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Legal And Criminal Profiling Issues Of Persons Supporting Armed Aggression In Ukraine



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Abstract. In current conditions caused by Russia’s military aggression in Ukraine, in which Russian militaries endanger a threat to nuclear facilities in the territory of Ukraine, kills, maims and tortures civilians, the use of innovative profiling technique in combating wartime crime is becoming highly important. Since the invasion of Ukraine, Russian troops have bombarded civilian infrastructure, fired at ambulances, destroyed hospitals, orphanages, residential buildings, kindergartens and schools. Therefore, the Article Purpose is to specify existing issues of applying the profiling method to prevent, detect and eliminate current threats to the state and society that have become relevant not only for Ukraine but also for the majority countries of the world.

Keywords: legal regulation, profiling, criminals’ profiling, criminal’s psychological profile, collaborator, war crimes.

Research Problem Formulation. February 24, 2022, probably the darkest day in the history of Ukraine over the past 80 years, started from the announcement by the president of the Russian Federation of “special military operation” ostensibly for the purpose of “demilitarization and denazification of Ukraine”. Right after that, the territory of Ukraine was attacked from different directions.

By openly invading Ukraine from land, sea and air, the Russian Federation blatantly violated the UN Statute, countless rules of international law and committed an outright act of aggression: the most serious and flagrant violation of international law and order.

International humanitarian law is a branch of international law used while armed conflicts in order to protect war victims and to limit means and methods of warfare. Its grave violations are considered war crimes¹.

Since the invasion of Ukrainian territory in the morning of February 24, 2022, Russian militaries have distinguished themselves by shelling civilian infrastructure, firing at ambulances, destroying hospitals, orphanages, residential buildings, kindergartens and schools.

¹ Назарчук І. Вторгнення Росії в Україну як акт агресії та зухвале порушення міжнародного права. // Всеукраїнське професійне юридичне видання Юридична газета online. 2003. URL: <https://yur-gazeta.com/dumka-eksperta/vtorgnennya-rosiyyi-v-ukrayinu-yak-akt-agresiyi-ta-zuhvale-porushennya-mizhnarodnogo-prava.html>



In Kharkiv, shells hit Kharkiv Regional Blood Service Centre and Kharkiv Regional Children's Hospital. Residential buildings in housing estates of Saltivka and HTZ were damaged.

On the night of February 25–26, the Russians attacked Kyiv Hydroelectric Station.

Ukrainian air defense shot down a Russian missile heading towards the dam of the Kyiv Reservoir in Vyshgorod. If the dam is destroyed, the flood will result in devastating casualties and damage: including flooding of residential areas of Kyiv and suburbs.

Destruction of the Kyiv levee may lead to the collapse of the Kaniv, Kremenchuk, and other dams of the cascade, and even to catastrophe at Zaporizhia nuclear power plant (Zaporizhia NPP)².

The Russian troops endanger nuclear facilities on the territory of Ukraine: they fire at nuclear power plants, destroy nuclear waste repositories, etc. In March, The Chernobyl nuclear power plant was completely de-energized due to the actions of the Russian militaries, and there was a threat of radioactive substances release into the environment due to shutdown of radioactive waste repositories cooling system³. On March 4, the buildings and blocks of Zaporizhia NPP, the largest in Europe, were fired upon. As a result of shelling, the first power unit was damaged⁴.

Russian occupiers kill, maim and torture civilians, rape women and little girls⁵. Multiple cases of residential infrastructure destruction, killings of civilians and looting by the Russian militaries in the occupied Ukrainian territories have been documented⁶.

International law researchers Jennifer Trahan, Juliette McIntyre, Douglas Guilfoyle and Tamsin Phillipa Paige stated that the invasion of Ukraine violates the Charter of the United Nations and constitutes aggression crime in compliance with international criminal law; aggression crimes are prosecuted under universal jurisdiction⁷.

In current conditions caused by the military aggression of the Russian Federation in Ukraine which resulted in an increase in the number of emergency situations of terrorist nature that have become increasingly frequent across the territory of the whole state, the issues of prevention,

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Contributors

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Declaration of Competing Interest

The author declare that they have no conflict of interest.

² Злочини армії РФ проти мирного населення України, 24 – 26 лютого // ГО «Український мілітарний центр». – 2022. [Crimes of the Russian Army against the civilian population of Ukraine, February 24-26] HO «Ukrains'kyj militarnyj centr», 2022. URL: <https://mil.in.ua/uk/news/zlochyiny-armiyi-rf-prot-y-myrnogo-naselennya-ukrayiny-24-26-lyutogo-onovlyuyetsya/>

³ Чорнобильська АЕС повністю знеструмлена через дії військ РФ – «Укренерго». // Радіо Свобода. 2022. [The Chernobyl nuclear power plant is completely de-energized due to the actions of Russian troops - Ukrenenergo.] Radio Svoboda, 2022. URL: <https://www.radiosvoboda.org/a/news-chnobyl-aes-bez-elektryky/31744474.html>

⁴ Калатур А. На Запорізькій АЕС пожежа через обстріли росіян: з'явилися деталі. // Українська правда. 2000-2022. [Fire at the Zaporizhzhya NPP due to Russian shelling: details have appeared.] Ukrains'ka pravda, 2000-2022. URL: <https://www.pravda.com.ua/news/2022/03/4/7327993/>

⁵ Соловйов Б. «Друга армія світу» виявилася гвалтівниками та мародерами: заява СБУ. // Апостроф 2014-2022. Apostrof. URL: <https://apostrophe.ua/ua/news/society/accidents/2022-03-26/vtoraya-armiya-mira-okazalas-nasilnikami-i-maroderami-zayavlenie-sbu/263927>

⁶ Військові злочини Росії в Україні: 27 лютого (оновлюється). // ГО «Український мілітарний центр» 2022. [Russia's war crimes in Ukraine: February 27 (updated).] HO «Ukrains'kyj militarnyj centr», 2022. - URL: <https://mil.in.ua/uk/news/vijskovi-zlochyiny-rosiyi-v-ukrayini-27-lyutogo-onovlyuyetsya/>

⁷ A Reminder of the Importance of the Crime of Aggression: Considering the Situation of Russia and Ukraine. *Opinio Juris*, 2022. URL: <http://opiniojuris.org/2022/02/04/a-reminder-of-the-importance-of-the-crime-of-aggression-considering-the-situation-of-russia-and-ukraine/>; McIntyre J., Guilfoyle D., Paige T.F. (2022) Is international law powerless against Russian aggression in Ukraine? No, but it's complicated. *The Conversation*, 2010-2022. URL: <https://theconversation.com/is-international-law-powerless-against-russian-aggression-in-ukraine-no-but-its-complicated-177905>; Quell M. Ukraine has few legal options to hold Russia accountable for invasion. (2022) *Courthouse News Service*. URL: <https://www.courthousenews.com/ukraine-has-few-legal-options-to-hold-russia-accountable-for-invasion/>

Тетяна ПОДЗОЛКОВА,
Ігор ШИНКАРЕНКО

**ПРАВОВІ ТА
КРИМІНАЛІСТИЧНІ
ПРОБЛЕМИ ПРОФАЙЛІНГУ
ОСІБ, ЯКІ СПІРІЯЮТЬ
ЗБРОЙНІЙ АГРЕСІЇ НА
ТЕРИТОРІЇ УКРАЇНИ**

В сучасних умовах, обумовлених військовою агресією РФ на території України, в яких російські військові створюють небезпеку для ядерних об'єктів на території України, вбивають, калічать і катують мирних мешканців. Особливої актуальності набуває використання інноваційної технології профайлінгу у протидії злочинності в умовах воєнного часу. З моменту вторгнення на терени України російські війська відзначилися обстрілами по об'єктах цивільної інфраструктури, стріляли по швидких, руйнували лікарні, дитячі будинки, житлові будинки, садочки і школи. Тому метою статті, є визначення існуючих проблем використання методу профайлінгу для запобігання, виявлення та припинення існуючих загроз державі і суспільству, які стали актуальними не тільки для України, а й для більшості держав світу.

Ключові слова: правове регулювання, профайлінг, профілювання злочинців, психологічний портрет злочинця, колаборант, воєнні злочини.

detection and elimination of corresponding threats to the state and society are becoming relevant not only for Ukraine but also for the majority of the world's countries.

In such conditions, modern and efficient profiling technology is being significant.

Analysis of Recent Researches and Publications. Insufficient development of this issue requires enhanced and in-depth knowledge about a criminal identity, which would allow to ensure a corresponding level of specificity and productivity in relevant forensic guidelines.

Compilation of criminal profiles, psychological profiles, facial composites, etc., was studied by S.M.Bohomolova, O.M.Zinin, O.O.Protasevych, V.O.Obratstov, M.V.Saltievskiy, A.M.Stoliarenko.

Criminal personality also drew attention of domestic researchers from various fields of legal science: criminal law, criminology, legal psychology, criminalistics, penitentiary theory and so on. Among them are Yu.M.Antonian, R.S.Bielkin, Yu.D.Blushtein, I.V.Borysenko, V.L.Vasyliiev, I.A.Vozghrin, V.K.Havlo, Ya.I.Hylynskyi, V.V.Holina, B.M.Holovkin, V.H.Honcharenko, I.N.Danshyn, A.I.Dvorkin, V.Ie.Eminov, D.V.Zhmurov, V.A.Zhuravel, A.P.Zakaliuk, A.F.Zelinskyi, A.V.Ishchenko, I.I.Karpets, A.N.Kolisnichenko, V.O.Konovalova, V.N.Kudriavtsev, S.I.Kurhanov, V.H.Lukashevych, Ye.D.Lukianchykov, S.P.Mytrychev, I.F.Pantelieiev, I.V.Pyrih, O.R.Ratinov, O.S.Sainchyn, A.B.Sakharov, L.A.Serhieiev, H.O.Spitsyna, V.H.Tanasevych, V.M.Tertyshnyk, K.O.Chaplynskyi, V.Iu.Shepiko, V.I.Shykanov, I.R.Shynkarenko, M.H.Shcherbakovskyi, M.P.Iablokov and others.

However, the complexity and multidimensional nature of the indicated issue necessitate further development of scientific basis in forensic activity in accordance with practice requirements⁸.

Main Content Presentation. On March 15, the U.S. Senate unanimously adopted a resolution condemning Russian President Vladimir Putin as a war criminal. The Resolution introduced by Republican Senator Lindsey Graham and supported by senators from both sides urged the International Criminal Court in the Hague and other countries to target the Russian militaries in any investigation of war crimes committed while Russia's invasion of Ukraine⁹.

On May 11, the U.S. Senate registered a resolution declaring Russia a "state sponsor of terrorism". The resolution states that the Senate considers the actions of the Russian government and Vladimir Putin to be acts of terrorism and calls on the U.S. Secretary of State to declare Russia a "state sponsor of terrorism"¹⁰.

In the Law of Ukraine On Fight against Terrorism, the set out below terms are used in the following meaning:

Financing terrorism is direct or indirect provision and collection of assets in order to use them or be aware of the possibility that they will be used in whole or in part:

for any purpose by an individual terrorist or terrorist group (organization);

for organization, preparation or commission of a terrorist act, involvement in terrorist act commission, public calls to execute a terrorist act, creation

⁸ Калюга К. В. Особа злочинця як об'єкт криміналістичного дослідження: сучасний стан та перспективи розвитку [The identity of the offender as an object of forensic research: the current state and prospects] : dys. ... d-ra juryd. nauk : 12.00.09 / Dniprop. derzh. un-t vnutr. sprav. Dnipro, 2021. 474 s.

⁹ Warburton M. (2022) U.S. Senate unanimously condemns Putin as war criminal. Reuters. URL: <https://www.reuters.com/world/us/us-senate-unanimously-condemns-putin-war-criminal-2022-03-15/>

¹⁰ У Сенаті США зареєстрували резолюцію про визнання росії державою-спонсором тероризму. // Юридична Газета. 2003. [The US Senate has registered a resolution recognizing Russia as a sponsor of terrorism.] Urydychna Hazeta, 2003. URL: <https://yur-gazeta.com/golovna/u-senati-ssha-zareestruvali-rezolyuciyu-pro-viznannya-rosiyi-derzhavoyusponsorom-terorizmu.html>



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**LEGAL AND CRIMINAL
PROFILING ISSUES OF
PERSONS SUPPORTING
ARMED AGGRESSION IN
UKRAINE**

In current conditions caused by Russia's military aggression in Ukraine, in which Russian militaries endanger a threat to nuclear facilities in the territory of Ukraine, kills, maims and tortures civilians, the use of innovative profiling technique in combating wartime crime is becoming highly important. Since the invasion of Ukraine, Russian troops have bombarded civilian infrastructure, fired at ambulances, destroyed hospitals, orphanages, residential buildings, kindergartens and schools. Therefore, the Article Purpose is to specify existing issues of applying the profiling method to prevent, detect and eliminate current threats to the state and society that have become relevant not only for Ukraine but also for the majority countries of the world.

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of a terrorist group (organization), assistance in committing a terrorist act, training in terrorism, leaving Ukraine and entering Ukraine for terrorist purpose, initiation of any other terrorist activities as well as attempts to implement such actions;

International terrorism is socially dangerous acts of violence performed at the global or regional level by terrorist organizations, groups, including with the support of state bodies of individual countries, aimed at fulfilling certain goals related to kidnapping, capturing, killing innocent people or threatening their life and health, destruction or destruction threat of important national economic facilities, life support systems, communications, use or threat of use of nuclear, chemical, biological and other weapons of mass destruction.

Technological terrorism is criminal offenses committed for terrorist purposes with the use of nuclear, chemical, bacteriological (biological) and other weapons of mass destruction or their components, other substances harmful to human health, means of electromagnetic action, computer systems and communication networks, including occupation, disabling and destruction of potentially dangerous critical infrastructure facilities that directly or indirectly endanger the occurrence of an emergency situation as a result of these actions and pose a danger to staff, population and the environment; foster conditions for man-made accidents and disasters¹¹.

In their evil plans and terrorist acts, the authorities of the aggressor country use traitors and collaborators who cooperate with the Russian occupiers, recruiters, artillery spotters, local residents collecting information about the movement of the Ukrainian Army equipment.

The term collaborationism in its classical sense appeared in France during World War II and meant cooperation of population or citizens of the state with an enemy. In the Soviet period, this issue belonged to one of the prohibited ones, as in case of its extensive study a widespread thesis about the moral and political unity of Soviet society was questioned. The issue of collaboration with an enemy was viewed predominantly in the context of "treason" and "aiding" and was specifically reflected in the then Soviet criminal legislation. The collaboration term was used mostly to clarify the issue of cooperation with the Nazis in the military and political field in the countries of Western Europe.

Only at the beginning, more precisely in the middle of the 1990s, this subject started to actively develop in Ukraine. O. Potylchak was one of the first to introduce the collaborationism term into scientific use¹².

Collaborationism (from French "collaboration" is "cooperation") is a term included in the modern political vocabulary. In broad terms, it is a cooperation of population or state citizens with the enemy to aid an invading enemy against the state itself or its allies and participation in persecution of patriotic citizens of a country where a collaborator is a citizen.

The following types of collaborationism are distinguished in scientific sources:

Military collaborationism is aiding the enemy with weapons: service in military organizations, police units, intelligence and counter-intelligence agencies.

Economic collaborationism is cooperation in any branches of economy.

¹¹ Про боротьбу з тероризмом: Закон України // Відомості Верховної Ради України. 2003. № 25. [Law of Ukraine «On Combating Terrorism»] Vidomosti Verxovnoji Rady, 2003. № 25. s.180.

¹² Гончаренко О. Проблеми інституційного визначення терміну колабораціонізму, його видів та ознак у сучасній вітчизняній історіографії. // Військово-історичний меридіан. Електронний науковий фаховий журнал [Problems of institutional definition of the term collaborationism, its types and features in modern domestic historiography.] Vijs' kovo-istoryčnyj meridian. Elektronnyj naukovyj faxovyj žurnal. - UDK 930(477)"1941/1944":347.9(091) - s.5-24.

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Cultural (spiritual) collaborationism is cooperation with occupiers in the spiritual realm, which promotes the spread of loyal subject feelings among population, raising the psychological mood of occupiers.

Domestic collaborationism is associated with the establishment of friendly relations between occupiers and population.

Political, administrative collaborationism is cooperation between occupation authorities¹³.

Despite the acknowledgement of responsibility for crimes against the bases of national security, such as treason, violent change or overthrow of the constitutional order, seizure of state power, encroachment on the territorial integrity of Ukraine, etc., which was stipulated by the criminal law even before and which commission is generally within the boundaries of the collaborative activity concept, given frequent cases of denying the war against Ukraine and assuming positions in the occupation authorities¹⁴ in conditions of full-scale military aggression of the Russian Federation against Ukraine, the Verkhovna Rada adopted two laws establishing liability for collaborative activities. We are talking about the Law of Ukraine On Amending Certain Legislative Acts (regarding the Establishment of Criminal Liability for Collaboration Activities) and the Law of Ukraine On Amending Certain Legislative Acts (on Ensuring the Responsibility of Individuals Who Carry Out Collaboration Activities).

By adopting them, the Parliament amends the Criminal and Electoral Codes, the Laws On Military Duty and Military Service, On State Secret, On Political Parties in Ukraine, On Freedom of Conscience and Religious Organizations in Ukraine, On Charity Work and Charity Organizations, On Trade Unions, Their Rights and Guarantees of Activity and On Citizens' Participation in the Protection of Public Order and State Border¹⁵.

New types of criminal offenses have been introduced in the Criminal Code of Ukraine, or traditional criminal offenses have been interpreted differently:

Article 111-1. Collaborative activity.

Article 114-2. On the fact of unauthorized dissemination of information on the deployment, movement of weapons, armaments and ammunition to Ukraine, transportation, movement, or location of the Armed Forces of Ukraine or other military formations established in accordance with the laws of Ukraine, carried out under conditions of martial law or state of emergency.

Article 161. Violation of equality among citizens on the basis of their race, nationality, religious beliefs, disability and on other grounds.

Article 435-1. Insult to honor and dignity of a serviceman, threat to a serviceman.

Article 436-2. Justification, recognition as legitimate, denial of armed aggression of the Russian Federation against Ukraine, glorification of its participants¹⁶.

¹³ Албул С. Колабораційна діяльність: питання визначення та відповідальності. // МВС України Одеський Державний Університет Внутрішніх Справ. 2022 [Collaborative activities: issues of definition and responsibility. J MVS Ukrainy Odes'kyj Derzhavnyj Universytet Vnutrishnix Sprav. URL:<http://surl.li/ealcv>

¹⁴ Віценко А. Геть колаборантів! Відповідальність за зраду України. // Всеукраїнське професійне юридичне видання Юридична Газета online. 2003. [Get rid of collaborators! Responsibility for betrayal of Ukraine. J Vseukrajins'ke profesijne jurydyčne vydannja Jurydyčna Hazeta onlajn, 2003. URL: <https://yur-gazeta.com/dumka-eksperta/get-kolaborantiv-vidpovidalnist-za-zradu-ukrayini.html>

¹⁵ Гончаренко О. Problemy instytsijnogo vyznachennja terminu kolaboracionizmu, joho vydiv ta oznak u sučasnij vitčiznjanij istoriohrafiji. [Problems of institutional definition of the term collaborationism, its types and features in modern domestic historiography. J Vijs'kovo-istoryčnyj merydian. Elektronnyj naukovyj faxovyj žurnal. - UDK 930(477)“1941/1944”:347.9(091) - s.5-24.

¹⁶ Шинкаренко І.Р. Правові та криміналістичні проблеми виявлення осіб, що сприяють військовій агресії Росії проти України. [Legal and forensic problems of identifying persons contributing to Russia's military aggression against Ukraine. Scientific-practical seminar «Organizational and legal aspects of cooperation between law enforcement and judicial authorities in the investigation of criminal offenses related to the military aggression of the Russian Federation against Ukraine.» J Naukovo-praktyčnyj seminar «Orhanizacijno-pravovi



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**RECHTLICHE UND
STRAFRECHTLICHE
PROBLEME DER
PROFILIERUNG VON
PERSONEN, DIE ZUM
BEWAFFNETEN ANGRIFF AUF
DAS GEBIET DER UKRAINE
BEITRAGEN.**

Abstrakt. Unter modernen Bedingungen, die durch die militärische Aggression der Russischen Föderation auf dem Territorium der Ukraine verursacht wurden, unter denen das russische Militär eine Gefahr für Atomanlagen auf dem Territorium der Ukraine schafft, Zivilisten tötet, verstümmelt und foltert. Besonders relevant wird der Einsatz innovativer Profiling-Technologien zur Kriminalitätsbekämpfung unter Kriegsbedingungen. Seit dem Einmarsch in die Ukraine zeichnen sich russische Truppen dadurch aus, dass sie die zivile Infrastruktur beschießen, auf Krankenwagen schießen, Krankenhäuser, Waisenhäuser, Wohngebäude, Kindergärten und Schulen zerstören. Ziel des Artikels ist es daher, die bestehenden Probleme bei der Verwendung der Profiling-Methode zur Verhinderung, Identifizierung und Beendigung bestehender Bedrohungen für Staat und Gesellschaft zu ermitteln, die nicht nur für die Ukraine, sondern auch für die meisten Länder der Welt relevant geworden sind.

Schlüsselwörter: gesetzliche Regulierung, Profiling, kriminelles Profiling, psychologisches Porträt eines Verbrechers, Kollaborateur, Kriegsverbrechen.

In fact, collaborators are traitors helping the aggressor and are conspirators of the criminal actions of the Russian Federation.

The main "supplier" of Ukrainian collaborators became The Opposition Platform (OPZZh) party. In recent years, OPZZh has become a key pro-Russian force in Ukraine, and its leaders have turned out to be the only domestic politicians regularly hosted by the Kremlin. It was the representatives of this party who after the invasion of the Russian Federation into the territory of Ukraine publicly agreed to cooperate with the occupiers, acted as informants for the enemy army and actually adjusted the shelling of critical civilian infrastructure. Having joined the enemy, OPZZh deputies leaked information about the location of units of the Armed Forces, local activists, entrepreneurs, members of the Territorial Defence Forces and their families, and headed occupied towns and countryside.

Andrii Shevchyk (Enerгодар), Kostiantyn Ivashchenko (Mariupol), Anatolii Fomachevskyyi (Izium), Henadii Matsehora (Kupiansk) and others have established direct cooperation with the occupiers. Ukrainian law enforcement agencies record such cases of cooperation and initiate criminal proceedings on treason and encroachment on territorial integrity¹⁷.

The National Agency on Corruption Prevention (NACP) created a database of 245 people who may be Ukrainian traitors for the Security Service of Ukraine. As mentioned in the post on the NACP website, the list of alleged collaborators and traitors will be expanded¹⁸.

After the start of Russia's military aggression against Ukraine, a substantial number of materials appeared in Internet editions, television, other mass media and social networks concerning signs of activities of diversion intelligence groups (DIGs) and typical actions of population in countering their activities and modern criminal-legal means of combating sabotage: Ye.Marchenko, I.F Rolin, D.Snehirov, H.O.Spitsyna, I.R. Shynkarenko.

Analysis of publications in information networks allows stating that depending on the coloration of activities of collaborators, most often they can be:

- former senior officials of Ukraine (2010-2014) (Part 1, Article 111);
- former properly qualified servicemen;
- officials of defense facilities; self-government representatives of united territorial communities;
- local residents of particular territories.

Methods of recruitment and infiltration in the territory of Ukraine:

- Ukrainian citizens recruited to be aggressive and "activated" at the beginning of the full-scale invasion of Ukraine;
- representatives of DPR, LPR and Crimea;
- thanks to family ties;
- using the Russian social network Odnoklassniki;
- mercenary motives, etc.;¹⁹

aspekty vzajemodiji pravooxoronyx ta sudovyx organiv pid čas rozsliduvannja kryminal'nyx pravoporušen', pov'jazanyx z vijs'kovoju ahresijeju RF proty Ukrainy». Luhans'kyj Deržavnyj Universytet Vnutrišnih sprav imeni E.O. Didorenka, 30 kvitnja 2022 roku (Dnipro). Dnipro: LDUVS, 2022. s.7.

¹⁷ Роп Н. Головні колаборанти країни. Чому соратники Медведчука, серед яких багато зрадників, продовжують існувати як партія // НВ. 2014. [The main collaborators of the country. Why Medvedchuk's associates, including many traitors, continue to exist as a party] NB. URL: <https://nv.ua/ukr/ukraine/politics/chomu-partiya-opzzh-v-yakiy-bagato-zradnikov-prodovzhuye-isnuvati-novini-ukrajini-50234700.html>

¹⁸ Стець А. НАЗК створило для СБУ реєстр колаборантів і зрадників. // ZAXID.NET. 2005-2022. [The NAPC has created a register of collaborators and traitors for the SBU.] ZAXID.NET. URL: https://zaxid.net/nazk_stvorilo_dlya_sbu_reyestr_kolaborantiv_i_zradnikov_n1538940

¹⁹ Шинкаренко І.Р. Правові та криміналістичні проблеми виявлення осіб, що сприяють військовій агресії Росії проти України. [Legal and forensic problems of identifying persons contributing to Russia's military aggression against Ukraine. Scientific-practical seminar «Organizational and legal aspects of cooperation between law enforcement and judicial



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**PRAWNE I
KRYMINALISTYCZNE
ZAGADNIENIA
PROFILOWANIA OSÓB
PRZYZYNAJĄCYCH SIĘ
DO AGRESJI ZBROJNEJ NA
UKRAINIE.**

Adnotacja. W obecnych warunkach spowodowanych agresją militarną Federacji Rosyjskiej na terytorium Ukrainy, w której rosyjskie wojsko stwarza zagrożenie dla obiektów jądrowych na Ukrainie, zabija, rani i torturuje ludność cywilną. Szczególnego znaczenia nabiera wykorzystanie innowacyjnej technologii profilowania w zwalczaniu przestępczości w warunkach wojennych. Od czasu inwazji na Ukrainę wojska rosyjskie ostrzeliwały infrastrukturę cywilną, strzelały do karet pogotowia, niszczyły szpitale, sierocińce, budynki mieszkalne, przedszkola i szkoły. Dlatego celem artykułu jest określenie istniejących problemów wykorzystania metody profilowania do zapobiegania, wykrywania i zakończenia istniejących zagrożeń dla państwa i społeczeństwa, które stały się istotne nie tylko dla Ukrainy, ale i dla większości krajów świata.

Słowa kluczowe: regulacja prawna, profilowanie, profilowanie przestępców, portret psychologiczny przestępcy, kolaborant, zbrodnie wojenne.

With regard to the military aggression of the Russian Federation in Ukraine, the issue of ensuring state security and defense requires sustained special attention, analysis of international and domestic experience, creation of new mechanisms for forecasting, assessing and adequately responding to threats to the security of the state, society and an individual citizen. In this connection, the issue of improving the complex of preventive and suppressive measures to identify and prevent the above-mentioned threats with maximum efficiency is particularly relevant. The world practice of preventing terrorist threats and measures of social disobedience views profiling as an efficient mechanism for detecting and preventing threats. This is confirmed by experience of special services and units of such states as Israel, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Turkey, the Swiss Confederation and others²⁰.

Profiling is a set of methods and techniques for assessing and predicting a person's behavior based on the analysis of the most informative features, psychological profile of a person, appearance characteristics, non-verbal and verbal behavior, location, etc.

For a more insightful understanding of profiling in martial law conditions, we will consider the following areas of its application:

1. Creation of a criminal's psychological and forensic profile. Generally speaking, a psychological profile is a systematized list of a criminally significant psychological information about a criminal's personality compiled according to a specific scheme.

Furthermore, psychological and forensic profile is the basis of the tactics for carrying out any operative and detective measure, investigative action, the use of other means of reviewing operative and detective versions.

2. The use of verification methods when conducting investigative actions and implementing operative and detective measures. Verification is a set of methods, techniques and ways of assessing testimony credibility based on knowledge of personality psychology, verbal and non-verbal communication, and assessment of individual characteristics of a person. Stemming from the peculiarity of the verification goals, this method may be applied while interrogation, search, investigative experiment by reproducing actions. Verification is based on a visual psychodiagnostic technique which consists in observing reactions of an interlocutor and analyzing them depending on a particular situation and personality characteristics in communication.

Non-verbal means of communication are especially important for psychodiagnostics of testimony, as it's harder to control it. Non-verbal means of communication are involuntary, in the majority of cases do not depend on a person's will and that is why they require immediate attention when conducting investigative and procedural actions, operative and detective measures, being one of the sources of accurate information.

3. Modernization of information systems of internal affairs bodies. Creation of a uniform information base is one of the priority areas of using a psychological and forensic profile of a person who has committed a crime. It would include information about psychological and forensic portraits of persons subject to criminal prosecution. Compilation of a psychological-forensic portrait of suspects (accused) while investigating criminal proceedings and entering these data into automated information

authorities in the investigation of criminal offenses related to the military aggression of the Russian Federation against Ukraine.»] Naukovo-praktyčnyj seminar «Orhanizacijno-pravovi aspekty vzajemodiji pravooxoronnix ta sudovyx organiv pid čas rozsliduvannja kryminal'nyx pravoporušen', pov'jazanyx z vijs'kovoju ahresijeju RF proty Ukrajinu». Luhans'kyj Deržavnyj Universytet Vnutrišnix sprav imeni E.O. Didorenka, 30 kvitnja 2022 roku (Dnipro). Dnipro: LDUVS, 2022. s.7.

²⁰ Тихоненко О. О. Механізми профайлінгу в сфері виявлення загроз в державній безпеці [Profiling mechanisms in the field of detection of threats to state security] : dys. ... kand. nauk z derž. upravlinnja : 25.00.05 / Nac. un-t cyvil'noho zakonodavstva Ukrajinj. Xarkiv, 2021. 287 s.

systems will enable to efficiently use received information in case of double prosecution of these persons. Recording the behavioral and psychological characteristics of criminals will not only allow enhancing the capacities of law enforcement agencies while solving and investigating crimes but also help in the implementation of the preventive function of the law enforcement system, etc.²¹

4. Profile application in the field of information security is holding significant promise. The human factor is the main cause of threats to information security (74% of cases according to the Ponemon Institute). And it is the task of security services to address these threats.

In the activities of information security services, the greatest effect is ensured by risk forecasting, and not by documenting violations and holding official investigations. For this purpose, User and Entity Behavioral Analytics (UEBA) behavior analysis technologies are used: it is a class of systems that help to create user behavior models based on data set about them and IT equipment depending on machine learning algorithms and statistical analysis. Log files of network and server components, security system logs, logs from end stations (systems), data from authentication systems and content of mail messages, messages in messengers and social networks can be used as source data for these systems. These systems study user behavior and record changes in habitual behavior.

However, automated profiling focuses not on actions but on personal characteristics of users using texts of their work correspondence. From these texts, a selection of fragments is made indicating individual features of users' language²².

With the development of scientific and technological progress, the aggressor state makes greater use of the Internet that helps to access unlimited potential audience regardless of geographical location, ensures high speed of information transfer, and at the same time, complicates monitoring by law enforcement agencies of Ukraine. The Internet is an effective way to influence population. Activities of the Russian Federation on the Internet are aimed at recruiting new members (from among the extremist youth), to mobilize supporters who play a significant role in supporting the armed aggression of the Russian Federation against Ukraine²³. That is why the application of profiling in the field of information security is becoming a highly relevant technique.

Thus, directions of using criminal profiling are non-exhaustive since informational and technological development conditions their further advancement, helping to study this issue in the future.

In conditions of war with the Russian Federation, which seized part of Ukrainian territory and continues to commit aggressive actions threatening national security, operative units must master and apply any modern methods of combating criminals, including war criminals, terrorists, saboteurs, etc.

For example, in view of anti-terrorist analysis goals, a profiler psychologist emphasizes three main duties: 1) to establish and determine conditions that will contribute to the development or expansion of terrorist activity of a particular group;

2) quickly evaluate changing conditions affecting both the behavior of individual terrorists and anti-terrorist methods to control them;

²¹ Болдирева К. Ю. Метод профайлінгу у практиці боротьби зі злочинністю [The method of profiling in the practice of combating crime] Odesa. – 36 s. [

²² Зачек О. І., Дручек Ю.І. Застосування профайлінгу для протидії кіберзлочинності. Соціально-правові студії. 2020. Випуск 4 (10). . [Application of profiling to combat cybercrime.] Social'no-pravovi studiji. Vypusk 4 (10). s.94-100.

²³ Гбур З.В. Теоретико-методологічні засади поняття "міжнародного тероризму" // Електронне "Державне управління: удосконалення та розвиток" [Theoretical and methodological principles of the concept of «international terrorism»] Elektronne "Derzhavne upravlinnja: udoskonalennja ta rozvutok" - UDK 336.71 - DOI: 10.32702/2307-2156-2021.2.3.

3) predict further terrorists' course of action.

As a result, it is hard to overestimate the role of a specialist who will provide timely assistance to operative units in identifying potential threats and dangers as possession of basic skills by operative employees would help them quickly estimate the operative detective situation.

Using profiling as an additional tool in prevention and counteraction of crimes, it is possible to accumulate trace information from crime scenes (violations of state border) and to determine psychological characteristics of criminals, to identify signs of serial nature of crimes committed in different places (murder and violence against civilians, looting); compilation of a psychological profile of a war criminal (profiling) to identify potential suspects (descriptive characteristics) and analysis of patterns that may help to forecast future crimes and/or possible victims (criminals' prognostic profiling), first and foremost in fight against Russian militaries²⁴.

Conclusions. History has demonstrated that a state which territory becomes occupied somehow faces collaborationism and similar social and political phenomena. The incontrovertible fact is that the only reason for the occurrence of such phenomena in the territory of modern Ukraine is the aggression of the Russian Federation against it.

At the same time, it directs attention to the basic prerequisites that ultimately ensured a temporary success of the operation against Ukraine with further relative prevalence of collaborationist behavior.

1. Prolonged and planned preparation for occupation (external factors).
2. Peculiarities of social and political development of pre-war Ukraine (internal factors).
3. The post-Soviet legacy and adherence to the ideology of the Russian world (historical and ideological factors)²⁵.

It is painful to admit, but "betrayal geography" is quite impressive: we used to thinking that the Russian Federation was looking for agents among "traditionally pro-Russian" people at our eastern and southern territories. But already dozens of the enemy agents who were conscious or recruited through blackmailing have been detained in almost all regions of Ukraine. For a particular reward, they exchange data with the enemy about the state of our economy and infrastructure, movement of troops, social and political attitudes, set "beacons" for Russian missiles and saboteurs²⁶.

Challenges faced by Ukraine condition the need for regulatory consolidation and the use of profiling by special services and units in order to solve tasks related to ensuring state security and defense. In view of the above, one of the leading directions in tackling this issue is the development of profiling technique helping to identify threats to the state's security at an early stage, thus preventing their realization, which determines the relevance of research on the chosen topic.

For the theoretical and methodological understanding of state regulatory mechanisms of functioning and ensuring state security and protection of public order.

²⁴ Дмитрик Ю.І., Кондратюк О.В. Профайлінг у діяльності оперативних підрозділів. // Соціально-правові студії - 2021[Profiling in the activities of operational units.] Social'no-pravovi studiji. - Vypusk 3 (13) - s.95-100.

²⁵ Письменський Є. Колабораціонізм як суспільно-політичне явище в сучасній Україні (Кримінально-правові аспекти): наук.нарис [Collaborationism as a socio-political phenomenon in modern Ukraine (Criminal law aspects)]: nauk. narys. Sjeverodonec'k. -121s.

²⁶ Карпюк Г. Українські «буцегарні» швидко поповнюють зрадники і колаборанти. Мультимедійна платформа іномовлення України УКРІНФОРМ [Ukrainian «butsegarni» are quickly replenished by traitors and collaborators.] Mul'tymedijna platforma inomovlennja Ukrajinjy UKRINFORM. <https://www.ukrinform.ua/rubric-society/3457743-ukrainski-bucegarni-svidko-popovnuut-zradniki-i-kolaboranti.html>

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