judgements of the SC delivered in 2025 contain legal conclusions that are relevant for the review of judgments in such cases. This subsection focuses not on general issues relating to approaches to liability for collaborative activity, but on those legal conclusions that concern procedural guarantees of special judicial proceedings (in absentia), the limits of imposing additional penalties, and approaches to the assessment of evidence in establishing the fact of holding a position or performing relevant functions.

98 Ruling of the Dnipro Court of Appeal dated 12 November 2025 in case No. 183/2545/23: <https://reyestr.court.gov.ua/Review/132068912>

99 Judgment of the Kherson Court of Appeal dated 3 December 2025 in case No. 766/8881/23: <http://reyestr.court.gov.ua/Review/132269596>

100 Ruling of the Kherson Court of Appeal dated 19 August 2025 in case No. 766/4898/24: <https://reyestr.court.gov.ua/Review/129655093>; and judgment of the Odesa Court of Appeal dated 11 December 2025 in case No. 522/10735/23: <https://reyestr.court.gov.ua/Review/132717683>

101 Judgment of the Odesa Court of Appeal dated 11 December 2025 in case No. 522/10735/23: <https://reyestr.court.gov.ua/Review/132717683>



1. | PROCEDURAL GUARANTEES OF SPECIAL JUDICIAL PROCEEDINGS (IN ABSENTIA)

Given that a significant proportion of proceedings concerning collaborative activity are examined under special judicial proceedings (in absentia), particular attention should be paid to the ruling of the SC of 20 November 2025 in case No. 219/2095/22, which sets out important legal conclusions regarding the procedural guarantees of such proceedings.¹⁰²

In that case, the individual was convicted of voluntarily assuming the position of the so-called “Head of Administration Affairs of the administration of the city of Svitlodarsk of the Donetsk People’s Republic”, which, according to the prosecution, she held at the time of the proceedings. The appellate court upheld the judgment, after which defence counsel lodged a cassation appeal, relying on substantial violations of criminal procedural law.

In particular, the defence argued that the case file contained no proper evidence that the accused had been duly informed of the criminal proceedings and the court hearing; there was no indication that the accused had unequivocally waived her right to participate in the hearing; that access to official websites of Ukrainian state authorities is restricted in the temporarily occupied territory; and no steps had been taken to establish alternative means of communication with the accused (email, social media, etc.).

The SC emphasised that the right of the accused to personal participation in judicial proceedings and to an oral hearing forms part of the right to a fair trial. At the same time, special judicial proceedings in absentia permit the examination of a case in the absence of the accused only subject to strict compliance with the procedural safeguards provided for by law. The Court noted that, prior to commencing proceedings in absentia, the court must ensure that the accused has been duly summoned to court in accordance with the procedure established by the CPC of Ukraine. To that end, the methods of notification provided for by law must be applied cumulatively, in particular:

- sending a summons to the court to the last known place of residence or stay of the accused;
- publication of information on such summonses in nationwide mass media and on the official website of the court.¹⁰³

A key legal conclusion of the SC was that the obligation to ensure proper notification rests not only with the court of first instance but also with the appellate court, “*which, in accordance with the provisions of procedural law, effectively acts as the final instance enabling the parties to verify the completeness of the judicial examination and the correctness of the assessment of evidence and the establishment of the factual circumstances of the criminal proceedings by the court of first instance*”¹⁰⁴.

102 Decision of the SC dated 20 November 2025 in case No. 219/2095/22: <https://reyestr.court.gov.ua/Review/132117348>

103 *ibid.*

104 *ibid.*



In this case, the SC concluded that these requirements had not been complied with. The appellate court limited itself to sending a notification of the date, time and place of the appellate hearing to the last known place of residence of the accused in the TOT of Ukraine, but failed to ensure publication of this information in nationwide mass media and on the official website of the court.¹⁰⁵ The SC found this approach to be contrary to the requirements of the CPC of Ukraine and of the standards arising from the case law of the European Court of Human Rights (ECHR).

3. | SPECIFIC ASPECTS OF IMPOSING THE ADDITIONAL PENALTY OF DEPRIVATION OF THE RIGHT TO HOLD CERTAIN POSITIONS OR ENGAGE IN CERTAIN ACTIVITIES

In this case, the SC formulated important legal conclusions regarding the imposition of the additional penalty of deprivation of the right to hold certain positions or engage in certain activities.¹⁰⁶ By a judgment of 23 November 2023 in case No. 644/4388/23, it was established that the individual voluntarily assumed the position of acting director of the Kamianska Gymnasium of Kupiansk District, Kharkiv Region and implemented the educational standards of the aggressor State. The individual was convicted under Part 3 of Article 111-1 of the CC of Ukraine and sentenced to six months’ arrest, with deprivation of the right to hold positions involving organisational-managerial and administrative-economic functions in educational institutions, as well as to hold positions in public authorities, public administration and local self-government in the field of education for a period of 10 years.

The appellate court delivered a new judgment, imposing a more severe principal penalty, namely 1 year’s imprisonment, and also amended the additional penalty by supplementing it with a prohibition on engaging in educational and teaching activities for a period of 10 years.

In the cassation appeal, defence counsel sought mitigation of the principal penalty and the removal from the additional penalty of the prohibition on engaging in teaching and educational activities, arguing that “*no violations in course of such activities had been established*”¹⁰⁷.

The SC agreed with the conclusions of the appellate court regarding the significant role of schools in fostering patriotism in children, as well as the danger of collaborative activity through the dissemination of a “worldview that differs from reality and is hostile to Ukraine”¹⁰⁸. The Court upheld the sentence imposed by the appellate court, noting that “*patriotic education is a direct duty of a teacher, and therefore the continued employment of Person_8 in a teaching position would affect not only the educational process but also the upbringing of students*”.¹⁰⁹

105 *ibid.*

106 Judgment of the Ordzhonikidzevskyi District Court of the city of Kharkiv dated 23 November 2023 in case No. 644/4388/23: <https://reyestr.court.gov.ua/Review/115131894>

107 Decision of the SC dated 30 January 2025 in case No. 644/4388/23: <https://reyestr.court.gov.ua/Review/124904677>

108 *ibid.*

109 *ibid.*



4. APPROACHES TO THE ASSESSMENT OF EVIDENCE IN ESTABLISHING THE FACT OF HOLDING A POSITION OR PERFORMING THE RELEVANT FUNCTIONS

In a number of decisions, the SC has developed an approach according to which the absence of a formal act of appointment to a position does not in itself preclude establishing the fact of holding that position. Decisive importance is attached not only to the existence of a formal order, but to the body of evidence as a whole demonstrating that the individual in fact performed the functions of the relevant position.

Illustrative in this context is a case in which the individual was convicted under Part 4 of Article 111-1 of the CC of Ukraine for occupying the position of acting director of LLC “Balakliia Grain Receiving Enterprise” and conducting business activities in the interests of the occupying authorities.¹¹⁰

In the cassation appeal, defence counsel argued, inter alia, that the wording of the charges failed to specify which acts or omissions had been committed by the convicted person, and that no order of the occupation administration appointing him to the position existed. The prosecutor, in turn, argued in the cassation appeal that the sentence was too lenient, in particular, the additional penalty of confiscation of property was too lenient.

The SC rejected those arguments, noting that the absence of such an order does not negate guilt where the fact of holding the position and performing the relevant functions is established by the body of evidence, in particular witness testimony and documentary evidence.¹¹¹ As regards the leniency of the additional penalty imposed, the Court stated that *“in the present proceedings, a fair balance has been achieved between the general interests of society and the requirements of the protection of the individual’s fundamental rights, and the interests of all parties to the criminal law relations have been taken into account; therefore, the arguments of the prosecution in this respect are unfounded”*¹¹².

The SC applied a similar approach in a case under Part 3 of Article 111-1 of the CC of Ukraine concerning the implementation of the aggressor State’s education standards in an educational institution.¹¹³ In the cassation appeal, defence counsel sought to have the appellate court’s ruling quashed and a new hearing ordered before the appellate court, on the grounds that the voluntary appointment of the convicted person to the position of acting director of the so-called “State Budgetary General Education Institution Secondary School, Hetmanivka village” had not been established. The defence argued that no formal order of appointing the convicted person as director existed, and that witnesses were not aware of the exact title of her position. In addition, the defence relied on coercion.

The SC, however, emphasised that an order of appointment may serve only as additional confirmation that the convicted person held the relevant position, whereas the deci-

110 Judgment of the Kominternivskiyi District Court of the city of Kharkiv dated 30 October 2024 in case No. 641/2225/23: <https://reyestr.court.gov.ua/Review/122647311>

111 Ruling of the SC dated 4 March 2025 in case No. 641/2225/23: <https://reyestr.court.gov.ua/Review/125605364>

112 *ibid.*

113 Decision of the SC dated 18 November 2025 in case No. 953/2635/23: <https://reyestr.court.gov.ua/Review/132084029>



sive factor is establishing that the individual in fact performed managerial functions: *“the convicted person herself understood that she was performing the functions of acting school director, and other individuals ... perceived her as the school director, since the nature of her actions unequivocally demonstrated that she acted as the head of the school”*¹¹⁴

Thus, in both cases, the SC proceeds on the basis that the fact of holding a position or performing the relevant functions may be established through the individual’s actual conduct and the body of evidence as a whole, even in the absence of a formal appointment document.

An analysis of the practice of appellate and cassation review of judgments shows that in 2025, 198 appellate proceedings and 10 cassation proceedings were initiated. The main grounds for appeal were substantial violations of the requirements of criminal procedural law, the relevance, issues relating to the admissibility and sufficiency of evidence, misapplication of the law of Ukraine on criminal liability, and the disproportionality of the sentence to the gravity of the criminal offence and the personal circumstances of the accused. Accordingly, the appeals concerned both procedural aspects of judicial proceedings, in particular the assessment of evidence, and substantive legal issues of classification and individualisation of punishment.

The legal conclusions of the SC delivered in 2025 concerned, inter alia, the procedural guarantees of special judicial proceedings (in absentia), the limits of imposing additional penalties, and approaches to the assessment of evidence in establishing the fact of holding a position or performing the relevant functions. The development of legal conclusions on these issues contributes to the consistent application of the provisions of criminal and criminal procedural legislation in proceedings under Article 111-1 of the CC of Ukraine, in particular with regard to compliance with procedural safeguards, interpretation of the constituent elements of the criminal offence, and the imposition of additional penalties.

114 *ibid.*



CHAPTER 6.

ACQUITTALS IN CASES CONCERNING COLLABORATIVE ACTIVITY

Acquittals in cases concerning collaborative activity are rare. Overall, of the 3,103 judgments registered in the USRCD in cases concerning collaborative activity, 11 are acquittals, four of which were delivered before 31 December 2024 and the remaining seven in 2025.

In 2024, only two acquittals were delivered (one in a case under Part 5 of Article 111-1 of the CC of Ukraine and another under Part 7 of Article 111-1 of the CC of Ukraine). By contrast, between 1 January and 31 December 2025, courts of first instance delivered seven acquittals, representing a “record” number both within a single year and over the entire period of existence of Article 111-1 of the CC of Ukraine. Moreover, for the first time, acquittals were delivered in cases under Parts 4¹¹⁵ and 6 of Article 111-1 of the CC of Ukraine¹¹⁶. As of 31 December 2025, only one acquittal in a case under Article 111-1 of the CC of Ukraine had become final following an appeal lodged by the prosecutor.¹¹⁷

At the time of preparation of the report, some acquittals remained under appeal, and their procedural status is therefore not yet final.

The analysis below of acquittals delivered in 2025 indicates that the typical grounds for acquittal were: (1) inadmissibility of certain evidence; (2) irrelevance and/or insufficiency of the evidentiary basis to substantiate the charges; (3) failure to establish the constituent elements of the criminal offence; and (4) lack of specificity in the wording of the charges. The analysis of these grounds indicates that the majority of acquittals were attributable to deficiencies in evidence and procedural violations.

The classification of cases by grounds for acquittal set out below is conditional and is based on the predominant ground for acquittal. However, in some cases, several interrelated grounds for acquittal are observed simultaneously in particular, insufficiency of evidence and failure to establish certain elements of the criminal offence.

1. | INADMISSIBILITY OF CERTAIN EVIDENCE

In a number of cases, the inadmissibility of certain evidence forming the basis of the charges constituted the ground for acquittal. In such cases, courts typically focused on

115 Judgment of the Shevchenkivskyi District Court of the city of Kyiv dated 15 December 2025 in case No. 761/40301/23: <https://reyestr.court.gov.ua/Review/132585560>

116 Judgment of the Pecherskyi District Court of the city of Kyiv dated 1 May 2025 in case No. 757/18654/22-k: <https://reyestr.court.gov.ua/Review/127730059>

117 As of 1 March 2026, two additional acquittals have become final, as the time limit for their appeal has expired

violations of the procedural rules governing the collection of evidence or on the use of information that could not serve as a basis for a conviction.

An illustrative example is an acquittal in a case under Part 1 of Article 111-1 of the CC of Ukraine.¹¹⁸ In this case, the individual was charged with making public statements at a food market in early June 2022, including statements about the need to “cease resistance and surrender to the RF”¹¹⁹ and that “Russia cannot be defeated”¹²⁰. The accused did not admit guilt. The key issue in the case was the relevance and admissibility of the evidence on which the charges were based.

The defence challenged the admissibility of the identification records based on photographs, arguing that the procedure for carrying out this investigative measure had been violated: in particular, the photographs presented for identification differed from those of the accused; prior to the identification, it had not been established on the basis of which specific features the witnesses identified the individual; moreover, during questioning, one of the witnesses stated that no such investigative measure had been conducted with him at all.

The court of first instance found the individual not guilty and acquitted her on the ground of failure to prove guilt, declaring part of the evidence inadmissible: some of it as hearsay evidence, and the identification records due to violations of the procedure for their conduct and doubts as to whether the procedure had in fact been carried out. However, this decision is not final: appellate proceedings have been initiated following an appeal lodged by the prosecutor and remain ongoing.¹²¹

2. | IRRELEVANCE AND/OR INSUFFICIENCY OF THE EVIDENTIARY BASIS TO SUBSTANTIATE THE CHARGES

The second group comprises cases in which courts concluded that the evidentiary basis presented by the prosecution was irrelevant and/or insufficient to substantiate the charges. This primarily concerns situations in which the charges were not supported by a body of consistent and mutually corroborative evidence, key factual circumstances were not established, and certain evidence (including from open sources) was not properly corroborated. Illustrative examples of such situations are judgments in cases under Parts 4¹²² and 5¹²³ of Article 111-1 of the CC of Ukraine.

118 Judgment of the Zhovtnevyi District Court of Mykolaiv Region dated 29 January 2025 in case No. 477/607/22: <https://reyestr.court.gov.ua/Review/124762761>

119 *ibid.*

120 *ibid.*

121 Ruling of the Mykolaiv Court of Appeal dated 3 March 2025 in case No. 477/607/22: <https://reyestr.court.gov.ua/Review/125558722>

122 Judgment of the Shevchenkivskyi District Court of the city of Kyiv dated 15 December 2025 in case No. 761/40301/23: <https://reyestr.court.gov.ua/Review/132585560>

123 Judgment of the Zhovtnevyi District Court of the city of Dnipropetrovsk dated 8 April 2025 in case No. 201/619/24: <https://reyestr.court.gov.ua/Review/126448437>

■ **acquittal in a case under Part 5 of Article 111-1 of the CC of Ukraine**¹²⁴

In this case, the individual was accused of voluntarily assuming the position of Head of the Department of Pre-school Education of the Education Department of the Administration of the City of Mariupol within an occupation structure. The case was examined under special judicial proceedings (in absentia).

The court of first instance acquitted the accused on the ground that the commission of the criminal offence under Part 5 of Article 111-1 of the CC of Ukraine had not been proven. The court noted that the prosecution had failed to establish, by relevant and admissible evidence: the fact of establishment of the respective occupation “department”; its character as an unlawful authority; the existence of organisational and managerial functions attached to the position of head; and that the accused had in fact held that position.¹²⁵ This conclusion was based, inter alia, on the fact that publications in Telegram channels were not corroborated by other evidence, and that the witness testimony amounted to hearsay.

The court also articulated an important approach to the assessment of publications in Telegram channels as electronic evidence: given the inability to verify the author, administration and source of the content, such evidence “*must be treated with a high degree of caution, as its original source cannot be verified*”¹²⁶. At the same time, the court expressly noted that such evidence is not automatically inadmissible, but “*must be corroborated by other evidence which, taken as a whole, creates a firm impression for an objective observer that the offence was committed and that the person is guilty of its commission*”¹²⁷.

The appellate court dismissed the prosecutor’s appeal and upheld the acquittal. The court agreed with the findings of the court of first instance that publications from Telegram channels do not constitute sufficiently reliable evidence, as the prosecution had failed to establish that these channels were official resources of the occupation administration, had not verified the source of the information disseminated through them, and did not provide other evidence in support thereof.¹²⁸

As of 31 December 2025, cassation proceedings initiated following a cassation appeal lodged by the prosecutor were ongoing.¹²⁹

■ **acquittal in a case under Part 4 of Article 111-1 of the CC of Ukraine**¹³⁰

In this case, two individuals – a co-founder (deputy director) and an accountant of ALLC “Agrofirma Markivske” – were charged with collaborative activity under Part 2 of Arti-

124 Judgment of the Zhovtnevyi District Court of the city of Dnipropetrovsk dated 8 April 2025 in case No. 201/619/24: <https://reyestr.court.gov.ua/Review/126448437>

125 *ibid.*

126 *ibid.*

127 *ibid.*

128 Ruling of the Dnipro Court of Appeal dated 24 September 2025 in case No. 201/619/24: <https://reyestr.court.gov.ua/Review/130703137>

129 Ruling of the SC dated 30 December 2025 in case No. 201/619/24: <https://reyestr.court.gov.ua/Review/133010340>

130 Judgment of the Shevchenkivskyi District Court of the city of Kyiv dated 15 December 2025 in case No. 761/40301/23: <https://reyestr.court.gov.ua/Review/132585560>

cle 28 and Part 4 of Article 111-1 of the CC of Ukraine (i.e. for committing a criminal offence by group of persons acting upon prior conspiracy). The prosecution alleged that, in 2022 they unlawfully re-registered the enterprise under the occupation jurisdiction, opened an account in a Russian bank, and sold the agricultural enterprise’s products. The case was examined under special judicial proceedings (in absentia).

The court of first instance concluded that the prosecution had failed to establish the constituent elements of the criminal offence: the contracts relied upon by the prosecution were not submitted to the court, no proper documentation concerning the re-registration of the enterprise or the opening of the account was provided, and the origin of certain documents obtained through covert investigative (search) measures was not established. In addition, the court found that the accused, as a co-founder, held only a 10% share in the authorised capital, which called into question his ability to carry out the acts imputed to him.

The court found that neither the fact of conducting business activity in cooperation with the aggressor State or the occupation administration, nor the existence of a joint criminal intent of the two accused, had been established.¹³¹ They were acquitted on the ground that the commission of the criminal offence had not been proven.¹³²

3. | FAILURE TO ESTABLISH THE MANDATORY ELEMENTS OF THE CRIMINAL OFFENCE

The third group comprises cases in which acquittals were due to the failure to establish those elements that are mandatory for the constituent elements of the criminal offence under the relevant Part of Article 111-1 of the CC of Ukraine. Such cases include, in particular, failure to establish the fact of holding a position in an unlawful authority, failure to establish the creation of such an authority, and failure to establish the specific form of interaction with the aggressor State as a defining element of the criminal offence. Illustrative examples are the cases set out below under Parts 4,¹³³ 6¹³⁴ and 7¹³⁵ of Article 111-1 of the CC of Ukraine.

■ ***acquittal in a case under Part 4 of Article 111-1 of the CC of Ukraine***¹³⁶

In this case, the individual was accused of voluntarily assuming the position of head of the village council of Rubtsi village within the so-called “administration of the city of Krasnyi Lyman of the DPR”. The case was examined under special judicial proceedings (in absentia).

131 *ibid.*

132 As of 1 March 2026, this acquittal has become final, as the time limit for appeal has expired

133 Judgment of the Industrialnyi District Court of the city of Dnipropetrovsk dated 8 May 2025 in case No. 202/3152/23: <https://reyestr.court.gov.ua/Review/127177735>

134 Judgment of the Pecherskyi District Court of the city of Kyiv dated 1 May 2025 in case No. 757/18654/22-k: <https://reyestr.court.gov.ua/Review/127730059>

135 Judgment of the Shevchenkivskyi District Court of the city of Kyiv dated 17 December 2025 in case No. 761/2989/23: <https://reyestr.court.gov.ua/Review/132715125>

136 Judgment of the Industrialnyi District Court of the city of Dnipropetrovsk dated 8 May 2025 in case No. 202/3152/23: <https://reyestr.court.gov.ua/Review/127177735>

The court of first instance delivered an acquittal, pointing to the failure to establish the constituent elements of the criminal offence in the accused’s conduct. The court proceeded on the basis that the witness testimony confirmed only the fact of a meeting of residents at which the accused was offered a position and agreed to assume it. However, the prosecution failed to provide relevant evidence of: the authority of such a meeting; the fact of voting and the recording of its results; the implementation of the purported decision; or the actual holding of a position in an unlawful authority. The court also noted inconsistencies in witness testimony.¹³⁷

The appellate court partially upheld the prosecutor’s appeal, quashed the acquittal and remitted the case for a new trial. It held that the court of first instance:

1. had failed to properly assess the evidence, in particular by not examining the identification protocol, not assessing documents obtained from the Internet, and not evaluating the testimony of one of the witnesses;
2. had incorrectly focused on the failure to establish accused’s “election” to the position, whereas, according to the appellate ruling, the charges did not concern voluntary election to an unlawful authority as the relevant form of conduct,¹³⁸
3. had substantially violated the requirements of criminal procedural law, as the case was examined in the absence of the accused, who was in Germany, without proper notification of the proceedings and without duly addressing the issue of securing his participation in the judicial proceedings.¹³⁹

■ ***acquittal in a case under Part 6 of Article 111-1 of the CC of Ukraine***¹⁴⁰

In this case, the individual was charged with a combination of criminal offences under Part 6 of Article 111-1 and Part 2 of Article 436-2 of the CC of Ukraine. According to the prosecution, in March 2022 the accused published and disseminated (including by reposting) content on VKontakte and Facebook that was accessible to an unlimited number of users of these social networks. The accused did not admit guilt and stated that he had published his own comments and value judgments without political calls, had not interacted with representatives of the aggressor State, and that his pages had a limited audience.¹⁴¹

The court acquitted the individual under Part 6 of Article 111-1 of the CC of Ukraine, as the prosecution failed to establish the key element of this offence, namely informational activity carried out in cooperation with the aggressor State. In particular, no cooperation with representatives of the FSB of the RF or other bodies of the aggressor State was proven. At the same time, the court emphasised the key differences between the constituent elements of the criminal offences under Part 6 of Article 111-1 and Part 2 of Article 436-2

137 *ibid.*

138 Ruling of the Dnipro Court of Appeal dated 20 November 2025 in case No. 202/3152/23: <https://reyestr.court.gov.ua/Review/132068945>

139 *ibid.*

140 Judgment of the Pecherskyi District Court of the city of Kyiv in case No. 757/18654/22-k dated 1 May 2025: <https://reyestr.court.gov.ua/Review/127730059>

141 *ibid.*

of the CC of Ukraine. For Part 6 of Article 111-1, the decisive element is cooperation with the aggressor, which is “*systematic, deliberate and of a political or ideological nature...that is, not merely the expression of one’s opinion, but interaction (such as appearances on Russian TV, participation in talk shows, or running a pro-Russian channel)*”¹⁴². By contrast, for Part 2 of Article 436-2, the decisive factor is the content of the disseminated materials rather than cooperation, “*that is, the mere fact of producing and disseminating the relevant informational content is sufficient*”¹⁴³.

As of 31 December 2025, appellate proceedings initiated following appeals lodged by both the prosecutor and the accused were ongoing.¹⁴⁴

■ **acquittal in a case under Part 7 of Article 111-1 of the CC of Ukraine**¹⁴⁵

In this case, the individual was accused of voluntarily assuming a position in an unlawful law enforcement body in the temporarily occupied territory of the Kherson Region (the so-called “senior inspector” within an occupation penal enforcement structure). The accused did not admit guilt and stated that, following the occupation of Kherson, she had continued to perform her duties at the institution under Ukrainian law, had not received clear instructions regarding further actions, and had subsequently submitted a resignation report. She also stated that she arrived in Kyiv after being informed that she was wanted, but a measure of restraint in the form of detention was applied to her.

The court of first instance acquitted the accused on the ground that the commission of the criminal offence had not been proven. The court concluded that the prosecution had failed to provide relevant and admissible evidence either of the establishment of an unlawful law enforcement body in May 2022 or of the accused having held a position within such a body.¹⁴⁶

2. | LACK OF SPECIFICITY IN THE WORDING OF THE CHARGES

The fourth group comprises cases in which acquittals are linked not only to an insufficient evidentiary basis but also to inadequate specificity of the charges themselves. In such cases, courts emphasised that the wording of the charges must be sufficiently clear and specific to enable for the identification of the acts imputed to the individual and to determine whether those acts fall within the constituent elements of the relevant criminal offence. In the absence of such specificity, in particular regarding the position, functional duties, or the manner in which the act was committed, the charges cannot be regarded as properly substantiated.

142 *ibid.*

143 *ibid.*

144 Ruling of the Kyiv Court of Appeal dated 4 July 2025 in case No. 757/18654/22-k: <https://reyestr.court.gov.ua/Review/128639114>

145 Judgment of the Shevchenkivskyi District Court of the city of Kyiv dated 17 December 2025 in case No. 761/2989/23: <https://reyestr.court.gov.ua/Review/132715125>

146 As of 1 March 2025, this acquittal has become final, as the time limit for appeal has expired.

An illustrative example is an acquittal in a case under Part 7 of Article 111-1 of the CC of Ukraine.¹⁴⁷ In this case, the individual was charged with a combination of criminal offences under Part 7 of Article 111-1 and Part 4 of Article 408 of the CC of Ukraine (“Desertion”). According to the prosecution, the accused was a law enforcement officer (Head of Transport Service – Expedition Officer of the logistics unit) and was serving under a military contract, and voluntarily assumed a position in an unlawful law enforcement body, namely the Internal Affairs Department of the city of Berdiansk and Berdiansk District. He was also accused of participating in unlawful searches of households and non-residential premises of Ukrainian citizens in the temporarily occupied territory of Berdiansk District, Zaporizhzhia Region. The proceedings were conducted under special judicial proceedings (in absentia).

The court of first instance acquitted the accused under Part 7 of Article 111-1 of the CC of Ukraine on the ground that the constituent elements of that criminal offence had not been established in his conduct, while finding him guilty under Part 4 of Article 408 of the CC of Ukraine. One of the grounds for acquittal was that the prosecution, in the indictment, had failed to specify which position in the unlawful law enforcement body the accused had allegedly assumed and had not set out the functional duties attached to that position. In the court’s view, in such circumstances, and given the insufficiency of remaining evidence, the charge under Part 7 of Article 111-1 of the CC of Ukraine had not been proven beyond reasonable doubt.

The court further noted that the acts described in the indictment (in particular, interaction with RF military personnel, participation in activities in favour of the occupation authorities, provision of information, and patrolling in uniform bearing RF insignia) could potentially indicate another criminal offence, namely treason. However, the court did not examine this issue in detail, as such legal qualification had not been advanced by the prosecution.¹⁴⁸

Despite the increase in the number of acquittals in 2025, they remain rare in judicial practice under Article 111-1 of the CC of Ukraine. Moreover, the analysis shows that most of these judgments are appealed by prosecutors before the appellate courts: only one acquittal has become final following the dismissal of the prosecutor’s appeal.

Based on the analysis of acquittals, the following common grounds for acquittal can be identified: inadmissibility of certain evidence; irrelevance and/or insufficiency of the evidentiary basis to substantiate the charges; failure to establish the constituent elements of the criminal offence; and lack of specificity in the wording of the charges. These grounds indicate that acquittals are primarily attributable to deficiencies in evidence and procedural violations.

147 Judgment of the Oleksandrivskiy District Court of the city of Zaporizhzhia dated 21 November 2025 in case No. 331/4426/23: <https://reyestr.court.gov.ua/Review/132344832>

148 As of 1 March 2026, appellate proceedings have been initiated following the prosecutor’s appeal



CHAPTER 7.

CROSS-CUTTING ISSUES IN THE APPROACH TO LIABILITY FOR COLLABORATIVE ACTIVITY

The study of judicial practice in cases concerning collaborative activity in 2025 demonstrates the absence of significant changes in approaches and the continued development of previously identified trends: failure to take into account the standards of IHL and the conditions of occupation; inconsistency in practice in distinguishing between certain provisions of the CC of Ukraine, as well as between different Parts of Article 111-1 due to the lack of clarity in their wording; insufficient examination of direct intent; and limited consideration of issues of coercion and voluntariness.

The root cause of the problem lies in the vague and overly broad wording of Article 111-1 of the CC of Ukraine; however, judicial proceedings could and should serve as a source of proper interpretation of these imperfect provisions, taking into account the principles of legal certainty, fairness and the standards of IHL.¹⁴⁹

In this Chapter, in analysing the development of the above cross-cutting issues, particular attention is paid to the practice of the SC, which has a significant influence on the practice of other courts and could serve as a source for developing consistent approaches to interpretation and to defining the boundaries between lawful conduct and collaborative activity.

1. | LACK OF LEGAL CERTAINTY OF THE PROVISIONS OF ARTICLE 111-1 AND INSUFFICIENT EXAMINATION OF INTENT TO HARM NATIONAL SECURITY

In previous studies, experts of the Human Rights Centre ZMINA have repeatedly highlighted the broad and vague wording of the disposition of Article 111-1 of the CC of Ukraine and the consequences this entails in practice.¹⁵⁰ In the absence of legislative amendments, a formalistic approach to the interpretation of Article 111-1 of the CC of Ukraine continues

149 Separate opinion of a judge to the decision of the Criminal Cassation Court in case No. 638/18926/23 dated 1 December 2025: <https://reyestr.court.gov.ua/Review/132871079>

150 Analytical note “Criminal liability for collaborationism: analysis of current legislation, practice of its application, and proposals for amendments” / NGO “The Human Rights Centre ZMINA”, NGO “Civil Holding “GROUP OF INFLUENCE”, NGO “Donbas SOS”, NGO “Crimea SOS”, Charity Foundation “East SOS”, Charity Foundation “Stabilization Support Services” and NGO “The Crimean Human Rights Group”, December 2022: https://zmina.ua/wp-content/uploads/sites/2/2022/12/zvit_zmina_eng-1.pdf; Analytical report “Collaborationism and abetting the aggressor state: practice of legislative application and prospects for improvement” / O. Syniuk, O. Lunova; Ed. D. Svyrydova / The Human Rights Centre ZMINA. – Kyiv, 2023. https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboration_web_eng.pdf; Analytical report “Survival or crime: how Ukraine punishes collaborationism” / O. Syniuk, D. Deputat, I. Vyshnevskya, V. Volkovynska, V. Chervonna, M. Yelihilashvili; Ed. A. Lunova – Kyiv, 2024: https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboratz_eng_web.pdf; Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025: <https://surl.li/odljle>



to be applied in practice, without proper examination and with a presumption of intent on the part of the accused.

Courts continue to interpret intent primarily from the mere fact of holding a position as sufficient evidence, justifying this approach by reference to the wording of the provision, which does not require examination of the individual’s subsequent conduct or the consequences of holding the position.

In particular, the SC has reaffirmed that “[...] *having regard to the wording of the disposition of Part 7 of Article 111-1 of the CC, **the mere fact that a citizen of Ukraine voluntarily assumes a position in an unlawful law enforcement body is sufficient** for the legal classification of the relevant acts under this criminal law provision*”.¹⁵¹

In the same case, the SC noted that “*Part 7 of Article 111-1 of the CC provides for liability for a citizen of Ukraine engaging in collaborative activity under conditions of occupation [...] in the form of voluntary conduct, that is, of one’s own free will and in the absence of physical or psychological coercion or necessity, by assuming a position therein **with the aim of causing harm to the State of Ukraine***”. In practice, however, the existence of such intent is inferred from the mere fact of assuming any position that formally falls within the scope of Article 111-1 of the CC of Ukraine.

Increasingly, the fact of remaining in occupied territory is used as an argument in support of the existence of direct intent and/or the voluntariness of the alleged conduct. The absence of attempts to leave the TOT of Ukraine is, in essence, equated with loyalty to the occupation administration and with intent to harm the national security of Ukraine. For example, in a case from January 2025, the SC stated that “[...] *Person_5’s **interaction with the occupation authorities was of a prolonged nature, and he had the opportunity, should he have wished, to cease such interaction and leave the occupied territory; however, he did not avail himself of this opportunity...***”¹⁵²

There is also a lack of consistency in practice regarding the interpretation of “holding a position in unlawful authorities”. In one decision, the SC held that activity within an enterprise, institution or organisation does not constitute activity within an authority in the meaning of Parts 2, 5 and 7 of Article 111-1.¹⁵³

However, in a case from December 2025¹⁵⁴ the SC reached the opposite conclusion, referring to the definition of “occupation administration” set out in paragraph 6 of Article 1-1 of the Law “On Ensuring Civil Rights and Freedoms, and the Legal Regime on the Temporarily Occupied Territory of Ukraine”.¹⁵⁵ This definition, in particular, includes within its scope “organisations, enterprises and institutions”.

151 Decision of the SC dated 25 June 2025 in case No. 953/1356/23: <https://reyestr.court.gov.ua/Review/128522929>

152 Decision of the SC dated 30 January 2025 in case No. 225/1257/23: <https://reyestr.court.gov.ua/Review/124809033>

153 Decision of the SC dated 20 June 2024 in case No. 953/7182/22: <https://reyestr.court.gov.ua/Review/119961119>

154 Decision of the SC dated 1 December 2025 in case No. 638/18926/23: <https://reyestr.court.gov.ua/Review/132476385>

155 Law of Ukraine “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine” dated 15 April 2014 No. 1207-VII: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

In addition to exacerbating the problem of inconsistency in judicial practice in imposing liability for collaborative activity, this decision also raises questions regarding the use of other legislative provisions to interpret rules on criminal liability. The legislation of Ukraine on criminal liability is constituted by the CC of Ukraine,¹⁵⁶ and the criminal unlawfulness of an act, as well as its punishability and other criminal law consequences, are determined exclusively by the CC of Ukraine.¹⁵⁷ Article 111-1 of the CC of Ukraine contains no references to other legislative acts and, by its wording, does not provide for a broad interpretation of the concept of “unlawful authorities”. It is noteworthy that, in this case, one of the judges of the Grand Chamber of the SC expressed a separate opinion, which, inter alia, refers to the “*inadmissibility of defining the scope of criminal liability by borrowing terminology from legislative acts of other branches of law that pursue different regulatory purposes*”. Moreover, the judge concludes that holding a position in a State enterprise, in itself, does not fall within the constituent elements of the offence under Part 5 of Article 111-1 of the CC of Ukraine.¹⁵⁸

The question raised in the previous study¹⁵⁹ also remains open as to whether the nature of a position should be interpreted by reference to its definition under Ukrainian law, rather than by analysing its place within an “unlawful authority established in the temporarily occupied territory” under the legal framework pursuant to which that position was created.

2. | COMMUNICATING THE LAW ON COLLABORATIVE ACTIVITY TO THE POPULATION

The legislative amendments introducing Article 111-1 into the CC of Ukraine were adopted on 3 March 2022 and entered into force on 15 March 2022.¹⁶⁰ At that time, part of the territory of Ukraine had already been occupied since 24 February 2022, and in many localities under the control of the occupying forces there was no access to the Internet or mobile communications.¹⁶¹ In these circumstances, the question arises whether citizens of Ukraine in the TOT of Ukraine had the opportunity to familiarise themselves with the legislative amendments introducing new types of conduct for which criminal liability is provided.

Both in the decision of the court of first instance and in the SC, the judges concluded that the standard procedure¹⁶² for communicating legislative amendments establishing liability for cooperation with the occupation authorities to the population was sufficient.

156 Criminal Code of Ukraine dated 5 April 2001 No. 2341-III, Article 3(1): <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

157 *ibid*, para. 3.

158 Separate opinion of a judge to the decision of the Criminal Cassation Court in case No. 638/18926/23 dated 1 December 2025: <https://reyestr.court.gov.ua/Review/132871079>

159 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025: https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

160 Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the Establishment of Criminal Liability for Collaborative Activity” dated 3 March 2022 No. 2108-IX: <https://zakon.rada.gov.ua/laws/show/2108-20#n12>

161 “No mobile connection: it is impossible to reach occupied Svatove by phone” / Suspilne, 24 March 2023: <https://suspilne.media/424944-bez-mobilnogo-zvazku-v-okupovane-svatove-nemozливо-dodzvonitisa/>

162 that is, in compliance with the requirements of Article 48 of the Law of Ukraine “On Lawmaking Activity” No. 3354-IX dated 24 August 2023: <https://zakon.rada.gov.ua/laws/show/3354-20/sp:max15#Text>

In support of this position, the courts in this case noted that: (1) the accused began cooperating with the occupation administration after a sufficiently long period following the publication of the law; and,¹⁶³ (2) the accused had access to the Internet, as evidenced by correspondence on Instagram in late March 2022. The court also referred, in its decisions, to information from the National Council of Television and Radio Broadcasting of Ukraine, according to which access to Ukrainian media after the occupation of the city of Svatove and other territories of the Luhansk Region remained possible via satellite retransmission or the Internet”.¹⁶⁴

In the vast majority of cases, the question of whether the accused had the opportunity to familiarise themselves with the legislative amendments is not examined at all. In particular, since the formal procedure for official communication of the legislative amendments was followed, the question of access not only to the Internet and mobile communications but also to official sources of publication from the occupied territory is not examined. This is despite the fact that the RF actively restricts residents of the TOT of Ukraine from accessing information from territory controlled by the Government of Ukraine,¹⁶⁵ including by blocking the websites of Ukrainian public authorities.¹⁶⁶

In the aforementioned separate opinion¹⁶⁷ a judge of the SC drew attention to the issue of the accessibility, in the occupied territory, of legislation published in accordance with the prescribed procedure, notwithstanding that this issue had not been examined in the case at all. In particular, the judge noted that, under normal circumstances, the presumption of communication to the public under Article 57 of the Constitution of Ukraine is sufficient. However, the application of such a presumption in conditions of occupation of part of the territory of Ukraine and deliberate restriction by the Russian side of access to Ukrainian resources is questionable.

Another issue raised in the separate opinion concerns whether, even without knowledge of the existence of Article 111-1 of the CC of Ukraine, a person could foresee that their conduct constituted a criminal offence punishable by 5 to 10 years’ imprisonment. The awareness of the unlawfulness of conduct in cases such as voluntarily signing a contract to serve in the Armed Forces of the RF or heading an occupation administration does not raise doubts. However, the broad wording of Article 111-1 of the CC of Ukraine in practice leads to its application to holding positions in bodies responsible for social protection, housing and communal services, and emergency response. The presumption that engaging in such activities constitutes a criminal offence punishable by several years’ imprisonment is less obvious and, at the same time, is not examined by the courts.

163 Decision of the SC dated 6 October 2025 in case No. 638/7236/23: <https://reyestr.court.gov.ua/Review/130860370>

164 Judgment of the Pavlohrad City District Court of Dnipropetrovsk Region dated 8 September 2025 in case No. 185/12788/23: <https://reyestr.court.gov.ua/Review/130054230#>

165 “No radio, no television, limited internet”: occupied territories without Ukrainian broadcasting / Pryazovia News, Radio Free Europe/Radio Liberty, 11 April 2025: <https://www.radiosvoboda.org/a/novyny-pryazovya-ukrayinske-movlennya-v-okupatsiyi-zaborona/33381094.html>

166 How Russian propaganda operates on Telegram in the temporarily occupied territories / Ukrainska Pravda, 9 June 2023: <https://www.pravda.com.ua/columns/2023/06/09/7406109/>

167 Separate opinion of a judge to the decision of the Criminal Cassation Court in case No. 638/18926/23 dated 1 December 2025: <https://reyestr.court.gov.ua/Review/132871079>

3. DIFFICULTIES IN DISTINGUISHING BETWEEN THE CONSTITUENT ELEMENTS OF OFFENCES AGAINST THE FOUNDATIONS OF NATIONAL SECURITY AND RELATED OFFENCES (IN PARTICULAR, ARTICLES 111-1, 111-2 AND 436-2 OF THE CC OF UKRAINE), AS WELL AS BETWEEN DIFFERENT PARTS OF ARTICLE 111-1

The vague wording of Article 111-1 of the CC of Ukraine leads not only to broad interpretations of which acts fall within the scope of criminal liability, but also complicates the distinction between the offence under Article 111-1 and other offences against the foundations of national security. Previous studies have examined in detail the relationship between charges under Part 1 of Article 111-1 (public denial of armed aggression) and Article 436-2 (Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants), Part 4 of Article 111-1 (transfer of material resources and economic activity) and Article 111-2 (aiding the aggressor State), as well as Part 7 of Article 111-1 (holding positions in unlawful judicial or law enforcement bodies, participation in armed formations of the aggressor State) and Article 111 (high treason).¹⁶⁸ Given the absence of legislative amendments and the lack of development of a restrictive interpretation of the disposition of Article 111-1 of the CC of Ukraine, practice continues to record proceedings characterised by ambiguous differentiation or dual legal classification.

One such case was discussed above – charges based on a combination of offences under Part 6 of Article 111-1 and Part 2 of Article 436-2 of the CC of Ukraine (“Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine, glorification of its participants”).¹⁶⁹ In this case, the individual was acquitted under Part 6 of Article 111-1 of the CC of Ukraine. The court justified its decision by stating that “informational activity in cooperation with the aggressor State” presupposes a systematic, deliberate and political or ideological character, as well as a certain degree of interaction with representatives of the aggressor State. At the same time, the accused published posts on his social media pages or shared the posts of others through likes or reposts. As a result, the individual was convicted under Part 2 of Article 436-2 of the CC of Ukraine and sentenced to five years’ imprisonment. At the same time, no charges were brought under Part 1 of Article 111-1, which constitutes a misdemeanor, although in practice such conduct has typically been considered within that qualification. Accordingly, no justification was provided for classifying these acts specifically under Article 436-2 of the CC of Ukraine, which provides for a significantly more severe penalty.

¹⁶⁸ Analytical note “Criminal liability for collaborationism: analysis of current legislation, practice of its application, and proposals for amendments” / NGO “The Human Rights Centre ZMINA”, NGO “Civil Holding “GROUP OF INFLUENCE”, NGO “Donbas SOS”, NGO “Crimea SOS”, Charity Foundation “East SOS”, Charity Foundation “Stabilization Support Services” and NGO “The Crimean Human Rights Group”, December 2022: pp. 8-12: https://zmina.ua/wp-content/uploads/sites/2/2022/12/zvit_zmina_eng-1.pdf; Analytical report “Collaborationism and abetting the aggressor state: practice of legislative application and prospects for improvement” / O. Syniuk, O. Lunova; Ed. D. Svyrydova / The Human Rights Centre ZMINA. – Kyiv, 2023. https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboration_web_eng.pdf, pp.35-39; Analytical report “Survival or crime: how Ukraine punishes collaborationism” / O. Syniuk, D. Deputat, I. Vyshnevskya, V. Volkovynska, V. Chervonna, M. Yelihulashvili; Ed. A. Lunova – Kyiv, 2024, pp. 33-36: https://zmina.ua/wp-content/uploads/sites/2/2025/04/colaboratz_eng_web.pdf; Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025: https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

¹⁶⁹ Judgment of the Pecherskyi District Court of the city of Kyiv dated 1 May 2025 in case No. 757/18654/22-k: <https://reyestr.court.gov.ua/Review/127730059>



In another set of proceedings, the court examined charges based on a combination of Article 110 of the CC of Ukraine (“Encroachment upon the territorial integrity and inviolability of Ukraine”) and Part 5 of Article 111-1 of the CC of Ukraine. In particular, the accused directly participated in the organisation and conduct of an unlawful referendum on accession to the RF. The SC upheld the position adopted by the appellate court, noting that, in order to distinguish between these offences, it is necessary to refer to such a qualifying element as the purpose of the act. In its judgment, the court stated: “[...] *the purpose of the offence under Part 2 of Article 110 of the CC, based on the wording of that provision, is evident and consists in the separation of part of the territory of Ukraine, its annexation to the aggressor State, or the creation of new entities, etc., that is, it encroaches upon the territorial integrity and inviolability of Ukraine, regardless of the specific actions taken to achieve this purpose. At the same time, the purpose of the offence under Part 5 of Article 111-1 of the CC is not self-evident and, given the exclusively direct intent required, is aimed at facilitating (aiding, supporting) the aggressor State, its bodies or representatives in carrying out their activities; liability for such conduct arises, in particular, only for acts in the form of participation in the organisation and conduct of unlawful elections and/or referendums in the temporarily occupied territory. At the same time, liability under Part 2 of Article 110 of the CC arises where the actions of the person are aimed at altering the boundaries of the territory of Ukraine or its State border*”.¹⁷⁰

On the basis of this reasoning, the SC concluded that the acts of the convicted person, committed through the same conduct at the same point in time, had different purposes and therefore constituted an “ideal concurrence of offences”.

In this regard, however, the question arises whether the Court considers that direct participation in the organisation of an unlawful referendum may be carried out with a purpose other than altering the boundaries of the territory of Ukraine or its State border. If not, all proceedings concerning direct participation in an unlawful referendum should be classified in conjunction with Article 110 of the CC of Ukraine, in which case the necessity of the existence of, and additional qualification under, Part 5 of Article 111-1 of the CC of Ukraine becomes questionable. If, however, the purpose may differ, then, in order to properly distinguish such conduct from Article 110 of the CC of Ukraine, it is necessary in each case concerning participation in an unlawful referendum to establish the purpose for which the individual participated. Established practice, however, does not apply this approach, instead presuming the existence of intent and purpose from the mere fact of participation.

The SC also confirmed its approach to distinguishing and cumulatively classifying conduct under Part 7 of Article 111-1 of the CC of Ukraine and Article 111 of the CC of Ukraine (“High Treason”).¹⁷¹ This approach is based on a formal interpretation of the disposition of Part 7 of Article 111-1 of the CC of Ukraine, according to which the mere fact of “holding a position” is sufficient to establish liability under this offence. Activities carried out in that position may additionally be classified under Article 111 of the CC of Ukraine. Such a dis-

¹⁷⁰ Decision of the SC dated 8 December 2025 in case No. 185/7229/233: <https://reyestr.court.gov.ua/Review/132590454>

¹⁷¹ Decision of the SC dated 21 July 2025 in case No. 331/4882/23: <https://reyestr.court.gov.ua/Review/129086839>



inction appears artificial and entrenches a mechanical, non-individualised approach to assessing an individual’s conduct for the purposes of establishing liability for collaborative activity.

Furthermore, the judgment once again confirms the absence of differentiation in the degree of danger associated with positions held in a “law enforcement body”. Positions such as investigator or prosecutor, as well as those of a driver or a “State inspector of the fisheries protection patrol unit”, as in the present proceedings, are treated as posing the same level of social danger and attracting equally severe penalties.

In addition to the issue of distinction and cumulative qualification under different Articles of the CC of Ukraine, difficulties in distinguishing between the vaguely worded Parts of Article 111-1 have also developed, resulting in inconsistent application in practice.

As in the previous study period, the holding of positions within identical structures – the so-called “State forestry enterprises” – has been classified by different courts under different Parts of Article 111-1 of the CC of Ukraine. In particular, in one set of proceedings, holding the position of “director” was classified under Part 7,¹⁷² while in another, holding the position of “senior forester” was classified under Part 5.¹⁷³

In none of these cases was the appropriateness of such classification examined, nor was any reasoning provided for classifying the conduct under either Part 5 or Part 7 of Article 111-1 of the CC of Ukraine. The only evidence examined in the course of the proceedings related to establishing the fact of holding the position and did not concern the substance of the functions performed in those roles. At the same time, given the significant difference in the penalties provided for under these Parts, the sentences imposed differ substantially – twelve years’ imprisonment and confiscation of all property under Part 7, and six years’ imprisonment and confiscation of property under Part 5.

No justification is provided for classification under Part 5 of Article 111-1 of the CC of Ukraine, as compared to other similar cases typically classified under Part 7 of Article 111-1 of the CC of Ukraine, in proceedings concerning: the so-called “head of the State Fire and Rescue Unit of the Kherson City Department of the Civil Defence, Emergencies and Disaster Relief Service in the Kherson Region”¹⁷⁴; the so-called “head of the fire unit of the city of Oleshky”;¹⁷⁵ and the so-called “chief accountant at the State enterprise “Kupiansk Forestry”).¹⁷⁶

172 Judgment of the Komunarskyi District Court of the city of Zaporizhzhia dated 11 February 2025 in case No. 333/6362/23: <https://reyestr.court.gov.ua/Review/126225735>

173 Judgment of the Shevchenkivskyi District Court of the city of Kharkiv dated 13 October 2025 in case No. 638/4239/23: <https://reyestr.court.gov.ua/Review/130932944>

174 Judgment of the Uzhhorod City District Court of Zakarpattia Region dated 4 April 2025 in case No. 308/13917/24: <https://reyestr.court.gov.ua/Review/126398660>

175 Judgment of the Uzhhorod City District Court of Zakarpattia Region dated 6 January 2025 in case No. 308/16854/23: <https://reyestr.court.gov.ua/Review/124288809>

176 Judgment of the Osnovianskyi District Court of the city of Kharkiv dated 20 May 2025 in case No. 646/10421/23: <https://reyestr.court.gov.ua/Review/127463046>

4. FAILURE TO TAKE INTO ACCOUNT THE STANDARDS OF INTERNATIONAL HUMANITARIAN LAW

The tendency of courts to disregard the standards of international humanitarian law in proceedings concerning collaborative activity remains largely unchanged. Provisions concerning the work of medical and religious personnel,¹⁷⁷ civil defence organisations and their staff,¹⁷⁸ additional civil defence activities necessary for carrying out any of their tasks, including planning and organisation but not limited thereto,¹⁷⁹ as well as the ability of the occupying power to compel the population of the occupied territory to work in order to meet the needs of the occupying army or to provide public services, food, clothing, shelter, transport and healthcare for the population of the occupied territory¹⁸⁰ were not taken into account in the wording of the disposition of Article 111-1 of the CC of Ukraine. These circumstances are likewise not examined in proceedings either at the pre-trial investigation stage or during the trial stage.

In one set of proceedings, examined on cassation and remitted for a new trial before the court of first instance, the Court indicated the need to take into account the provisions of IHL. However, this requirement was based on procedural grounds – the appellate court failed to provide reasons for rejecting the applicability of the Geneva Conventions in assessing the conduct of critical infrastructure workers under occupation.¹⁸¹ In analysing decisions of the SC that failed to take into account applicable provisions of IHL concerning the obligations of the occupying power to ensure essential services for the civilian population in occupied territory, the Independent International Commission of Inquiry on Ukraine noted this issue.¹⁸²

Based on an analysis of judgments in its report for June–November 2025, the Office of the United Nations High Commissioner for Human Rights found that at least 21 individuals (13 men and 8 women) were convicted for acts which, under IHL, may lawfully be required by an occupying authority as work necessary to meet the needs of the population.¹⁸³

177 Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated 8 June 1977, Articles 15 and 16: https://zakon.rada.gov.ua/laws/show/995_199#Text

178 Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated 8 June 1977, Article 62: https://zakon.rada.gov.ua/laws/show/995_199#Text

179 Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), dated 8 June 1977, Article 61(a)(15): https://zakon.rada.gov.ua/laws/show/995_199#Text

180 Geneva Convention relative to the Protection of Civilian Persons in Time of War dated 12 August 1949, Article 51: https://zakon.rada.gov.ua/laws/show/995_154#Text

181 Decision of the SC dated 23 January 2025 in case No. 638/6886/22: <https://reyestr.court.gov.ua/Review/124718072>

182 Report of the Independent International Commission of Inquiry on Ukraine, 9 March 2026: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session61/advance-version/a-hrc-61-61-a.uv.pdf>

183 Report on the human rights situation in Ukraine, 1 June – 30 November 2025 / Office of the United Nations High Commissioner for Human Rights, 9 December 2025: <https://ukraine.ohchr.org/sites/default/files/2025-12/2025-12-09%20OHCHR%2043rd%20periodic%20report%20on%20Ukraine%20ENG.pdf>

In 2025, in particular, the practice of prosecuting individuals who held positions such as rescuer,¹⁸⁴ dispatcher,¹⁸⁵ driver,¹⁸⁶ driver-rescuer,¹⁸⁷ firefighter-rescuer,¹⁸⁸ and fire safety inspector¹⁸⁹ in fire and rescue units in occupied territory continued. Convictions of such individuals were delivered in at least 11 sets of proceedings.

As regards individuals in the medical and public utilities sectors, the main trend remains to prosecute those holding managerial positions, including deputy chief physician,¹⁹⁰ acting chief physician,¹⁹¹ head of a housing and communal services department¹⁹² or head of a life-support services unit.¹⁹³ At least three cases concerned managerial positions in the medical sector, and 25 concerned managerial positions in the public utilities sector.

Of particular note in the context of taking into account IHL is the decision of the SC in the aforementioned proceedings concerning the position of “forester”.¹⁹⁴ In response to the accused’s argument regarding the right to work under the provisions of the Geneva Convention, the SC did not accept this position.

At the same time, in its judgment the Court noted that it does not call into question the applicability of the Convention (Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949) with regard to the ability of Ukrainian citizens to work in order to secure their livelihood in occupied territories. In the Court’s view, the distinction between work necessary for a person’s subsistence and conduct attracting criminal liability should be made having regard to the following: *“the positions held by the person; the nature of the activities performed; the purpose of such activities; whether the person exercises a “controlling” influence over other citizens; whether the person can affect the rights of others, including by restricting them; and whether the person’s actions involve propaganda or otherwise contribute to the consolidation of the occupation authorities, etc.”*¹⁹⁵

It is unclear how the identification of these indicators is compatible with the established position of the SC that it is not necessary to examine the specific activities carried out by a person in the position held, given that the mere fact of holding a position is suffi-

184 Judgment of the Lychakivskiy District Court of the city of Lviv dated 20 March 2025 in case No. 463/6898/24: <https://reyestr.court.gov.ua/Review/125993252>

185 Judgment of the Industrialnyi District Court of the city of Dnipropetrovsk dated 21 March 2025 in case No. 202/18950/23: <https://reyestr.court.gov.ua/Review/126280246>

186 Judgment of the Industrialnyi District Court of the city of Dnipropetrovsk dated 21 March 2025 in case No. 202/19362/23: <https://reyestr.court.gov.ua/Review/126280247>

187 Judgment of the Industrialnyi District Court of the city of Dnipropetrovsk dated 11 September 2025 in case No. 202/1197/24: <https://reyestr.court.gov.ua/Review/130152065>

188 Judgment of the Lychakivskiy District Court of the city of Lviv dated 11 July 2025 in case No. 463/11748/24: <https://reyestr.court.gov.ua/Review/128800167>

189 Judgment of the Shevchenkivskiy District Court of the city of Chernivtsi dated 26 June 2025 in case No. 727/2668/25: <https://reyestr.court.gov.ua/Review/128462160>

190 Judgment of the Kherson City Court of Kherson Region dated 11 November 2025 in case No. 766/9988/24: <https://reyestr.court.gov.ua/Review/131843526>

191 Judgment of the Shevchenkivskiy District Court of the city of Chernivtsi dated 19 March 2025 in case No. 727/5542/24: <https://reyestr.court.gov.ua/Review/125984975>

192 Judgment of the Biliaivskiy District Court of Odesa Region dated 21 November 2025 in case No. 496/879/23: <https://reyestr.court.gov.ua/Review/131994503>

193 Judgment of the Synelnykove City District Court of Dnipropetrovsk Region dated 20 May 2025 in case No. 191/2687/23: <https://reyestr.court.gov.ua/Review/127481160>

194 Decision of the SC of Ukraine dated 1 December 2025 in case No. 638/18926/23: <https://reyestr.court.gov.ua/Review/132476385>

195 *ibid.*



cient to constitute an offence under Article 111-1 of the CC of Ukraine. This position, however, implies that even where a position formally falls within the scope of Article 111-1 of the CC of Ukraine, it is necessary in judicial proceedings to assess whether such conduct entails criminal liability or, conversely, constitutes an exercise of the right of Ukrainian citizens to work in order to secure their livelihood in occupied territories.

The SC points out that, when examining a case, *“the court must consider whether such activity contributes to the consolidation of the occupation authorities and, consequently, whether it falls within the scope and rules defined by the Convention (Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949)”*. At the same time, judicial practice, including that of the SC, is based on the presumption that holding any position constitutes activity aimed at consolidating the occupation authorities and does not require further proof.

Although the SC refers to the possibility of working to secure one’s livelihood, both in this case and in most others, holding a position is interpreted as direct intent to harm national security, while receiving remuneration in such a position is used as evidence of voluntariness or even a pecuniary motive.

In a separate opinion, one of the judges of the panel noted that, if Article 111-1 of the CC of Ukraine is interpreted as broadly as in this case, it *“prohibits any cooperation with the occupier, even in the form of employment to perform technical or support functions. This places the population under occupation before a choice: poverty and hunger, or long-term imprisonment in the event of de-occupation. Criminal law, while prohibiting certain conduct, must leave a real possibility of lawful behaviour that does not pose a threat to a person’s life, health or well-being”*.¹⁹⁶

The Russian Federation in the TOT of Ukraine systematically and deliberately creates conditions in which survival is impossible without interaction with the occupation authorities. The criminalisation of any interaction with the occupation authorities, and its automatic formal interpretation as conduct aimed at harming State security, leaves Ukrainian citizens in the TOT with no possibility of engaging in lawful activities necessary for survival.

5. | VOLUNTARINESS AND COERCION UNDER CONDITIONS OF OCCUPATION

The principal approach to assessing voluntariness and the absence of coercion in the conduct of accused persons remains¹⁹⁷ a narrow interpretation of Articles 39 (“Necessity”) and 40 (“Physical or psychological coercion”) of the CC of Ukraine.

Notably, even when assessing the applicability of IHL in the context of evaluating voluntariness and coercion in the conduct of individuals in occupied territory, these concepts are interpreted as equivalent under both national and international law. For example, in responding to the defence argument regarding the ability of the occupying power

¹⁹⁶ Separate opinion of a judge to the decision of the Criminal Cassation Court dated 1 December 2025 in case No. 638/18926/23: <https://reyestr.court.gov.ua/Review/132871079>

¹⁹⁷ Decision of the SC of Ukraine dated 13 November 2025 in case No. 644/2465/23: <https://reyestr.court.gov.ua/Review/131941646>



to compel the local population to perform forced labour, the Court denies the existence of coercion on the basis of the absence of evidence of physical or psychological violence, pressure, bodily harm or distress, as well as the fact that the individual received remuneration. Having conducted such an assessment, the Court concluded that the provisions of the Convention (Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949) could not be applied to the actions of the accused.¹⁹⁸

As noted above, in proceedings concerning collaborative activity, courts increasingly rely on the argument that the absence of attempts to leave the occupied territory constitutes evidence of the voluntariness of holding positions in unlawful authorities.¹⁹⁹

In its decision, the SC equated the concept of coercion under Article 51 of the Geneva Convention with its interpretation under Articles 39 and 40 of the CC of Ukraine.²⁰⁰ In a separate opinion, one of the judges of the panel stated that the ability of the occupying power to compel individuals in occupied territory to perform forced labour “*precludes the voluntariness of consent to such work even in the absence of a direct threat, since compliance with a lawful order of the occupation authorities does not constitute a voluntary act*”.²⁰¹

One of the main problems in assessing voluntariness and coercion in proceedings concerning collaborative activity is the failure to examine the context of occupation. In the overwhelming majority of cases concerning collaborative activity, and as rightly noted in the separate opinion of a judge of the SC, considerable attention in judgments is devoted to describing historical events, the course of the RF’s crime of aggression against Ukraine, and the circumstances of the invasion. In contrast, the circumstances in which individuals live under occupation – the examination of which is crucial for assessing intent and voluntariness – are largely disregarded.

As a result, law enforcement authorities and courts apply legislative provisions to conditions of occupation by analogy with those prevailing in territory controlled by the Government of Ukraine. Even when referring, during judicial proceedings, to defence arguments concerning the general threat faced by Ukrainian citizens in occupied territory, courts rely on the absence of an immediate threat to the individual as the sole possible indicator of coercion. The fairness of such an approach is questionable, given the overall atmosphere of fear and threat caused by crimes committed by the RF against Ukrainian citizens in the TOT, as well as the lack of effective remedies in the event of violations of the rights of residents of the TOT of Ukraine. In view of the RF’s deliberate violation of the occupation regime, the extension of its own legislation to temporarily occupied Ukrainian territories, and the creation of conditions in which survival is impossible without interaction with the occupation authorities, it is appropriate to consider the application of the doctrine of necessity in the context of survival in the TOT of Ukraine.²⁰²

198 Judgment of the Shevchenkivskiy District Court of the city of Kharkiv dated 13 October 2025 in case No. 638/4239/23: <https://reyestr.court.gov.ua/Review/130932944>

199 Decision of the SC of Ukraine dated 13 November 2025 in case No. 644/2465/23: <https://reyestr.court.gov.ua/Review/131941646>

200 Decision of the SC of Ukraine dated 1 December 2025 in case No. 638/18926/23: <https://reyestr.court.gov.ua/Review/132476385>

201 Separate opinion of a judge to the decision of the Criminal Cassation Court dated 1 December 2025 in case No. 638/18926/23: <https://reyestr.court.gov.ua/Review/132871079>

202 *ibid.*

The previous study examined the use of witness testimony, particularly hearsay, as evidence of the voluntariness of conduct.²⁰³ The practice of 2025, in turn, calls for additional attention to the use of information from open sources, in particular social media publications, as evidence of voluntariness, especially in the context of proceedings under special procedures.

In particular, in one of the cases, the court notes that “the facts reported on the internet and on the Telegram multi-platform messaging service demonstrate that Person_7’s behaviour was not coerced, that there was no compulsion whatsoever exerted upon her, and therefore that her actions were entirely voluntary”.²⁰⁴

In another set of proceedings, the SC reaffirmed this approach, agreeing with the conclusions of the appellate court that the voluntariness of holding a position was confirmed by publications examined by the court, obtained through inspections of the Internet by authorised pre-trial investigation bodies, and that such publications constituted *conclusive evidence of the unforced nature of his conduct, the absence of any coercion, and thus the full voluntariness of his actions*”.²⁰⁵

In another case examined by the SC, voluntariness was substantiated on the basis of information obtained as a result of “counter-intelligence and search measures carried out pursuant to a relevant order”.²⁰⁶ The published decision does not specify whether such measures were limited to searching open sources or involved other actions.

Given that voluntariness must be established as an essential element of the offence under Parts 2, 5 and 7 of Article 111-1 of the CC of Ukraine, questions arise as to the sufficiency of such reasoning.

In this context, attention should be drawn to another decision of the SC, which elaborates on the standard of proof, referring to the appellate court’s failure to provide an effective response to the defence arguments, including those concerning coercion applied to the accused.²⁰⁷

The Court emphasised that each element relevant to the proper classification of the conduct, such as voluntariness, must be proven beyond reasonable doubt. This means that “*the prosecution’s version must account for all circumstances established by the court that relate to the event under examination*”. If certain circumstances contradict the prosecution’s version, they cannot be disregarded and must be assessed in the course of the proceedings, as “*the existence of such circumstances, to which the prosecution’s version cannot provide a reasonable explanation or which indicate the possibility of an alternative version of the alleged events, constitutes grounds for reasonable doubt as to the person’s guilt*”. In sum, a

203 Liability for collaborationism: How has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina – Kyiv, 2025: https://zmina.ua/wp-content/uploads/sites/2/2025/06/court_practice_web_eng-4.pdf

204 Decision of the SC dated 6 February 2025 in case No. 161/9079/23: <http://reyestr.court.gov.ua/Review/125028784>

205 Decision of the SC dated 10 February 2025 in case No. 161/21678/23: <https://reyestr.court.gov.ua/Review/125228081>

206 Ruling of the SC dated 12 February 2025 in case No. 161/11395/23: <https://reyestr.court.gov.ua/Review/125099177>

207 Decision of the SC dated 3 December 2025 in case No. 646/4255/23: <https://reyestr.court.gov.ua/Review/132391344>

finding of guilt cannot be based on the “greater probability” of a given version, but must be supported by evidence demonstrating that any doubts as to its accuracy are dispelled by facts grounded in admissible evidence.

Without such examination and assessment of the evidence, the alternative version – namely the absence of voluntariness in holding the position – has not been tested, and the principal version cannot be regarded as fully established.

Thus, judicial practice, including that of the SC in cases under Article 111-1 of the CC of Ukraine, continues to reflect the trends established in previous years. The number of cases in which divergent approaches are applied in distinguishing between offences under different Articles of the CC of Ukraine, as well as between different Parts of Article 111-1, is increasing. The prosecution of individuals for performing work necessary for sustaining life under occupation continues as well. In examining such cases, courts fail to take into account the standards of international humanitarian law and do not conduct a detailed assessment of contextual elements, in particular the conditions of occupation and the specific circumstances in each case.



CONCLUSIONS

1. From 2023 through 2025, a trend towards a decrease in the overall number of criminal proceedings initiated on charges of collaborative activity can be observed. At the same time, changes are also occurring in the distribution of initiated proceedings across the Parts of Article 111-1 of the CC of Ukraine: the number of proceedings under Parts 1 and 2, which provide for liability for criminal misdemeanours, is decreasing, while the share of proceedings under Parts 3–7, which concern criminal offences, is increasing.
2. The practice of predominantly applying pre-trial detention as a measure of restraint persists, with excessive durations (ranging from several months to three years). The approach to the application of this measure of restraint remains largely formalistic and is not accompanied by an assessment of the individual circumstances of the case.
3. In 2025, for the first time, a trend previously observed at the stage of pre-trial investigation was reflected in judicial practice in cases under Article 111-1 of the CC of Ukraine: judgments under Parts 5 and 7 began to predominate numerically against the backdrop of a decrease in judgments concerning criminal misdemeanours. The number of judgments delivered under the special procedure in absentia is also increasing, both in absolute and relative terms: in proceedings under Parts 3, 5 and 7, their share exceeds 80%. The number of judgments delivered on the basis of plea agreements in proceedings under Part 4 of Article 111-1 of the CC of Ukraine also continues to grow.
4. The development of judicial practice has also led to an increase in the number of appeals against judgments, both at the appellate and cassation levels. The main grounds for appellate review include serious violations of criminal procedural law, the relevance, admissibility and sufficiency of evidence, misapplication of the law of Ukraine on criminal liability, and the disproportionality of the sentence to the gravity of the criminal offence and the personality of the accused.
5. In the fourth year of the existence of Article 111-1 of the CC of Ukraine, judicial practice in cases brought under it reflects the established trends. In the absence of legislative amendments, the problems caused by deficiencies in the law remain unchanged: inconsistent practice in distinguishing between offences under different Articles of the CC of Ukraine, as well as between different Parts of Article 111-1 due to vague wording; failure to take into account the standards of international humanitarian law and the conditions of occupation, and, as a consequence, the prosecution of individuals for performing work necessary to sustain life under occupation. In 2025, in particular, the practice of prosecuting individuals performing functions essential for sustaining life in occupied territory continued.

- 6.** In its decisions, the SC once again confirmed the established approach that the mere fact of holding a position in an unlawful authority is sufficient to classify conduct under Article 111-1 of the CC of Ukraine – irrespective of the functions performed and without the need to establish intent to harm national security. A narrow interpretation of the concepts of coercion and voluntariness continues to prevail, without taking into account the conditions of occupation. Contrary to its earlier position, and relying on the definition of “occupation administration” set out in the Law “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine”, the SC concluded that this concept also includes “organisations, enterprises and institutions”. This approach broadens the application of Article 111-1 of the CC of Ukraine to a wider range of activities in the occupied territories.
- 7.** In judicial practice, the existence of direct intent and/or voluntariness in the commission of the alleged act is increasingly inferred from the mere fact of being present in occupied territory. The absence of attempts to leave the TOT of Ukraine is, in essence, equated with an expression of loyalty to the occupation administration and is treated as evidence of intent to harm the national security of Ukraine.
- 8.** Despite isolated positive trends, including an overall decrease in the number of proceedings and a prioritisation of the investigation and adjudication of criminal offences over criminal misdemeanours, the analysis of judicial practice demonstrates the further entrenchment of problematic approaches. Two separate opinions of judges of the SC in cases concerning collaborative activity highlight the flawed failure to take into account the provisions of international humanitarian law and the realities of survival under occupation. However, such positions have not influenced the already established judicial practice. Judicial practice is unlikely to undergo substantial change without legislative amendments aimed at defining clear boundaries between permissible and criminalised conduct under occupation, incorporating exceptions provided for under international humanitarian law regarding activities necessary for sustaining life in the TOT, and establishing predictable criteria for coercion and voluntariness in conditions of occupation.



RECOMMENDATIONS:

- 1.** To harmonise law enforcement practice in determining investigative jurisdiction under Article 111-1 of the CC of Ukraine in accordance with Article 216 of the CPC of Ukraine, ensuring compliance with the mandatory jurisdiction of the SSU.
- 2.** To improve the provisions of paragraph 4 of part 1 of Article 280 of the CPC of Ukraine and Article 615 of the CPC of Ukraine by defining a clear list of objective grounds for the suspension of criminal proceedings and removing evaluative terms from the text of the law.
- 3.** To develop and introduce amendments to the CC of Ukraine, taking into account the analysis of the application of Article 111-1 by investigative and judicial authorities, including: (1) incorporating the norms of international humanitarian law and recognising the necessity of certain activities for sustaining life in the TOT; (2) taking into account the general atmosphere of fear and coercion in the TOT of Ukraine when defining the criteria of coercion and voluntariness; (3) clarifying the existing forms of the objective element provided for in Article 111-1 of the CC of Ukraine in order to avoid overly broad interpretations that undermine the principle of legal certainty;
- 4.** To consider removing the least serious category of offences defined under Article 111-1 of the CC of Ukraine from the scope of criminal justice and ensuring the application of lustration measures, as well as considering the development of amnesty legislation.
- 5.** To develop a unified approach (strategy) for investigative authorities and prosecution bodies dealing with this category of cases. Such a strategy should define the framework for cooperation between different agencies to prevent duplication of efforts, clearly delineate the boundaries of legal qualification between different Articles and Parts of Article 111-1 of the CC of Ukraine, in particular regarding “holding positions”, and provide interpretations of broad concepts (“unlawful authorities”, “organisational and administrative functions”, etc.) in order to reduce the discretion of individual practitioners (investigators, prosecutors) and the inconsistency in the application of the legislation in its current version. It should also include criteria for establishing direct intent and the voluntariness of cooperation with the enemy, taking into account the realities, the atmosphere of intimidation and coercion in occupied territory, as well as defining which types of evidence do not meet the standards of relevance and sufficiency. It is also necessary to ensure that the social danger of the conduct is duly established as a mandatory element for its classification as an offence.
- 6.** Courts at all levels should, when examining cases under Article 111-1 of the CC of Ukraine, take into account the norms of international humanitarian law concerning the regime of occupation, consider the rights of certain categories of persons to perform assigned tasks, and generally take into account the realities, the atmosphere of

intimidation and coercion in occupied territory of Ukraine. To strengthen the capacity of the judiciary at all levels in international humanitarian law, with a particular focus on the legal regime of occupation.

- 7.** The SC should consider developing unified approaches in the adjudication of cases concerning collaborative activity, in particular with regard to defining the boundaries of lawful conduct under occupation aimed at ensuring one’s subsistence and/or sustaining life in the TOT of Ukraine, properly taking into account the coercive conditions of occupation and the atmosphere of fear and pressure, the lack of effective remedies for the protection of rights in the TOT of Ukraine, as well as the assessment of direct intent, harm to national security and the insignificance of the conduct.

