

UNOFFICIAL TRANSLATION

JUDGMENT

R 706/2024/11203

HELSINKI DISTRICT COURT

14.3.2025

Decision number 1026 7756

FOR DATA PROTECTION REASONS, THE NAMES OF THE VICTIMS AND NEXT OF KIN HAVE BEEN REMOVED FROM THE TRANSLATION

1. CLAIMS
2. PROSECUTORS' DEMANDS FOR PUNISHMENT
3. War Crime 2400/R/0000712/23 (Killing in an ambush using the Ukrainian flag improperly)
Criminal Code Chapter 11 Section 5 Subsections 1 and 11, and Subsection 2 5.9.2014 Ukraine, Luhansk region. V.T. acted as the deputy commander of a volunteer group called Rusich, which fought on the side of Russia and the Ukrainian separatists supported by Russia against Ukraine in the war or international or internal armed conflict in Ukraine.

V.T. partly led the actions of the soldiers belonging to Rusich and personally participated as a machine gunner in the ambush and attack organized by Rusich against a convoy of two vehicles, a truck and a car, carrying at least 26 soldiers of the Ukrainian Armed Forces Aidar Battalion. The ambush and attack took place on the road from Luhansk to Stsastja, behind the front lines of the Ukrainian forces, at a checkpoint previously used by Ukrainian forces near the village of Tsvitni Pisky, through which the convoy was traveling towards Stsastja.

The soldiers of Rusich, contrary to the rules of the Additional Protocol to the Geneva Conventions (Protocol I) and the Rome Statute, and contrary to the generally recognized and established laws and customs of war under international law, misused the Ukrainian flag by displaying it at the checkpoint, thereby deceiving the Ukrainians in the convoy into believing that the checkpoint was still under the control of Ukrainian forces and stopping the vehicles. The soldiers of Rusich then immediately opened fire with rifle-caliber weapons at the vehicles and the Ukrainian soldiers who disembarked from them, killing and wounding them, and fired a thermobaric Shmel rocket at the truck in the lead, the explosion of which burned both vehicles and killed and wounded the Ukrainians in and near the vehicles with the associated fire and pressure blast.

V.T. immediately participated in the attack using the Ukrainian flag improperly and in the wounding and killing of Ukrainians by partly leading the soldiers of Rusich under his direct command who participated in the attack, and by personally firing at the Ukrainian soldiers with a light machine gun.

Through the actions described above and below in section 2, V.T. and the soldiers of Rusich under his command killed 21 of the 26 Ukrainian soldiers in the convoy, and seriously wounded the surviving

victims mentioned above, as well as XXXX, who later died from the injuries sustained in the attack and the act described in section 3.

2. War Crime 2400/R/0000712/23 (Killing of incapacitated soldiers wounded in the ambush)
Criminal Code Chapter 11 Section 5 Subsections 1 and 11, and Subsection 2 5.9.2014 Ukraine, Luhansk region

Immediately after the ambush described in section 1, the soldiers of Rusich, contrary to the rules of the Geneva Conventions and the Rome Statute protecting victims of armed conflicts, shot and killed at least four incapacitated Ukrainian soldiers wounded in the attack described in section 1, who were protected by the rules. One of these Ukrainian soldiers was XXXXXXXX.

V.T. participated in the unlawful killing of the wounded by partly leading the actions of the soldiers of Rusich under his direct command at the scene and by personally shooting the incapacitated Ukrainian soldiers.

3. War Crime 2400/R/0000712/23 (Mutilation of an incapacitated soldier wounded in the ambush)
Criminal Code Chapter 11 Section 5 Subsection 1, and Subsection 2, and Chapter 5 Section 3 5.9.2014 Ukraine, Luhansk region Immediately after the acts described in sections 1 and 2, V.T., contrary to the rules of the Geneva Conventions and the Rome Statute protecting victims of armed conflicts, as the deputy commander of Rusich, allowed the soldiers of Rusich under his direct command to mutilate an incapacitated Ukrainian soldier XXXXXXXX by cutting or otherwise injuring his cheek with the symbol used by the Rusich group.
4. War Crime 2400/R/0000712/23 (Defamation of a deceased Ukrainian soldier)

Criminal Code Chapter 11 Section 5 Subsection 1, and Subsection 2, and Chapter 5 Section 3 5.9.2014-24.9.2014 Ukraine, Luhansk region Immediately after the acts described in sections 1 and 2, V.T. defamed the honor of a Ukrainian soldier killed in the said acts, who was thus protected by the Rome Statute and the Geneva Conventions, by posing in a degrading manner with the body of the Ukrainian soldier killed in the acts described in sections 1 or 2 in photos published on social media and the internet, and by taking and distributing similar photos of the Rusich commander A.M. posing in front of the body.

5. War Crime 2400/R/0000712/23 (Issuing a "No Mercy" declaration) Criminal Code Chapter 11 Section 5 Subsection 13 26.9.2014-10.6.2015 Ukraine, Luhansk region

While serving as the deputy commander of the Rusich volunteer group fighting on the side of Russia and the Ukrainian separatists supported by Russia against Ukraine in the international armed conflict in Ukraine, V.T., contrary to the rules of the Additional Protocol to the Geneva Conventions (Protocol I) and the Rome Statute, issued announcements published on the internet and social media, threatening the enemy in advance and implementing Rusich's combat policy of conducting hostilities without sparing anyone's life. These announcements indicated that the Rusich group under his actual command and supervision would show no mercy and take no prisoners.

OTHER DEMANDS OF THE PROSECUTORS

Reimbursement of evidence costs for counts 1 and 2 V.T. must be ordered to reimburse the state for the costs of evidence. Act on Criminal Procedure Chapter 9 Section 1

Victim surcharge

V.T. must be ordered to pay a victim surcharge of 80 euros. Act on Victim Surcharge Sections 2, 3, and 4
Demand for continued detention V.T. must be ordered to remain in custody because the sentence to be imposed is at least two years of imprisonment.

CIVIL CLAIMS BASED ON THE CRIME

Victims' claims This section has been removed from the translation because it contains many names of the parties involved.

Response to the Indictment

V.T. has denied the charges in their entirety. He has justified his denial as follows:

General doubts about the criminal suspicion and its credibility

V.T. has been suspected by Ukrainian authorities, based on an investigation conducted by Ukrainian authorities in 2016-2017, of "participation in a terrorist organization and other promotion of terrorist activities." He has been ordered to be detained in Ukraine on that basis. The penalty for this crime under Ukrainian law is 8-15 years of imprisonment (V1-V4).

After he was detained in Finland in July 2023 in connection with the matter and the Supreme Court rejected the request for his extradition to Ukraine, Finnish authorities initiated a new investigation into the same matter in 2023.

As a result, he has been suspected in Finland of the same matter for war crimes, the maximum penalty for which is life imprisonment. Ten years have passed since the events referred to in the indictment on 5 September 2014. In the new criminal investigation, partly different Ukrainian soldiers have been interrogated about the events than those who were interrogated about the events in Ukraine shortly after they occurred. The new interrogation reports differ significantly from the reports given shortly after the events.

The new interrogation reports given by the soldiers who were interrogated shortly after the events in 2014 also differ significantly from their original interrogation reports. Their accounts have now completely changed.

The new reports include entirely new and incriminating allegations, based on which V.T. is now suspected of shooting wounded soldiers and misusing the Ukrainian flag, and is charged with crimes that could result in life imprisonment.

The investigation conducted by Ukrainian authorities in 2016-2017 did not include any interrogation reports based on personal observations or even hearsay, according to which V.T. would have executed surrendered or wounded soldiers on 5 September 2014, or that wounded soldiers were shot at all at that time. In that investigation, all Ukrainian soldiers who had the best and most immediate observations of the events were interrogated.

The new, changed, and incriminating allegations that have emerged after a ten-year delay should be considered unreliable, especially given the changing global situation.

In the same criminal case previously pending in Ukraine, which concerns the same places, times, and battles in which Ukrainian soldiers were killed, charges have now been brought in Finland.

V.T.'s main task at the time of the events was to make propaganda and recruitment videos and to obtain humanitarian aid for the civilian population. He spent a large part of his time on these tasks. He did not travel to Luhansk in 2014 to engage in armed activities but to support the independence movement of Luhansk, encourage the citizens of Luhansk, give related political speeches, and appear in propaganda photos and videos supporting the political ideology. V.T. has not served in the military and has no experience in warfare.

Full-scale military operations aimed at the independence and secession of the Luhansk People's Republic from Ukraine, established in April 2014, had been ongoing for several months since 20 February 2014 by the time V.T. arrived in Luhansk at the end of June. The armed units of the Luhansk People's Republic, along with their leaders, were also established in April 2014 and had been operating since then. The small Rusich group was one of the armed formations established at that time to defend the independence of Luhansk. On 5 September 2014, the group had only four members. The group was not a military unit of the Russian army, i.e., a military group of a foreign state, but a unit of the Luhansk People's Republic.

The political leadership and military units of Ukraine consider V.T.'s political views criminal because V.T. has supported the independence of the Luhansk People's Republic. He is a target of political persecution. Hate speech against V.T. has been widely published on the internet, and he has been placed on a kill list in hate speech. This attitude has partly distorted the statements of the Ukrainian soldiers interrogated in the case, which have completely changed in the new investigation from their original accounts.

Additionally, videos and other publications about the Rusich group on the internet have influenced their statements and confused their understanding of what actually happened in the chaotic and violent battle situation. It was generally not possible to make reliable observations of the events or the individuals actually involved in the battle situation.

A new government has been operating in the Donetsk and Luhansk regions since May 2014, and the authorities of the regions have been operating under that government since then. According to Ukraine, the supporters of the regions' independence are terrorists, and the administrative and military organizations of the regions are terrorist organizations, which has justified Ukraine's military actions in the regions since April 2014. V.T., on the other hand, has supported and endorsed the uprising of the population of the Luhansk People's Republic against Ukraine. The combat operations referred to in the indictment have been directed solely at Ukrainian soldiers and not at civilians. V.T. is not suspected of any crimes by the authorities of the Luhansk People's Republic.

Detailed Grounds for Denial Count 1

The Ukrainian flag was never in the possession of V.T. or members of the Rusich group at any point during the events of 5 September 2014. The Rusich group did not use the flag, and V.T. did not give any

orders regarding the flag to the Rusich fighters. The flag may have been in the possession of the Zorya battalion mentioned later. V.T. did not make any observations about the flag in relation to the events.

The flag was not mentioned in the original criminal investigation conducted by Ukrainian authorities or in the related criminal suspicion against V.T.. The flag only appears in the interrogation reports of the new investigation conducted recently. The flag is also not visible in any photo or video material from the scene, in any of the places where the flag should be visible according to the interrogation reports.

V.T. did not lead the Rusich fighters involved in the attack referred to in the indictment, nor were they under his direct command. He was not the leader of the group and was not responsible for the group's actions. He also did not act as the deputy leader of the Rusich group.

He did not establish the Rusich group; it was established and operational before he arrived in Ukraine at the end of June 2014. The group's leaders had also been selected by that time. The group was established in April 2014.

V.T. was not part of the leadership of the Luhansk People's Republic or its other military units. All unit leaders and their subordinates were selected by April 2014, before he arrived in Ukraine in June 2014.

The full-scale military operations of the Luhansk armed organization had also begun before he arrived in Ukraine. He came to Ukraine from Norway to bring humanitarian aid to the civilian population of the Luhansk region.

On the day of the events, 5 September 2014, an internal conflict was ongoing in Ukraine, in which he was on the side of the Luhansk People's Republic. The Russian state was not involved in the attack mentioned in the indictment and did not support the Luhansk separatists. The weapons and equipment used in the attack were not the property of the Russian state.

The Rusich group involved in the events of 5 September 2014 consisted of only a three-person combat group (A.M. alias "Serb", S. alias "Khokhol", and A. alias "Monakh") and a two-person filming group, which included V.T. (alias "Slavian") and a TV reporter.

The four fighters of the Rusich group were led by the group leader, who was solely responsible for the group's actions and under whom V.T. also served. The group leader was A.M..

The group did not have a predetermined deputy leader. Among the group members, "Monakh" would have acted as the deputy leader if necessary. On 5 September 2014, there was no need for a deputy leader. V.T. also did not give any orders to the group members in practice.

V.T. did not kill or injure anyone or otherwise directly participate in such actions during the events of 5 September 2014. His main task that day was to make propaganda and recruitment videos with the local TV reporter and to protect the reporter at the same time. For this reason, he moved around the scene on 5 September 2014 mainly with the reporter, separate from the other three members of the Rusich group. He also arrived at the scene with the reporter about 10 minutes after the other group members, around 12 noon. The combat operations began shortly thereafter. During the events, he was mostly unaware of the movements of the other group members.

The Rusich group did not organize the ambush and attack on the Ukrainian army's Aidar Battalion referred to in the indictment. It was organized and carried out by a significantly larger military group, the Zorya battalion, led by its commander known by the combat name "Kommunist."

The checkpoint was under the control of the Zorya battalion on 5 September 2014, and there were also other combat groups at the checkpoint at that time, such as the Patriot group, the Betmen group, and many other groups in addition to the small Rusich group. There were over 50 soldiers at the checkpoint facing the Aidar Battalion. The Zorya battalion had significantly heavier equipment and better armament than the other groups at the checkpoint.

The armored personnel carrier and tank at the checkpoint belonged to the Zorya battalion, which also had missiles, rocket launchers, and flamethrowers that the Rusich group did not have at that time.

After the Zorya battalion had already taken control of the checkpoint and the intersection, Zorya soldiers called the Rusich group and requested them to come to the scene. As previously mentioned, the other three members of the group arrived about 10 minutes before V.T. and the reporter accompanying him. The combat operations began shortly after V.T. arrived at the scene. He was unaware of what was happening at the scene at that time.

The Rusich group did not have command authority in the ambush or in the subsequent situations. The significance of the small Rusich group, armed only with small arms, in the ambush and attack was minimal.

V.T.'s task was not to participate in the combat but to make propaganda and recruitment videos with the TV reporter. The TV reporter filmed all the soldiers at the checkpoint. The soldiers had similar uniforms. The purpose of the propaganda and video material was to recruit more members to the Rusich group. When the word "Rusich" was added to the background of the videos for propaganda purposes, all the soldiers in the pictures were labeled as part of the Rusich group, even though the soldiers appearing in the videos were mostly other than members of Rusich. As previously mentioned, there were over 50 soldiers at the checkpoint, of whom only four were members of the Rusich group, including V.T..

Due to the significant publicity of the videos, the Rusich group was labeled as a much more significant actor than it actually was. The actions depicted in the videos were therefore considered to be carried out by the Rusich group, although this was not the case. On 5 September 2014, the Rusich group did not even have the necessary military equipment, personnel, or warfare expertise for such actions. All actions were carried out by the Zorya battalion and several other military units fighting for the Luhansk People's Republic, which were more heavily armed than the Rusich group. The development of the Rusich group or its members over the ten years up to 2024 is irrelevant to the case.

In the attack on 5 September 2014, 10 soldiers of the Aidar Battalion were killed immediately, and one soldier later died in the hospital from injuries sustained in the attack.

V.T. cannot be held responsible in any way for the killing of 21 soldiers mentioned in the indictment or for the wounding of the surviving soldiers.

Count 2

V.T. did not participate in the execution of the named wounded soldier (XXXXX) as alleged in the indictment. He did not even witness such an event. The video material of the soldier in question does not in any way support V.T.'s involvement in such an act.

He also did not give any orders related to the situation. As stated above regarding Count 1, he was not in a position at the scene on 5 September 2014 to have command authority over anyone. V.T. was at the checkpoint with the TV reporter only to film the events.

He did not participate in any of the alleged killings of unnamed wounded soldiers nor did he witness such events. No video material supports the claim of the shooting of three unnamed wounded soldiers.

Two wounded Ukrainian soldiers (XXX and XXX) were taken from the scene to the hospital for treatment, which argues against the claim that wounded soldiers were executed at the scene.

Only the two mentioned soldiers (XXX and XXX) survived the attack. All other Ukrainian soldiers at the scene after the attack were dead.

Count 3

V.T. did not participate in the alleged assault of the named wounded soldier (XXXX) nor did he witness such an event.

As stated above regarding Counts 1 and 2, he did not command anyone at the scene to do anything. He was not in a position to have command authority over anyone or to allow or be responsible for the actions of others.

Video or photographic material does not support the claim that the Rusich group's symbol was carved into the face of the named soldier. The material does not show any bleeding or traces of bleeding that such an act would cause.

The Rusich group did not interrogate the soldier at the scene; other individuals interrogated the soldier at that time.

The soldier in question and another wounded soldier were taken from the scene to the hospital for treatment. According to the interrogation report of the other soldier (XXXXX), they discussed the matter in the hospital, and the other soldier did not observe that the soldier in question was tortured at the scene.

Count 4

V.T. did not defame or insult the deceased, nor did he have any intention of defaming in his conduct. He merely stood next to the deceased, who had died on the spot, in a general photo taken at the scene, expressionless and without making any derogatory gestures or touching the deceased. The deceased is in the background of the photo and is not identifiable.

He also did not take the photo or distribute it on social media or the internet. He did not pose with the body nor take a photo of another person with the body. The photo concerning him is forged.

The photos presented in the investigation, obtained from public sources on the internet, are clearly edited. Since the original photos are not available, the authenticity of the photos cannot be verified.

Count 5

The publications referred to in the indictment were merely defiant propaganda intended to create fear and demoralize the enemy's fighting spirit. The publications had nothing to do with reality.

He also does not say in the video that "no mercy will be given." Instead, he says in the video that the commander has given an order that no prisoners will be taken. Thus, it was not his statement but a rule presented by another person. Additionally, he states in the video that lightly wounded individuals will be taken to the hospital, which argues against the claim that no mercy would be given.

As stated above in Counts 2 and 3, at least two Ukrainian soldiers (XXXX and XXXX) were taken from the scene to the hospital for treatment on 5 September 2014. They were also given first aid at the scene. This also argues against the publications being truthful and supports the claim that they were merely propaganda.

As stated above in Counts 1-3, the Rusich group was not under his command or supervision.

Response to the Victims' Claims

V.T. has denied the basis of the victims' compensation claims on the same grounds as the indictment for Count 1. He has admitted the amounts of the claims to be correct.

Response to the Next of Kin's Claims

V.T. has denied the basis of the next of kin's compensation claims on the same grounds as the indictments for Counts 1 and 2.

Additionally, he has denied the compensation claims on the grounds that he did not kill the individuals referred to in the indictment, and therefore cannot be liable for compensation due to the deaths.

He has admitted that the next of kin who have made the claims would, as the closest relatives of the deceased, be entitled to compensation for suffering if the indictment were accepted. He has admitted the amounts of the claims to be correct.

He has admitted that the minor children of the deceased at the time of the events would also be entitled to compensation for the loss of maintenance from their father if the indictment were accepted. He has admitted the amounts of the claims (200 euros per month) to be correct.

He has denied the basis of the claims also to the extent that it is unclear whether the soldiers died in the event referred to in Count 1. In the battle in question, only 10 soldiers died at the scene, and one soldier later died in the hospital from injuries sustained in the battle (XXXX). The number of soldiers killed in the battle can be counted from the videos from the scene.

Of the total 11 individuals, the identities of only four have been reliably established. They are XXXXXXXXXX. Therefore, only their next of kin can be entitled to compensation for suffering.

The soldiers of the Aidar Battalion participated in battles in the nearby area in the days before and after 5 September 2014. The soldiers who died in those other battles and their bodies have been incorrectly associated with the attack referred to in the indictment on 5 September 2014.

EVIDENCE

EXHIBITS

Due to the confidentiality of Certain Evidence this section is not included in the unofficial translation

DISTRICT COURT DECISION

REASONS

Jurisdiction over the Indictment

According to Section 7(1) of Chapter 1 of the Criminal Code, Finnish law applies to a crime committed outside Finland, the punishment of which, regardless of the law of the place of commission, is based on an international treaty binding on Finland or another international regulation or order binding on Finland. Detailed provisions on the application of the section are given by decree.

According to Section 1(1)(2) of Decree 627/1996 on the application of Section 7 of Chapter 1 of the Criminal Code, international crimes include, among others, war crimes defined in the Rome Statute of the International Criminal Court, and other similar acts punishable under the Geneva Conventions on the improvement of the condition of the wounded and sick in armed forces in the field, the improvement of the condition of the wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war, and the protection of civilian persons in time of war, as well as in the Additional Protocol I to these conventions on the protection of victims of international armed conflicts.

Considering the regulation in Section 7(1) of Chapter 1 of the Criminal Code and Section 1(1)(2) of the decree, a court operating in Finland is competent to handle the indictment referred to in the application.

The Deputy Prosecutor General filed the indictment on 31 October 2024 pursuant to Section 12(1) of Chapter 1 of the Criminal Code.

V.T. was apprehended at Helsinki-Vantaa Airport in Vantaa. He was ordered to be detained and held at the Metsälä Detention Center in Helsinki. He was arrested in Helsinki on 15 December 2023 and detained by decision of the Helsinki District Court on 18 December 2023. Therefore, the Helsinki District Court is competent to handle the indictment against V.T. pursuant to Section 2 of Chapter 4 of the Act on Criminal Procedure.

Nature of the Events in Eastern Ukraine Referred to in the Indictment and the Treaty Provisions Concerning the Punishability of the Acts

Applicable Legislation

According to Section 5 of Chapter 11 of the Criminal Code, a person commits a war crime if, in connection with a war or other international or internal armed conflict or occupation, they commit acts referred to in subsections 1-14 or subsection 2 (212/2008) of the section, contrary to the Geneva Conventions on the improvement of the condition of the wounded and sick in armed forces in the field, the improvement of the condition of the wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war, or the protection of civilian persons in time of war, or contrary to the Additional Protocols to the 1949 Geneva Conventions on the protection of victims of international armed conflicts and the protection of victims of non-international armed conflicts, or other rules and customs of international law concerning war, armed conflicts, or occupation.

In assessing whether the elements of a war crime punishable under Section 5 of Chapter 11 of the Criminal Code are met, the first question to be resolved is whether the situation involved a war, an international armed conflict, or an internal armed conflict.

The nature of the conflict affects the criminal assessment of the events described in the indictment within the framework of Section 5 of Chapter 11 of the Criminal Code, determining which rules of international law apply to the case.

If the situation involves an internal armed conflict, the applicable rules are those concerning violations of humanitarian law, and if it involves an international armed conflict, the applicable rules are those of the Rome Statute of the International Criminal Court and the relevant provisions of the Geneva Conventions.

According to the preparatory works of Section 5 of Chapter 11 of the Criminal Code (Government Proposal 55/2007, p. 27), internal armed conflicts refer to armed confrontations between state authorities and organized armed groups or between such groups, but not to internal disturbances such as riots, isolated and sporadic acts of violence, or other similar situations. War, international armed conflict, and occupation refer to their generally accepted definitions in international law. Additionally, the act must be connected to the circumstances at the time of the act.

In the case law of the International Criminal Tribunal for the former Yugoslavia (ICTY) (Prosecutor v. Tadic, IT-94-1-A), an armed conflict is defined as existing whenever there is a resort to armed force between states, or when protracted armed violence occurs between governmental authorities and organized armed groups or between such groups within a state.

The nature of the conflict at the time of the events has been addressed in an expert opinion (S1) and a foreign judgment of the District Court of The Hague on 17 November 2022 (S3), which dealt with the scope and extent of the same conflict that began in Eastern Ukraine in the spring of 2014.

Additionally, the prosecutors have referred to the decision of the European Court of Human Rights on 25 January 2023 in *Ukraine and The Netherlands v. Russia* (cases *Ukraine v. Russia* no. 8019/16, *Ukraine*

v. Russia no. 43800/14, and The Netherlands v. Russia no. 28525/20), which is also referenced in the expert opinion.

Was There an Armed Conflict?

The expert opinion presented as written evidence describes the development of the situation in Ukraine in 2014. Based on the expert opinion, it can be stated that there have been protests and demonstrations in the Eastern Ukraine region since the protests in Maidan Square in November 2013, which later led to violence. The protests were partly related to historical, ethnic, and cultural differences between Eastern and Southern Ukraine and Central and Western Ukraine, differences in attitudes towards political conflicts, differences in attitudes towards connections to the West and the East, economic differences due to the geographical location of industries in different parts of Ukraine, dissatisfaction with government actions in addressing violence, and the weakening of linguistic rights of Russian-speaking residents in Ukraine.

Based on the expert opinion, it can be stated that after Russia's annexation of Crimea in March 2014, the number of armed clashes between Ukrainian government forces and supporting volunteer groups, as well as extremist groups, increased. The clashes intensified after the declarations of the establishment of the Luhansk and Donetsk People's Republics on 7 April 2014. Ukraine launched the Anti-Terrorist Operation (ATO) by presidential order on 13 April 2014.

The evidence presented at the main hearing shows that the opposing side of the Ukrainian government forces and the associated volunteer battalions (including the Aidar Battalion) consisted of separatist volunteer battalions supporting the political and territorial goals of the Luhansk People's Republic, such as Oplot, Vostok, Russian Orthodox Army, Orthodox Dawn, Varyag, Betmen, and Zarya.

According to the opinion, before April 2014, the separatists' agenda was fragmented, but it began to change after mid-April 2014, among other things, to the goal of seceding from Ukraine and, on the other hand, to the goal of joining Russia. According to the opinion, genuine support for separatism likely developed in the Donetsk and Luhansk regions even before the referendums held on 11 May 2014.

The opinion describes intensified armed confrontations in the spring of 2014 and during the summer and early autumn. These confrontations occurred regularly and frequently. The expert opinion presented as evidence shows that the separatists fighting in Eastern Ukraine also had access to weapons, tanks, and heavy armament. A ceasefire was agreed upon in May 2014 due to international pressure, but it was broken.

The parties agreed that an armed conflict was ongoing in Eastern Ukraine in the summer and autumn of 2014. The District Court finds that a continuous and prolonged armed conflict has been ongoing in Eastern Ukraine since the spring of 2014 and continued during the time of the acts referred to in the indictment in September 2014.

International or Internal Armed Conflict

The expert opinion states that the assessment of the situation in Eastern Ukraine is not straightforward. According to the opinion, in March and April, separatists had seized administrative buildings belonging to the Ukrainian government in several cities. Russian GRU special forces were present in the area, acting as advisors and coordinators for the separatists. While in early 2014, the separatists were largely local actors with unclear leadership structures, the situation began to change due to the actions of Russian leaders. These leaders had roots in Russia and were veterans of the Afghan war, former employees of Russian intelligence services, or individuals connected to organized crime. People of various nationalities from Russia, as well as communists and far-right individuals from elsewhere, had joined the separatists.

In defining the nature of the conflict, the expert opinion considers the events in the city of Sloviansk on April 12, 2014, as a turning point. From that point onwards, the separatists' communication with Russia intensified. The goal was to incite an uprising, support a referendum, justify Russian intervention, and disintegrate Ukraine. During this period, the ATO operation was launched by the government as a compromise between declaring war and using armed force. In mid-April, the Ukrainian government established regional defense battalions and the National Guard. On the separatist side, Russian support for various battalions varied, but arms aid from Russia continued to arrive. The presence of Russian troops in Crimea was also acknowledged by the Russian president in May 2014.

According to the expert opinion, in May 2014, separatists fighting against Ukrainian government forces controlled several cities in Eastern Ukraine. At this time, Russian armed forces began recruiting fighters for Ukraine and sending them to operate heavy equipment supplied to the separatists by June at the latest. On May 27, 2014, the Ukrainian border guard reported armed fighters arriving from Russia. During the summer, fighting between Ukrainian government forces, the ATO, and the separatists intensified. The expert opinion states that it became clear that Russia was taking an increasingly significant role in directing and leading the separatist movement. By the end of June at the latest, Russia had military advisors, intelligence units, and weapons system operators in Ukraine. After August 9, 2014, Russian soldiers were killed daily. Russia continued to supply the separatists with tanks and training on their use. At the end of August, fierce battles took place near the Luhansk region. In early September, a ceasefire and immediate cessation of hostilities were agreed upon. Despite this, fighting continued.

The aforementioned points indicate that the organization of the separatists fighting against Ukrainian government forces increased during the spring and summer and became Russian-led. The opinion shows that the heavy weaponry and tanks used by the separatists originated from Russia. The establishment of the People's Republics in Eastern Ukraine, the seizure of Ukrainian government buildings, and the creation of administrative institutions by separatists under Russian control point to Russian influence in the area. The European Court of Human Rights stated in its decision on January 25, 2023, that Eastern Ukraine was under Russian jurisdiction from at least May 11, 2014, to early 2015. The district court considers that the situation constituted an international armed conflict as defined in Section 5 of Chapter 11 of the Criminal Code.

Due to the aforementioned reasons, the applicable provisions of international agreements for the charges are as follows:

In charges 1 and 2, the prosecutor has demanded punishment for war crimes committed by killing and misusing the flag of a foreign state.

In charge 1, according to Article 39, paragraph 2 of the First Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflicts, it is prohibited to use the flag or military insignia, rank badges, or uniforms of the adversary in attacks or to cover, promote, protect, or hinder military operations.

According to Article 8, paragraph 2, subparagraph b, item vii of the Rome Statute of the International Criminal Court, war crimes include the misuse of the white flag, enemy or United Nations flag, military insignia, and military uniform, as well as the distinctive emblems defined in the Geneva Conventions, resulting in death or serious personal injury.

In charge 2, according to Article 8, paragraph 2, subparagraph a, item i of the Rome Statute of the International Criminal Court, war crimes include intentional killing.

According to Article 12 of the Geneva Convention of August 12, 1949, on the Improvement of the Condition of the Wounded and Sick in Armed Forces in the Field, members of the armed forces and other persons mentioned in the following article who are wounded or sick shall be respected and protected in all circumstances. According to paragraph 2, they shall be treated humanely and cared for by the party to the conflict in whose power they are, without any adverse distinction based on sex, race, nationality, religion, political opinions, or any other similar criteria. All acts of violence against their lives or persons, including their killing, extermination, submission to torture, biological experiments, deliberate deprivation of medical assistance or care, or exposure to contagion, are strictly prohibited. According to paragraph 3, priority in the order of treatment may only be given for urgent medical reasons. According to paragraph 4, women shall be treated with all consideration due to their sex. According to paragraph 5, the party to the conflict who is compelled to leave the wounded or sick in the hands of the adversary shall, as far as military requirements permit, leave a part of its medical personnel and equipment to assist in their care. According to Article 13, this Convention shall apply to the wounded and sick belonging to one of the following categories, among others: 1) members of the armed forces of a party to the conflict, as well as those serving in militias or volunteer corps forming part of such armed forces.

According to Article 41 of the First Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflicts, applicable in charge 2, no violence shall be committed against a person recognized as hors de combat (out of combat) or a person who, due to circumstances, should be recognized as hors de combat. According to paragraph 2, a person is hors de combat if a) they are in the power of an adversary, b) they clearly express an intention to surrender, or c) they are unconscious or otherwise incapacitated by wounds or sickness and therefore incapable of defending themselves; provided that in all cases they abstain from any hostile act and do not attempt to escape.

In charge 3, the prosecutor has demanded punishment for a war crime committed by killing another person, wounding or torturing them, mutilating them or subjecting them to conditions contrary to their interests, or causing them great suffering or serious injury or seriously damaging their health.

The applicable provisions referred to in charge 2 are Articles 12 and 13 of the Geneva Convention of August 12, 1949, on the Improvement of the Condition of the Wounded and Sick in Armed Forces in the

Field, and Article 41 of the First Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflicts.

According to Article 8, paragraph 2, subparagraph a, item iii, and subparagraph b, item x of the Rome Statute of the International Criminal Court, war crimes include the intentional infliction of great suffering or serious bodily injury or serious harm to health (item iii), and the mutilation of persons under the control of the adversary or subjecting them to medical or scientific experiments that are not justified by the medical, dental, or hospital treatment of the persons concerned and are not carried out in their interest, causing death or seriously endangering their health (item x).

In charge 4, the prosecutor has demanded punishment for a war crime that constitutes another act defined in Article 8 of the Rome Statute of the International Criminal Court.

According to Article 8, paragraph 2, subparagraph b, item xxi of the Rome Statute of the International Criminal Court, it is punishable to commit outrages upon personal dignity, in particular humiliating and degrading treatment.

In charge 5, the prosecutor has demanded punishment for a war crime committed by declaring that no quarter will be given.

According to Article 8, paragraph 2, subparagraph xii of the Rome Statute of the International Criminal Court, it is punishable to declare that no quarter will be given.

According to Article 40 of the First Additional Protocol to the Geneva Conventions on the Protection of Victims of International Armed Conflicts, it is prohibited to order that there shall be no survivors, to threaten an adversary with such an order, or to conduct hostilities on this basis.

Questions to be Resolved Regarding the Indictable Acts

V.T. has denied acting in the events described in the indictment (1-5) or during the period from September 5, 2014, to June 10, 2015, as the deputy leader or de facto leader of the Rusich group or otherwise being responsible for the actions of the Rusich group or its members.

He has also denied the allegations in the indictment that the Rusich group organized the ambush and firefight described in charge 1 (second paragraph of the description of the act) and that the Rusich group soldiers also carried out the firefight by shooting at the Aidar group's vehicles and soldiers with rifle-caliber weapons and by firing a thermobaric Shmel rocket at a truck, the explosion of which burned both vehicles and killed and wounded soldiers in and near the vehicles (third paragraph of the description of the act).

He has likewise denied the allegation that the Rusich group soldiers displayed the Ukrainian flag at the checkpoint to deceive the arriving Aidar group into believing that the checkpoint was still under the control of Ukrainian forces (first sentence of the third paragraph of the description of the act).

The charge of war crime in charge 1 requires that the ambush involved the misuse of the enemy's flag as defined in Section 5, paragraph 1, item 11 of Chapter 11 of the Criminal Code. The indictment does

not refer to any other act listed in the methods of committing a war crime in Section 5, paragraph 1 of Chapter 11 of the Criminal Code in relation to the firefight.

V.T. has denied being present at the events described in charges 2 and 3 or otherwise participating in or knowing about them. According to the indictment, these events occurred on the road area at the scene immediately after the firefight ended.

According to V.T., the image of him at the scene after the firefight, as described in charge 4, was fabricated propaganda intended solely to create an image of the Rusich group as a strong actor and a deterrent in the area as part of other visual and verbal propaganda made in the name of the group. He also claims that a similar image of the leader of the Rusich group was taken for the same purpose. According to him, these images were not taken, made, or distributed with the intent to degrade.

According to V.T., his statements in charge 5 were also similar propaganda made to create a deterrent and reputation, not based on facts. Additionally, these statements concerned only the words of the leader of the Rusich group and not his own exhortations. He claims the charge is unfounded also because the statements did not hold true as described in the indictment, since two soldiers wounded in the firefight described in charge 1 were taken prisoner from the scene.

Accepting the indictment requires that there is no reasonable doubt about the defendant's involvement and guilt in the acts alleged in the indictment based on the evidence presented in support of the indictment and despite the defendant's denial and counter-evidence.

Therefore, the evidence presented in support of the indictment must be convincing that V.T. acted as the deputy leader of the Rusich group during the period described in the indictment and that he, in that position, partly led the actions of the Rusich group soldiers in the ambush and firefight described in charge 1 and also in the subsequent events described in charges 2 and 3.

The evidence must also be convincing that the Rusich group specifically organized the ambush and firefight described in charge 1 and that the Rusich group soldiers also carried out the firefight and committed the subsequent acts described in charges 2 and 3.

Additionally, the evidence must show other conduct punishable as a war crime as described in charges 4 and 5.

Starting Points for Evidence Evaluation

The evidence presented in support of the indictment is based on image and video publications from social media channels and video sites on the internet concerning the Rusich group and its purpose and activities in the Luhansk region in 2014 or later, maps and satellite images, videos, and other visual material related to the locations of the events described in charges 1-3, as well as the testimonies of the complainants from the scene on September 5, 2014, a witness's account of later events on the same day at the same location, and the images and interview videos related to charges 4-5.

Additionally, as previously stated, an expert opinion in the field of military science has been presented regarding the conflict situation in Eastern Ukraine from the spring of 2014 onwards, as well as a foreign

court's decision in a criminal case concerning the downing of a passenger plane in Eastern Ukraine in July 2014.

The counter-evidence concerns the terrorism charge brought against V.T. in Ukraine in 2016 and the related hate campaign in Ukrainian media and social media channels, as well as the previous interrogation statements of the complainants and the witness to Ukrainian authorities during the preliminary investigation of the aforementioned terrorism suspicion.

The defense has supported its view with this counter-evidence, arguing that the terrorism charge brought in Ukraine in 2016 and V.T.'s branding as a terrorist and war criminal from the Ukrainian perspective in traditional and social media publications and hate campaigns since 2014 particularly affect the reliability of the personal testimonies presented in support of the indictment.

Regarding the firefight against Aidar soldiers on September 5, 2014, described in charge 1, there has been a significant amount of video and other material in the media and on the internet since then, which, according to the defense, has unjustly branded V.T. and the rest of the Rusich group as responsible for the event.

Therefore, the defense has referred to the same videos and other visual material from the time of the events described in charges 1-3, which are also cited in support of the indictment, arguing that this material does not, in itself, reveal the conduct alleged in the indictment by V.T. or the Rusich group.

The events of September 5, 2014, described in charges 1-3, and the individuals involved in these events are not fully apparent from the mentioned video and other visual evidence, as this material is not chronological and continuous but only shows parts of the sequence and details of the events. The videos filmed at the scene on September 5, 2014, are mostly edited compilations of events over a longer period (S9, S13a, S25), except for one continuous approximately two-minute video of the destruction on the road area after the firefight (S16).

Additionally, there are a few videos filmed at the scene on the day of the events, which are included in video compilations concerning unrelated events (S11, S14).

The videos and screenshots from the videos only show parts of the events at the road and intersection area that preceded the arrival of the Aidar unit's vehicles (S11: examining a van belonging to the Aidar unit and S9: interrogating the Aidar soldier who drove that van), events that occurred during the firefight at the intersection on the eastern edge of the road area behind bushes and trees (S9 and S25: the Rusich group's formation during the firefight), and events that occurred on the road and intersection area shortly after the firefight ended (S9 and S16: examining the destruction and bodies of Aidar soldiers on the road area and in the forest on the western edge, S16 and S25: moving Aidar soldiers XXXX and XXXX on the road, S14: discussing Stulov at the scene, and S9 and S25: interrogating XXXX at the scene and leading Aidar soldier XXXXX across the road to the intersection and interrogating him at the intersection).

In the screenshots (S10, S12, S15, S17, S22, S24, S24a, S24b, S26, S27, S27a), some details related to the events are clearer than in the corresponding video footage.

All videos and screenshots must be reviewed together and in parallel to obtain the most accurate and chronological picture of the events depicted.

The videos do not show the arrival and stopping of the Aidar unit's truck and car at the scene, the beginning of the firefight, the vehicles catching fire in their positions on the road, some Aidar soldiers getting out or falling from the vehicles onto the road, the shooting directed at them, and the events immediately following the end of the shooting on the road area.

Therefore, the evidence supporting the indictment has relied on the testimonies of the complainants who were caught in the firefight.

The memories of the complainants and the witness who testified about the later firefight on the same day have inevitably been influenced by the passage of over 10 years since the events, the immediate threat to their lives at the time, the violence and chaos of the events, and the fact that they have themselves reviewed video and other visual material related to those events or the Rusich group and its activities over the years, as well as interviews with members of the group. They have also heard about the events or related details from other people over the years.

For these reasons, they may have unintentionally mixed later acquired information or perceptions with what they now remember as their own observations from the time of the events.

Additionally, they have been interrogated about the same events by Ukrainian authorities first in the investigation of the terrorism suspicion against the defendant and later again in 2024 in Finland due to the investigation of the war crime suspicion.

Subsequent Interrogations

In the later interrogations, understandably, different aspects or additional details were sought compared to the investigation of the terrorism suspicion at the time.

They did not describe their observations in the previous interrogations exactly the same way as in the later interrogations concerning the war crime suspicion. This is understandable, considering all the aforementioned factors that have influenced their memories, as well as the specific subject and purpose of each interrogation and the questions posed to them in relation to that.

All these factors affect the quality and comprehensiveness of the evidence presented in support of the indictment. These factors must be taken into account in the careful evaluation of the evidence and its sufficiency and reliability regarding what definite conclusions can be drawn from it.

Evaluation and Conclusions Regarding the Defendant's Position in the Group and the Group's Activities

There is no disagreement that V.T. had joined the armed Rusich volunteer group by the fall of 2014 and was present with the group at the time of the events described in charges 1-3 on September 5, 2014.

He operated within the group under the nickname "Slavian" and made image publications related to the group on social media under the profile name "Veliki Slavian."

The group supported the political and regional goals of the Luhansk People's Republic (LNR) in Eastern Ukraine both militarily and through media influence. The Luhansk People's Republic declared independence from the Ukrainian state in the spring of 2014.

According to V.T., he arrived in Luhansk in June 2014 from Norway to provide and deliver humanitarian aid to the population of the Luhansk region in the then-current situation, which he perceived as a conflict and humanitarian crisis affecting the population. His intention at that time was not to participate in any armed activities in Ukraine.

According to him, the Rusich group was founded before his arrival in Luhansk. The group's leader was A.M., nicknamed "Serb," who founded the group together with two other individuals. The other two founding members were "Monakh" and "Khokhol." V.T. had previously known only M., whom he met in St. Petersburg in 2012.

He met the group in Luhansk and joined it when M. suggested that he could act as the group's recruiter.

According to V.T., the group did not include any other members besides himself, M., "Monakh," and "Khokhol" in the fall of 2014. M., who had previously received military training and service experience in the Russian armed forces, continuously acted as the group's autocratic leader and solely managed the group's funding and equipment procurement.

According to him, the group was housed in a dormitory in Luhansk in the fall of 2014, where the group had one four-person room. All the group's equipment was also in the dormitory. The dormitory was mainly inhabited by civilians. The group moved around in a van-type vehicle at their disposal. The group did not have any other vehicles or heavy weaponry.

According to V.T., the group operated and moved independently from the dormitory, without any dependence on other armed groups or forces supporting the Luhansk People's Republic at that time. The group or M. as its leader were not under the command of any other group or individual.

According to V.T., he did not act as the group's deputy leader at any point in 2014 or otherwise hold a position as M.'s deputy. If necessary, "Monakh" would have acted as M.'s deputy.

There was also no need for anyone to act as M.'s deputy at any point, as M. continuously led the group alone. According to V.T., he would not have had any basis to act as the group's deputy commander, which is why M. would not have given him such a role or position.

According to V.T., upon arriving in Luhansk, he received first aid training at a local rescue course and also from "Monakh" within the Rusich group. He did not receive any other special training after joining the group.

However, V.T. himself stated in a recorded interview (S7) that he was the deputy commander of the Rusich strike group and had been in Eastern Ukraine ("Novorossiia") since June 22, 2014, to fight "for our people, our land, the Slavs." He described his group as Russian or Slavic nationalists and patriots who invite people from all Slavic countries to join them. In the video, he says that the enemy must be

destroyed mercilessly, and that is what they do. He declares honor to the Slavs and Russia or Russians in the video. He wears the Rusich group's armband in the video.

On the same video, M. states in an interview that his group members are not only Russians but also include a Bulgarian, a Pole, and Slavian from Norway. They are expecting more people to join the group from Serbia and other Slavic countries.

There is no information about the filming or publication date of these interviews (S7), but the video may have been published on a video site only in 2022 (V10: about a year before the video was recorded in the preliminary investigation material on December 12, 2023).

Additionally, in another interview, the video of which was published on September 26, 2014 (V10), V.T. ("Slavian") stated that he arrived in Luhansk at the end of June (2014) with his friends. They had gathered, bought equipment, and then went straight into the fighting (S19).

This contradicts his current claim that he came to Luhansk solely for the purpose of providing humanitarian aid and joined the Rusich group only later while in Luhansk.

He is also introduced as the deputy commander of the Rusich strike group in a video of a Rusich shooting exercise published on June 10, 2015 (V10) (S20).

He appears with M. in a video published on October 5, 2015, which depicts the training or proficiency test of Rusich group soldiers, the completion of which is a prerequisite for receiving the Rusich group armband. In the video, V.T. acts as M.'s assistant trainer or as the second leader of the test (S8).

The defense has argued that the video evidence presented regarding V.T.'s position (S6-S8, S20) does not show or introduce him as the deputy or assistant leader of the Rusich group before the events described in the indictment on September 5, 2014. The filming or publication date of the relevant videos is either unknown or at least dates to a later time. According to the defense, V.T. is first introduced in the media as the group's deputy leader in a video filmed on September 29, 2014. In that video, V.T. states that his role in the group is propaganda and recruitment activities (V21).

There is no disagreement that the Rusich group cooperated with other armed groups or forces supporting the goals of the Luhansk People's Republic in the fight against the Ukrainian state or its armed forces in Eastern Ukraine. However, V.T. has denied representing any group other than Rusich or participating in the activities of any other group.

Regarding these other armed groups or forces, the evidence has particularly highlighted a group named Betmen (Batman).

The Ukrainian state regarded the activities of the armed groups opposing the Ukrainian state in Eastern Ukraine as terrorism and a violation of Ukraine's territorial integrity and decided to take anti-terrorism measures in this regard on April 14, 2014 (S2). The Aidar unit, composed of volunteers recruited for service, mentioned in the indictment, participated in these actions in Eastern Ukraine on behalf of and in the name of the Ukrainian state and armed forces.

In 2016, the Ukrainian prosecutor's office filed charges against V.T. (formerly J.P.) under Section 258-3, paragraph 1 of the Ukrainian National Criminal Code for "participation in a terrorist organization and other promotion of terrorist activities." In this indictment, the Rusich group is specifically linked to the Betmen group and the armed activities of the Luhansk People's Republic.

According to the indictment, J.P. participated "between June 2014 and August 2015 in the temporarily occupied part of the Donetsk and Luhansk regions as a member of the illegal armed formation of the LKT terrorist organization (Luhansk People's Republic), namely the sabotage and assault reconnaissance group Rusich within the rapid reaction group Betmen, in the activities of the LKT terrorist organization."

Regarding the events of September 5, 2014, the indictment concerns the defendant's participation in the mentioned "sabotage and assault reconnaissance group Rusich as one of the actors under the leadership of A.M., along with other unknown members of the LKT terrorist group and Betmen/Rusich, in a firefight against the Aidar battalion personnel conducting an anti-terrorism operation near the settlement of Metalist around 12:00-12:15, resulting in the death of at least 30 Aidar battalion soldiers" (V2).

In the context of the terrorism charges brought in Ukraine in 2016, the elements constituting international war crimes in the current indictment, such as the misuse of the Ukrainian flag (charge 1), the killing of wounded soldiers (charge 2), the assault of a wounded soldier (charge 3), the degradation of a fallen soldier (charge 4), or the issuance of threats (charge 5), were not relevant. The charges brought in Ukraine do not concern war crimes but participation in a terrorist organization and other promotion of terrorist activities under the Ukrainian National Criminal Code. The current indictment, on the other hand, is based solely on allegations of acts punishable as war crimes.

V.T. and M. appear in the video and other visual material presented in the case specifically in the company of representatives of the Betmen group. Their group's name, Rusich, appears in the images as part of the Betmen group's bat emblem, under the emblem, indicating that it is a joint emblem of the Betmen and Rusich groups (S5). V.T. published these images on the Betmen group's community account under his social media profile name "Veliki Slavian" (S5).

In the video and visual material, V.T. is seen wearing either the Rusich group's own armband (S7) or the Betmen group's emblem (S5, S23). Additionally, in a group photo with a larger group, where V.T. stands with M. on top of an armored personnel carrier, a flag with the Rusich group's emblem is visible. This image also includes the Betmen group's emblem, under which the name Rusich appears (S5). These images (S5, S23) were published in August and September 2014.

Furthermore, one of these images, published on September 6, 2014, was taken specifically at the scene of the events described in the indictment on September 5, 2014, shortly after the firefight. In the image, V.T. stands next to M. on the road in front of a burning truck and a burned car. V.T. has the Betmen group's emblem on his chest (S23).

According to V.T., he wore the Betmen group's emblem in that picture only because the Rusich group did not yet have its own emblem in September 2014. M. had given him the Betmen emblem to use so that the Rusich group members would not be mistaken for enemy soldiers but would be recognized as

fighters on the same side as the Betmen group. According to V.T., the Rusich group adopted its own emblem, decided by M., only later in October 2014. However, in the aforementioned group photo published by V.T. on September 18, 2014, under the profile name "Veliki Slavian," a flag with the Rusich group's own emblem is visible (S5).

V.T. and M. also appear in images published on September 4, 2014, showcasing the activities of the Betmen group ("GBR Betmen") and its strike group Rusich ("DSHRG Rusich"), which also feature an armored personnel carrier marked with the Betmen group's red bat emblems. According to the caption of the images from September 4, 2014 (S21), Rusich had arrived "yesterday (September 3, 2014) and conducted a cleanup" (S21). In the corresponding video, a tank marked with the three-letter emblem of the Luhansk People's Republic (LNR) and the text "Russia" in red is also visible (S22).

V.T. and M. also appear in a group photo published on September 1, 2014, featuring a total of seven people, with the accompanying text stating that DSHRG Rusich thanks for the assistance. The individuals hold a Russian flag in front of them (S21).

Additionally, V.T. and M. appear in a video specifically together with the leader of the Betmen group, representing the Rusich group (S6). M. wears the Rusich group's armband.

In the video, the commander of the Betmen group thanks those who supported their activities for all the material assistance in the most effective fight against the occupiers. He then gives the floor to his "soldiers," the commander of the guerrilla strike group Rusich "Serb" and his deputy "Slavian," who are his "best soldiers." After that, M. and V.T. also express their thanks for the financial assistance in acquiring equipment. They declare their victory and honor to Russia at the end of the video.

The filming or publication date of that video (S6) is unknown, but it was likely published on a video site by 2015 at the latest (V10: about nine years before the video was recorded from the site on April 11, 2024, in the preliminary investigation).

V.T. also wears the Betmen group's emblem on his chest in the aforementioned interview video published on September 26, 2014 (S19).

In an interview recorded at the scene of the firefight shortly after it ended on September 5, 2014, M. states that the Rusich group participated in the firefight as part of the Betmen group (S9, S13).

V.T. himself also states in a video published on June 10, 2015, that the Rusich group was present as part of Betmen, organizing the ambush for the Aidar column (S20). These interviews with M. and V.T. will be discussed in more detail later.

Contrary to what V.T. has now stated, based on the mentioned videos (S6, S7, S8, S9, S13, S20) and other visual material related to participation in the activities of the Betmen group and the use of its emblems (S5, S19, S21, S23), V.T. was, as described in the indictment, in the position of deputy leader and representative of the Rusich group in September 2014, assisting and supporting M. in leading the group.

Additionally, contrary to what he has now stated, the same evidence shows that the Rusich group was closely cooperating with or part of the larger and better-equipped Betmen group and its activities at that time.

Furthermore, based on the same evidence, the Betmen group had its own leader (S6) and had armored vehicles with weapons at its disposal or available for use (S5 and S21-S22).

The Betmen group is repeatedly presented in the videos as a rapid reaction force ("GBR"), and the Rusich group as the strike group or special unit of the Betmen group ("OSHRG").

Based on these grounds, it has been shown beyond reasonable doubt that V.T. was, at the time of the events described in the indictment, the deputy leader of the Rusich volunteer group as stated in the indictment.

Based on all the aforementioned evidence, the Rusich group was part of the larger Betmen group at that time and participated in at least the activities of the Betmen group.

Evaluation and Conclusions Regarding the Evidence for Charge 1

According to V.T., the firefight described in charge 1 was not organized, led, or carried out by the Rusich group but involved a larger number of individuals from several armed groups supporting the Luhansk People's Republic.

As previously described from his account, the Rusich group at that time consisted of only three other individuals besides himself, with one (M.) continuously acting as the group's autocratic leader. According to V.T., the entire Rusich group was present at the scene on September 5, 2014.

Additionally, according to V.T., a journalist was accompanying the Rusich group on September 5, 2014, and recorded the events (S9, S13, S13a, S16, S25). As previously noted, these videos are mostly edited and selective compilations of the day's events. They do not show the acts described in charges 1-3 in their entirety.

The location of the firefight at the intersection area of the road running north from Metalist to Stsastja, near the bus stop, and the positions of various vehicles at the scene during the firefight have been clearly illustrated by satellite and other images of the location (S4), a video from the day of the event (S9), and also by the diagrams drawn by V.T. for the main hearing, which are consistent with the video (V49, V20/V50, V55).

The road section at the scene had two lanes with grass or other low vegetation in between. There were trees and tall bushes on both sides of the road, with extensive fields behind them. To the north of the intersection, the road area bordered a golf course area to the east. To the south of the intersection, near the road to the west, was the village or residential area of Tsvitni Piskyn.

The soldiers of the Ukrainian Aidar unit drove to the scene from the south, from the direction of Metalist, on the left lane of the road in a truck, followed immediately by a car.

The truck and the car following it stopped and burned in their positions on the lane just before the bus stop on the same side of the road.

At the bus stop, there was a tank positioned parallel to the road, with its front and barrel pointing towards the direction from which the truck arrived. On the left side of the tank, facing the road, was the three-letter emblem of the Luhansk People's Republic in large white letters. Since the tank was positioned parallel to the road, the emblem on its side was likely not visible to the truck approaching the lane. The emblem was probably visible to the lane only from very close to the bus stop.

At the bus stop, a smaller road intersected to the right from the direction of the Aidar unit's vehicles, where several cars or vans used by the individuals who arrived at the scene were parked further away from the intersection. These vehicles were not visible to the lane from the direction of the truck.

Opposite the bus stop, on the other side of the road, there was an armored BTR personnel carrier positioned diagonally to the road. The front and barrel of the carrier were facing the direction from which the truck arrived. The carrier was driven down from the edge of the road into the bushes so that it was not fully visible to the road from the direction of the truck.

According to the complainants, they were on their way back to the Aidar battalion base in Stsastja from a morning mission near Metalist. Their task was to support another unit of the Ukrainian armed forces (the 80th Airborne or Assault Brigade). On their way to the mission, they had driven the same road from Stsastja past the checkpoint at the scene in the morning. The checkpoint was then under the control and manned by Ukrainian armed forces soldiers as it had been until then. They had no reason to assume or suspect on their return journey that the checkpoint could be under enemy control at that time.

The vehicles in the convoy contained soldiers from two different groups, which is why the parties involved did not all know each other beforehand. The groups were named after their leaders ("Terminator" and "Grizzly"). According to the parties involved, both vehicles were full of soldiers, and there were also plenty of ammunition boxes on the truck bed. The truck bed was not covered. The soldiers were tightly packed together on the open truck bed.

XXXX belonged to the Grizzly group. According to him, he boarded the truck last when departing for the return trip, which is why he could not fit on the full truck bed or in the car. Therefore, he stood on the truck frame between the cab and the bed on the right side of the vehicle.

XXXXX belonged to the Terminator group. He was driving the truck. In addition to him, the truck cab contained the leader of his group ("Terminator") on the right front seat and one soldier in the middle seat.

XXXXXX belonged to the Grizzly group. According to him, he was on the back of the truck bed.

XXXXXX belonged to the Terminator group. He was sitting in the middle of the truck bed facing the direction of travel.

They could not accurately state the number of soldiers in the vehicles because there were soldiers from two different groups. Based on their recollection, each group consisted of approximately 10-15 soldiers,

and there were a total of up to 25 soldiers on the open truck bed. Additionally, there were three soldiers in the cab and 4-5 soldiers in the full car.

Their estimate of the number of personnel in the convoy is consistent with what the commander of the Aidar battalion later reported on social media (V18).

Soldier XXXXXX from charge point 3 stated at the scene that there were 12 soldiers in their group (S9), which suggests that he was referring only to the number of soldiers in his own group. According to the parties involved, the convoy consisted of two groups of soldiers of approximately equal size.

Regarding the actions of the V.T. and Rusich groups, the evidence has focused on determining whether the ambush and firefight described in charge point 1 were organized and carried out by the Rusich group, whether the Ukrainian flag was used in the ambush, and whether the members of the Rusich group also committed the acts described in charge points 2 and 3 after the firefight.

For these questions, it has been particularly relevant to determine which other armed groups or units may have participated in the ambush, firefight, and subsequent events on the road, whether any group clearly led the actions of all groups present, and the strength and equipment of the Rusich group at the

According to the video and photographic material related to the events, there were numerous other individuals at the scene in addition to V.T. and M., who appear in the videos before and after the firefight (S9, S11, S25).

As previously mentioned from V.T.'s account, the entire Rusich group present at the scene, according to him, included only two other individuals ("Khokhol" and "Monahk") in addition to him and M..

V.T. also appears and moves with them in a video related to an unrelated incident later on the same day, September 5, 2014, on the same road area north of the intersection (S13a). In that situation, another unit of the Ukrainian Armed Forces (80th Assault Brigade) was attacked on the same road while driving from the direction of Metalist to the same intersection with the intention of breaking through the intersection and reaching Stsastja.

Before departing, the unit had learned from an Aidar soldier (XXXX) who had survived the firefight described in charge point 1 and reached the unit, that the enemy occupied the area near the golf course on the road leading to Stsastja and that the unit was therefore at risk of being surrounded by the enemy in their current operational area in the direction of Metalist. Therefore, the unit set out to break through the enemy occupation to Stsastja with armored vehicles.

Witness XXXXXXXX, who was in one of the convoy's personnel carriers at the time, testified about that situation. According to XXXX's recollection, approximately three hours had passed since the firefight described in charge point 1.

XXXXX's vehicle was the third in the convoy. When the convoy arrived at the scene, the vehicles of the Aidar unit destroyed in the earlier firefight were no longer on the road. There was an enemy tank near the bus stop on the left side of the road, but XX did not observe whether the tank fired during the events. Additionally, there was a Ukrainian flag attached to a stand or pole at the bus stop.

There were mines on the road as obstacles, which the convoy's soldiers tried to clear by shooting. At that time, the convoy came under heavy fire from both sides of the road from the woods along the road. The convoy's equipment and personnel suffered heavy losses in the firefight. Several of the convoy's vehicles were rendered inoperable during the battle. The convoy's personnel tried to take the wounded and fallen soldiers from other vehicles into the functioning vehicles.

Due to the heavy fire, XXXX was unable to make more detailed observations of the enemy soldiers or their numbers, but based on the amount and intensity of the fire, a larger armed group from both sides of the road area in the woods along the road participated in the shooting.

His vehicle was hit directly on the right side by an armor-piercing round, resulting in the death of four soldiers in the vehicle and XXXX being wounded by shrapnel. Despite this, they managed to continue their journey to Stsastja.

The group of V.T. and two other individuals is seen moving in the video related to the firefight described by XXXX (S13a) along the edge of a field or golf course and thicket on the east side of the road. At the beginning of the video, a bus stop and a stationary tank near the road are briefly visible. There is no flag visible at the bus stop. The video mentions personnel carriers and tanks moving on the road and that more heavy equipment is expected to arrive. Gunfire can be heard in the video. At that point, the group is still behind the dense thicket and trees along the road. At the end of the video, M. appears, posing in the thicket along the road in front of a burning personnel carrier. No other individuals are seen moving with V.T. and the two other individuals in the video, except for the journalist filming the video. At the beginning of the video, a few other individuals briefly appear in the footage. The video does not show how the personnel carrier burning on the road at the end of the video caught fire.

One of the two other individuals, "Khokhol," also stated in a video interview on November 28, 2014, consistently with the video (S13a), that he, "Monakh," and "Slavian" were moving as the Rusich group at that time. Khokhol is introduced in the video as a member of the GBR Betmen special unit (V23).

The video of the later situation on the same road area on the same day (S13a) and the mentioned interview with "Khokhol" (V23) thus support the view that the Rusich group may have been present on September 5, 2014, with only the four individuals mentioned by V.T..

No other evidence suggests that the Rusich group present at the scene or immediately under its command included a significantly larger number of individuals on September 5, 2014. As previously mentioned, in a group photo published on September 1, 2014, the Rusich group appears with seven individuals (S21).

Furthermore, as previously mentioned, the videos related to the events (S9, S11, S25) show that there were numerous other individuals at the scene on September 5, 2014, in various parts of the intersection area.

According to V.T., he had been moving separately from the rest of the Rusich group for the entire previous day, September 4, 2014, mainly east of Luhansk with a journalist, with whom he also spent the night before the day of the events. The journalist was reporting on events in the nearby area for the Luhansk media center. He arrived at the scene on September 5, 2014, with the same journalist in the journalist's car while they were on their way to the journalist's next assignment.

The rest of the Rusich group had arrived earlier. He met M., Khokhol, and Monakh there for the first time. According to him, he had no prior knowledge of what would be done or what might happen at the scene. He only knew that it was a checkpoint established by the Zorja unit of the Luhansk People's Republic and

that the commander of the Zorja unit, "Kommunist," was also present. Additionally, there were members of the Betmen and Patriot groups.

According to V.T., he was facing away from the intersection and the road, talking with other group members and the journalist, when he suddenly heard a very loud bang from behind him. When he turned towards the sound, he saw only a fireball rising from the road through the thicket and trees. He did not see what was happening on the road. Gunfire began. Smoke covered everything around him. M. also did not know what had happened. The journalist was filming the events from behind them. The journalist appears in the related video (S9).

Then, according to V.T., he started providing first aid to two soldiers from the Luhansk People's Republic or the Zorja unit who had asked for help. One of them was more seriously wounded in the hand. While providing first aid, he was momentarily away from the rest of the Rusich group. After that, he returned to the group and the journalist and moved closer to the road near the personnel carrier at the intersection at the journalist's request. The gunfire was already ending at that time. Smoke and vegetation still obscured visibility on the road.

When the gunfire ended, the journalist said that he needed to get to the road to find out what had happened. The journalist urged M. to come to the road with him to report on the events as the commander of Rusich. At the same time, V.T. learned that the soldier who was more seriously wounded in the hand, to whom he had just provided first aid, needed further treatment. M. told V.T. that the matter could wait a moment so that the journalist could also film V.T. on the road.

Therefore, V.T. went to the road with M. and the journalist so that the journalist could film them on the road for a moment. V.T. stayed on the road for less than 10 seconds for that purpose, after which he returned directly to continue providing first aid to the wounded soldier. The journalist remained on the road with M. to continue filming. According to V.T., he has no further observations of the events.

He drove from the scene with the journalist to the city of Krasnodon, where he stayed with the journalist until September 7, 2014. He returned to Luhansk with the journalist only on the evening of September 7, 2014. By then, all the video and photographic material related to the events of September 5, 2014, had already been shown in the media and uploaded to the internet, so the material and awareness of the events of September 5, 2014, had spread everywhere in an instant. As a result, he had since been praised as a defender and hero in Luhansk, but from the enemy's perspective, he was a hated person.

V.T. did not want to talk about the later events on the same road and intersection area on the same day, as seen in the video (S13a), because it is not related to the charges. According to V.T., he was no longer at the scene after September 5, 2014.

V.T. and M. remain on the east side of the road behind trees and thickets or behind the personnel carrier at the intersection throughout the duration of the firefight described in charge point 1, as seen in the video (S9). The same is also evident from another video (S25), which partially contains the same footage as the first video (S9), but the second video (S25) shows the events on the road area after the firefight from slightly different angles. These events are discussed later in connection with charge points 2-4.

From the positions of V.T. and M. mentioned, there is no visibility to the road area during the firefight; only the burning vehicles in the background on the road and the thick smoke rising from the burning can be seen. The smoke covers all visibility on the road area or to any individuals possibly moving or present on the other side of the road area at that time (S9).

As previously mentioned, the videos (S9, S25) do not show the events immediately preceding the firefight on the road, i.e., the arrival of the Aidar unit's truck and car at the scene or why or how the vehicles stopped on the road and caught fire in their positions.

The videos also do not show whether V.T., M., or other individuals visible in the same place in the thicket and behind the trees on the east side of the road participated in any way in stopping the convoy of the truck and car and initiating the firefight. At that stage of the videos, the vehicles are already burning on the road in the background, and the shooting has already started and continues without interruption.

The videos also do not show the shooting at the Aidar unit soldiers who dismounted from the vehicles or fell onto the road, as mentioned in the charges. From the position of V.T. and M. visible in the video at the intersection area, there is no line of sight to the road and the Aidar soldiers possibly present on the road area at that time.

The video only contains the continuous sound of gunfire or the explosions of ammunition carried by the Aidar unit in the intense fire.

The video does not show anything to support the idea that V.T., M., or any other members of the Rusich group were leading the actions of all the other individuals present during the firefight.

As previously mentioned, they remain in place behind the thicket, trees, or the personnel carrier at the intersection throughout the duration of the firefight visible in the video. However, V.T. moves a bit further away from M. closer to the road during the gunfire, so he is no longer visible in the same frame as M. during the shooting. M. occasionally stands up from behind the tree to fire once towards the road and then returns behind the tree. He appears to be loading grenades into his rifle behind the tree and firing them when he stands up.

During the gunfire in the video (S9), there are also shouts about someone being wounded. The journalist films the events from the same spot behind the trees and narrates on the video during the gunfire that the Rusich battalion had just noticed the column of Ukrainian vehicles and was now trying to destroy the column, which was heading towards Stsastja away from their positions. The journalist also mentions that one soldier was wounded in the hand.

Later in the same video (S9), there is a shout for "Khokhol" to come back and an order for five people to move. There is also a shout of "Rusich" once the gunfire is already ending.

V.T. and M. move to the road area to inspect the damage only after the firefight has ended. They move mostly close to each other on the road area. At that time, several other individuals are also moving on the road area (S9, S16, S23, S25).

The parties involved have described the events not visible in the mentioned videos (S9, S25), such as the arrival of the truck and the car following it, the start of the firefight, and the vehicles catching fire in their positions, as well as the gunfire directed at them and other Aidar unit soldiers on the road.

It has already been described where they were on the truck when the vehicles approached the intersection area and the bus stop. As previously mentioned, there had been a checkpoint of the Ukrainian Armed Forces at the scene until then. They had last passed through the same checkpoint in the morning of the same day on their way to the mission in the direction of Metalist.

According to the driver, XXXXXXX, he saw a tank at the checkpoint near the bus stop on the left side of the road, with its barrel pointing towards them, but he did not pay much attention to it because he was sure it was a checkpoint of their own forces. Additionally, one of the other soldiers in the cab mentioned that a Ukrainian flag was visible at the checkpoint.

There was a person standing on the road who could not be identified as belonging to any specific group. The person had come onto the road from the right side. The soldiers on the truck bed shouted that they were from Aidar. At that moment, the person standing on the road started shooting at the truck cab. The shots hit the windshield, and the others in the cab were wounded. At the same time, a projectile hit the right side of the cab and the truck, causing an explosion, and the truck caught fire. XXXX was thrown or jumped out of the cab through the driver's door. The convoy came under intense fire.

According to XXXXX, the gunfire mainly came from the right side of the road. Soldiers were thrown or fell from the vehicles onto the road. He did not have time to observe any Aidar soldiers returning fire. He crawled under continuous fire to the woods on the left side of the road. There were two fallen Aidar soldiers in the woods. He was also wounded.

He retreated from the scene in the woods with another wounded Aidar soldier. After retreating from the scene, they heard from a distance that the continuous gunfire had stopped, and only occasional shots were heard from the road area, but they could not see what was happening on the road due to the distance. They reached a nearby village, where the soldier with him stayed to receive treatment for his injuries from the locals. He managed to return to Stsastja on foot. He arrived the next morning.

Later, while in a military hospital, he learned, among other things, from a video he saw that the forces that carried out the ambush and firefight were Rusich and Betmen, but he has no personal observations or other understanding of this.

During the events, he did not observe any other enemy soldiers at the scene except for the one person who stood on the road and started shooting. When he was told after the events that the Betmen group was present, he assumed that the person might have been the commander of the Betmen group.

XXX, who made his observations while standing between the cab and the truck bed, noticed two camouflaged individuals running across the road as they approached the location. The pattern of the camouflage raised his suspicion that the individuals running across the road might not have belonged to their own forces. Therefore, he knocked on the cab to ask if the soldiers in the cab had seen the same thing. The leader of the Terminator group said from the passenger side window that he had made the same observation. However, they still believed that only their own forces were present at the scene.

As they approached the bus stop, he saw two individuals lying on the ground and looking in their direction. There was a tank near the bus stop. XXX also saw the Ukrainian flag lying on top of the BTR personnel carrier at the scene, but he does not know if anyone else saw it. He saw the flag more clearly only after the firefight ended when he was wounded at the bus stop.

The individuals lying on the ground asked who they were. Terminator waved to the individuals from the passenger side window and said they were from the Aidar battalion. The individuals shouted that it was Aidar, after which intense gunfire began. Shortly after the gunfire started, a missile hit the right side of the truck bed, setting the truck on fire. The fire spread rapidly on the right side of the truck. XXXX jumped down from his position to the left side of the truck and fell onto the road. His clothes were also on fire. The gunfire was continuous. The soldiers who jumped from the truck bed tried to get off the road to the left into the woods, which also caught fire from the soldiers' burning clothes. He heard the cries of fear and calls for help from the burned and wounded soldiers, but he could no longer make detailed observations of the battle.

He crawled in the woods towards the bus stop because he tried to get around the bus stop to leave the scene. At the bus stop, he encountered an enemy soldier who shot him in the shoulder and the bulletproof vest. He was also hit in the legs. He fell to the ground on his back. When the gunfire subsided, the same enemy soldier and another enemy soldier who introduced himself as "Kommunist" dragged him to the bus stop and began to bandage his shoulder wound. "Kommunist" said that it would be worth taking him prisoner so that he could be exchanged for another prisoner of war. He understood that "Kommunist" was the leader of the enemy group.

When he received first aid at the bus stop, he saw from his position that a group of about 5-7 people came onto the road from the opposite side and gathered next to the personnel carrier, then moved as a group onto the road area. The group members walked to the Aidar soldiers lying on the road, either wounded or dead, and systematically moved from one soldier to another. The group shot the soldiers lying on the ground and searched and stripped the bodies of their belongings. The group members also moved the soldiers on the road area and discussed among themselves what items to take from the bodies and which items could be useful.

The smoke rising from the burning truck did not obscure XXX's visibility from the bus stop to the road at that time because the smoke rose upwards, and the road area was not completely covered by smoke.

XXX saw the group members shoot at least 3-4 soldiers lying on the ground, but he could not identify who those soldiers were or if they were still alive at that time. However, he heard cries from some wounded soldiers on the road. No more cries were heard after the shots. After the group moved out of his sight more to the right, he continued to hear the sounds of gunfire.

Then the group gathered again on the road and came from the road to the bus stop where he was. He was still receiving first aid at that time, and the group initially thought he belonged to the same side as them.

He recognized M. and Slavian (V.T.) from the group by their appearance because Ukrainian military intelligence had shown Aidar soldiers pictures of M. and Slavian during training in Stsastja in the summer of 2014 and told their names so that Aidar soldiers would know them as members of a

sabotage group. The training had mentioned that M. and Slavian belonged to the Rusich group, which in turn belonged to the Zorja volunteer battalion of the Luhansk People's Republic.

In addition to M. and V.T., Anyshchenko recalled that there were three other individuals in the group at that time.

The video (S9, S25) shows that XXX was led from the bus stop across the road to the intersection and interrogated there on video. After that, he was placed in the back seat of a car and transported away from the scene. According to him, he was first taken to the enemy headquarters and then to the hospital in Luhansk. He lost consciousness in the car on the way to the headquarters.

XXX has stated similarly to V.T. and what is seen in the videos (S9, S11, S25) that he managed to observe at least a few dozen enemy soldiers (20-30) in various parts of the road and intersection area after the firefight ended.

V.T. has similarly stated that there were possibly up to about 50 individuals in various parts of the intersection area when he arrived with the journalist before the firefight began.

XXXX had a brief conversation in the hospital with Xx from charge point 3 when they were lying in adjacent beds. However, they did not talk about the events of the firefight. XXX was almost entirely bandaged due to his burns. Soon after, XXX was taken out of the room for some reason, and a nurse later came to tell XXX that XXX had died. XXX did not find out what had happened to XXX.

In the hospital, XXX also saw the person known as "Kommunist" again when he came to interrogate him. He introduced himself as the leader and said he was also in charge of prisoner exchange operations.

According to XXXX, he saw the Ukrainian flag on the left side of the road at the checkpoint when they arrived. They all assumed that the checkpoint was under the control of their own forces. Then the gunfire started and first hit the truck cab. The soldiers on the truck bed began to move backward. XX and other soldiers on the edge of the bed jumped off. The truck cab and then the entire truck and the car following it caught fire. The soldiers who got onto the road tried to retreat in the direction the convoy had come from. XXX managed to get into the woods by the side of the road under the cover of thick smoke from the fire. He was also wounded in the abdomen. When he could no longer see or hear the Aidar soldiers or their voices from the road, he started retreating in the woods back in the direction they had come from. From the woods, he still heard occasional shots and indistinct shouts from the road, but he could not distinguish the sounds or see what was happening on the road at that time.

When XXX got back to the 80th Brigade unit near Metalist, from where they had started their return journey, he went to report the ambush to the unit commander. He received first aid for his injuries there. After some time, the 80th Brigade unit set out to break through the ambush site with a vehicle convoy. XXXX was in that convoy. Despite the losses, they managed to get through the ambush.

According to XXXX, they did not notice anything suspicious as they approached the checkpoint. The checkpoint was in the same place as before, on the right side of the road in the direction they were traveling. The Ukrainian flag was visible at the checkpoint, attached to the checkpoint's structure. There was a tank on the left side of the road at the checkpoint. They stopped, and they were asked at the

checkpoint who they were. When they answered that they were from the Aidar battalion, they were fired upon from the woods on the right side of the road. A projectile hit the truck, and the explosion threw him from the bed onto the road. He and other soldiers who fell from the bed onto the road were fired upon from the right side of the truck. He had burns on his head, hands, and abdomen. He managed to get into the woods and fired back until he ran out of ammunition. When the gunfire on the road stopped, he heard occasional shots from the woods. He also saw from the woods that M. and J.P., whom he later identified, were shooting Aidar soldiers in the head on the road. He was still near the road at that time.

He managed to get to a nearby village through the woods, where he received help from the locals. He returned to Stsastja the next day, September 6, 2014, in a car driven by local people. They had to drive through the same checkpoint. As they approached the checkpoint, he saw the burned bodies of Aidar soldiers, whose heads had been severed and abdomens opened. The truck that had burned in the firefight the previous day had been moved off the road to the place where the tank had been during the firefight.

At the checkpoint, J.P. approached them and leaned into the car through the back door. XXX explained that he was a local and had been injured in artillery fire, after which they were allowed to continue their journey. He did not know the person was J.P. at the time, but he later identified him through videos and information from Ukrainian intelligence. The Rusich group was widely featured in the videos. He also saw M. at the checkpoint on September 6, 2014, whom he recognized from social media posts. M. had boasted on social media about killing Ukrainian soldiers.

In the main hearing, the following previous interrogation statements of the parties involved have been referred to, insofar as the parties have considered that the parties involved have described the events differently in the main hearing than in previous interrogations:

- XXXX's interrogation on May 1, 2024, when he was interrogated as a party involved in the war crimes investigation conducted in Finland,
- XXXXX's interrogation on August 11, 2023, when he was interrogated by the Ukrainian Security Service as a witness in the terrorism charge against V.T. filed in 2016, and the interrogation on May 6, 2024, when he was interrogated as a party involved in the war crimes investigation conducted in Finland,
- XXXXX's interrogation on October 20, 2016, when he was interrogated by the Ukrainian Prosecutor General's Office as a party involved in the terrorism suspicion against V.T., the interrogation on August 16, 2023, when he was interrogated by the Ukrainian Security Service as a witness related to the same suspicion, and the interrogation on May 2, 2014, when he was interrogated as a party involved in the war crimes investigation conducted in Finland, and
- XXXXXX's interrogation on May 6, 2024, when he was interrogated as a party involved in the war crimes investigation conducted in Finland.

In the interrogation on May 1, 2024, XXXX stated that the Ukrainian flag was on the right side of the road, where there was a checkpoint made of sandbags. Now he has said that he does not remember seeing the flag himself, but others told him about the flag at that time. He focused more on looking to the left side of the road when approaching the checkpoint because he was driving the truck. The other soldiers in the cab were more focused on the events on the right side of the road. According to him,

they were sure that the checkpoint was still under the control of their own forces as it had been until then. The possible observation of the flag did not affect that perception.

In the interrogation on August 11, 2023, XXXXX did not mention any possible observations of the Ukrainian flag at the checkpoint. On the other hand, he was not asked about it in that interrogation. The interrogation focused on what observations he made about the enemy forces and individuals present at the scene of the suspected terrorism crime on September 5, 2014, and which Aidar battalion soldiers were victims of the crime besides him.

He later mentioned the flag in the interrogation on May 6, 2024, as well as in the main hearing, stating that he saw the flag lying on top of the personnel carrier on the right side of the road.

The defense has particularly focused on his statements regarding the observations he made about V.T. at the scene and at what stage of the events he made those observations. In the interrogation on August 11, 2023, he stated that he saw M. and J.P. (V.T.) at the scene only when the journalist filming the events interrogated him by the car. At that time, M. and J.P. arrived at the scene and followed the interrogation from the side. According to him, he lost consciousness at the end of the interrogation, which is why he was placed in the car and taken away.

As previously mentioned, the interrogation situation is visible in the video (S9). He stands on his feet during the interrogation and is conscious when he is placed in the car. His being led to the interrogation site from the other side of the road and part of the interrogation is also visible in another video (S25). Based on the videos, he was apparently in weak condition and exhausted due to his injuries and being led across the road.

In the later interrogation on May 6, 2014, he described his observations of M. and V.T. during the events similarly to now in the main hearing, stating that he saw M. and V.T. shooting Aidar soldiers lying on the ground after the firefight. On the other hand, he also stated in the interrogation on August 11, 2023, that M. and V.T. executed soldiers with mercy shots, but this was not further discussed in that interrogation.

XXXX also did not mention the flag at the checkpoint in the interrogations on October 20, 2016, and August 16, 2023. On the other hand, the details related to the checkpoint were not the focus of the interrogations, which instead concerned the attack on Aidar battalion soldiers at the checkpoint. He mentioned the flag in the interrogation on May 2, 2024, similarly to now in the main hearing, stating that the flag was on the left side of the road. He could not specify whether the flag was on a pole, attached to something, or lying somewhere. He did not pay attention to it. He only remembers seeing the flag.

In the interrogation on May 2, 2024, XXXXX stated that he also heard Russian-speaking voices in the woods when he heard occasional shots from the road after the gunfire ended. On the road, it was said to "finish the job" or "shoot to finish." Occasional shots were heard in the same context. It was clear to him that wounded soldiers were being executed with mercy shots on the road. However, he could not see from the woods what was happening on the road area.

XXXXX stated in the interrogation on May 6, 2024, that he managed to get into the woods from the road under the cover of smoke from the burning car when the firefight began. When asked if the smoke

also prevented him from seeing the road from the woods, he said that the smoke partially obscured visibility, but it did not prevent him from seeing individuals moving on the road after the gunfire ended.

Otherwise, the parties involved have described the events in the main hearing similarly to the mentioned interrogations.

Additionally, in the main hearing, the testimony of witness XXXXX from the interrogation on March 29, 2017, when he was interrogated by the Ukrainian Prosecutor General's Office as a witness to investigate the terrorism suspicion, and the interrogation on May 8, 2024, in this criminal investigation has been referred to. In the first interrogation, he did not mention the flag at the bus stop. On the other hand, that interrogation only clarified what happened to his unit at that location on September 5, 2014. In the latter interrogation, he mentioned the flag similarly to now in the main hearing. He stated that the flag came to his mind when he discussed the matter after the event with a person who has since died. He is sure he saw the flag at the bus stop.

Additionally, a video showing a van belonging to the Aidar unit at the scene has been presented as evidence of the Ukrainian flag at the checkpoint. Individuals belonging to the forces present at the scene are seen examining the van in the video (S11).

The same van is briefly visible in the video (S9) related to the events in the thicket on the east side of the road at the intersection, indicating that the forces involved in the firefight had seized the van earlier on the same day before the firefight. The Aidar soldier who was driving the van and taken prisoner is interrogated by several individuals at the scene at the end of the video (S9).

The video shows that the individuals examining the car take a Ukrainian flag from the car, which had been wrapped around a stick. The individuals discuss hanging the flag "for disinformation purposes." There is also a smaller flag in the car's glove compartment (S11). A screenshot from the video shows that one of the individuals by the car has a Betmen group insignia on his sleeve (S24).

Additionally, there have been screenshots of the flag from the same video (S11), a picture from an internet article dated September 6, 2014, and a screenshot from a pose photo related to charge point 4 (S18), indicating that M.'s shoe is on the same flag at the scene in the picture from the internet article dated September 6, 2014 (S24a-S24b). This suggests that M. was already at the scene when the flag was taken by the individuals present from the Aidar unit's van.

It is not possible to make definitive conclusions about the presence of the flag at the scene because the parties involved have described differently whether they saw the flag when the firefight began or where they saw the flag at that time. The videos from the scene do not show the flag at the bus stop or near it before the firefight began (S9) or during it (S25), nor during the later events on the same day (S13a). The flag is also not visible on top of the personnel carrier during the firefight (S9, S25).

In the video related to the events (S9), M. states after the firefight, in front of the still-smoking remains of the truck and car, that the DSHRG (strike group) Rusich and DSHRG Patriot were ordered to the intersection on the supply route used by the Ukrainian army as part of the GBR (rapid response group) Betmen. Rusich joined the other forces present there. When the Ukrainian army convoy arrived at the scene with the truck and the car following it, they asked who the forces were. When they were told that the convoy was from Aidar, they fired at the convoy with a Shmel rocket launcher and burned it.

According to him, no one from the convoy survived the attack, and all approximately 20 soldiers in the convoy were killed.

Additionally, M. states in the interview, when asked about their own losses, that one soldier from his group was slightly wounded in the hand. This suggests that M.'s Rusich group included someone else or some other individuals besides V.T. and the individuals V.T. mentioned, "Khokhol" and "Monakh."

As previously mentioned, the video (S9) discusses the wounding of one soldier in the hand while filming the events of the firefight from behind M. on the east side of the intersection. At that time, the journalist filming the video also narrates that the Rusich battalion was destroying the vehicle convoy. The journalist's narration could be seen as supporting the charge that the firefight was organized and carried out by the Rusich group. On the other hand, it contradicts what M. says in the same video (S9) to the same journalist about Rusich's participation in the firefight as part of Betmen and other forces present.

The same interview with M. at the scene is also in another video (S13).

V.T. also states in a video published on June 10, 2015, about the same event on September 5, 2014, that when the Aidar convoy was retreating from Metalist towards Stashtja, they had set up an ambush for Aidar as part of GBR Betmen. DSHRG Patriot and some other soldiers were also involved. They had waited for the convoy, let it get close, and then burned it.

V.T. also says in the video that he himself shot Aidar soldiers in that situation.

In the same context, V.T. also talks about the later event on the same day at the same checkpoint area. He says that after the ambush, there was an attempt to break through the ambush when it was learned in Metalist that part of Aidar had encountered them. They also burned enemy equipment in that situation.

In the video, when asked about enemy losses, V.T. says that a total of 35 people were killed and three were taken prisoner in the events of September 5, 2014. The equipment destroyed included a BTR (armored personnel carrier), a ZIL (truck), and two cars (S20).

"Khokhol" also describes the destruction of the Aidar convoy in a video interview on November 28, 2014, stating that at the intersection near the village of Tsvitni Pisky, there was a combined detachment of several different groups, including two Betmen subunits. The forces present had established their own checkpoint at the intersection, which was not distinguishable as being under their control. The Aidar convoy did not anticipate the presence of the forces at the intersection. When the convoy announced they were from Aidar, they were immediately fired upon with a Shmel and then subjected to gunfire. "Khokhol" is introduced in the interview as a soldier of the GBR Betmen special unit (DSHRG Rusich) (V23).

The accounts given by M., V.T., and the mentioned third group member ("Khokhol") in the videos about the destruction of the Aidar convoy on September 5, 2014, support the view that the Rusich group participated in the firefight along with other armed groups present for that purpose (including Betmen and Patriot).

They imply in the videos that Rusich operated as part of the Betmen group in the events. This is consistent with what has been previously described, including the joint appearance of the Betmen group leader, M., and V.T. in a video where the Betmen group leader introduces M. and V.T. as his subordinates, and they jointly thank for the support received by the Betmen group (S6).

As previously mentioned, the Rusich group appears and is presented in other video and photographic material specifically as a strike group or special subunit of the Betmen group.

The videos related to the firefight (S9, S25) do not show how the vehicles were stopped or destroyed on the road. It cannot be inferred from the videos that V.T. or others visible near him during the firefight did anything related to that, as they remain on the other side of the road area behind trees, bushes, and the personnel carrier at the intersection throughout the firefight. At that stage, the vehicles were already on fire on the road.

Since the video does not show the beginning of the firefight or the events on the road area during the firefight, the video does not exclude the possibility that V.T. and other members of the Rusich group could have organized and carried out the ambush and firefight.

The accounts of the parties involved, as previously described, regarding the observations they made of the individuals at the checkpoint when the firefight began or during the firefight, do not indicate that Rusich specifically organized, led, or carried out the destruction of the vehicles and the firefight.

All the previously described evidence, when considered as a whole, supports the view that there were numerous other individuals and groups involved in the firefight at various parts of the road and intersection area, not just the Rusich group and its members.

Based on the evidence, the Rusich group was present and participated in the events as part of a larger Betmen group or unit and operated at the scene in cooperation and agreement with all individuals or groups supporting the goals of the Luhansk People's Republic (LNR) militarily.

There is no further clarity on the strength of the Rusich group at the scene and its involvement in stopping and destroying the Aidar unit's vehicles on the road. As previously mentioned, the videos of the firefight (S9, S25) do not show the beginning of the firefight and the subsequent shooting of Aidar soldiers on the road.

The parties involved also did not have time to make detailed observations of the forces and their actions at the checkpoint area related to the beginning of the firefight, the destruction of the vehicles, and the shooting.

The videos related to the events of September 5, 2014 (S9, S11, S13a, S25) and other evidence related to the events do not indicate that the Rusich group specifically organized the ambush as charged in charge point 1 and that the Rusich group soldiers specifically carried out the destruction of the truck and car on the road.

Based on the previously described evidence, the Rusich group included at least three other individuals besides V.T., and there may have been some other individuals in the group or under its command at that time.

This is suggested by the previously described video (S9, S25) showing a group of several individuals who were in the same place behind the thicket, trees, or personnel carrier at the intersection on the east side of the road during the firefight, the journalist's narration of the event and the Rusich group from that location (S9), the account of the party involved XXXX about a group of 5-7 individuals coming onto the road from the direction opposite the bus stop after the gunfire ended, and also M.'s description of the event and his group to the same journalist in the video (S9, S13).

Thus, the charge in count 1, which was based on allegations that the Rusich group organized an ambush and also carried out a fire attack in all respects, has not been proven and must therefore be dismissed.

Assessment of evidence and conclusions regarding count 2

Despite the fact that the charge in count 1 has not been proven as stated above, all the evidence presented above has shown that the Rusich group was present during the events referred to in counts 1-3, supporting all the violence directed at the Ukrainian armed forces and soldiers at that time in cooperation with all other armed groups and individuals present.

Interviews with M. (S9, S13), V.T. (S20), and a member of the same group "Khokhol" (V23) about the events on the road area that day directly support this view.

Nothing in the evidence suggests that V.T. or other members of the Rusich group or other individuals who may have been operating with or under the Rusich group at that time were unaware of what was intended to be done at the scene when a unit of the Ukrainian armed forces arrived.

According to the victims and a witness, there had been a checkpoint of the Ukrainian armed forces at the scene until then. The checkpoint had been in use as recently as that morning. Units of the Ukrainian armed forces had regularly traveled on the road in the directions of Metalist and Stsastja.

For these reasons, the checkpoint area was well-suited from the perspective of the armed groups opposing Ukraine for carrying out a fire attack against a convoy traveling on the road.

Based on the videos of the events (S9, S25) and interviews with members of the Rusich group (S9, S13, S20, V23), the common purpose of assembling at that location and all the groups that came there was to destroy the unit of the Ukrainian armed forces driving to the scene with a fire attack on the spot.

The evidence presented above has also shown that at least M. had been at the scene earlier that same day when the individuals present were examining a van belonging to the Aidar unit that they had seized and occupying the checkpoint area (S11, S24a-S24b).

As stated above, a journalist also reported on video (S9) during the fire attack that the Rusich group was present to destroy the Ukrainian vehicle convoy.

In light of all this, V.T.'s account that he or M. did not know what was happening or intended to happen at the scene when the fire attack began is not credible.

All the above-mentioned factors have also supported the view of the prosecution that the violence against the soldiers of the Ukrainian armed forces continued on the road area even after the fire attack ended.

V.T. also acted in his position as deputy leader, as shown above, as the superior of other members of the Rusich group or other individuals under the group's command during the events, although M. was the acting leader of the group at the time, according to the evidence (S6, S9, S13).

The charge in count 2 is based on V.T.'s involvement and responsibility as a perpetrator, as he "participated in the unlawful killing of the wounded (mentioned in the first paragraph of the description of the act) by leading the actions of the Rusich soldiers under his direct command at the scene and by personally shooting incapacitated wounded Ukrainian soldiers" (second paragraph of the description of the act).

Responsibility as a perpetrator based on leading soldiers is regulated in Section 12 of Chapter 11 of the Criminal Code (212/2008). According to this, a military or other superior is sentenced for an act punishable as a war crime under Section 5 in the same way as the perpetrator or participant if the troops or subordinates under the superior's command and supervision have committed the act because the superior neglected his duty to properly supervise the actions of the troops or subordinates.

It is required that the superior knew or should have known based on the circumstances that his troops or subordinates were committing or intending to commit the crime. Additionally, it is required that he did not take the necessary and reasonably required actions available to him to prevent the crime from being committed.

There is no disagreement that the Rusich group, like other armed groups or alliances present, consisted solely of individuals who had voluntarily joined the groups or their activities and also voluntarily participated in armed actions against the Ukrainian state and its armed forces. This fact has emphasized the individual responsibility of each person involved in the events to ensure that their actions or supported activities do not violate the generally known and fundamental rules of armed conflict regarding the humane treatment of enemy soldiers.

V.T., like other members of the group, participated in the group's activities voluntarily. In his position as deputy leader, he was responsible not only for his own actions but also for the actions of other individuals in his group under Section 12 of Chapter 11 of the Criminal Code. In this position and while moving with other individuals in his group at the scene, he supported the group's activities and participation in all the events that took place there.

For these reasons, V.T. cannot be exempted from responsibility for violating the rules regarding the humane treatment of enemy soldiers as stated in the charge solely on the basis that he did not exercise the highest command or decision-making authority in the Rusich group's activities during the events, but another person (M.) was the acting leader at the time. V.T. was, in any case, in a supervisory position as deputy leader in the group.

Videos of the events show V.T. moving from the intersection area to the road after the fire attack ended (S9). He is also seen in the middle of the destruction on the road in another video (S16). In the latter part of that video, he is taking a pose photo of M. on the road for count 4. That video shows the road

area and its destruction and bodies continuously for over two minutes, starting from when the soldier in count 3 (XXXX) is dragged from the road towards the intersection on the eastern side of the road and ending with images taken from the western side of the road area.

In light of this, V.T.'s account that he stayed on the road area with M. and the journalist for only a very short time after the fire attack ended and then completely left the road area to continue providing first aid to a soldier wounded in the hand during the fire attack is not credible.

Based on the video (S16), he has returned to the road with M., if he had left the road in between.

Both the prosecutors and the defense agree that the person seen at the beginning of the video on the eastern side of the road, who is better visible in a screenshot from the video (S15, image 7), is V.T.. At that point in the video, the soldier in count 3 (XXXX) is being dragged past the person towards the intersection. In the screenshot, the person appears to be stepping off the road into the bushes on the eastern side of the road. However, the person is carrying two rifle-length weapons. One rifle is in front of the person and the other on his back. Additionally, the person appears to be wearing a long-sleeved jacket or shirt and black or dark boots. V.T. is wearing a t-shirt in all videos and pictures from the day of the events. He has sand-colored boots. His arms are bare, and he is carrying only a machine gun in front of him (S23). Thus, it cannot be concluded from the video (S16) alone whether V.T. left the road at that point.

In another video (S25), an earlier situation is shown where XXXX being lifted on the road to be dragged away. The soldier in count 2 (XXXX) is simultaneously being dragged on the road next to XXXX in the same direction, according to a screenshot from the video (S26). At that point, the camera angle turns away from XXX and XXX towards the intersection, where two individuals, who could be M. and V.T. based on their body structure, are walking together some distance away from the camera. However, it is not possible to make reliable conclusions based solely on the video image. The mentioned individuals are visible in the moving video image only briefly and indistinctly.

In the latter part of a video compilation showcasing Rusich's activities, XXXX, who was wounded in the abdomen, is seen lying on the road partially on his left side, with his right hand palm down on the road for support, so that his right elbow is up (S14).

Based on the aforementioned videos (S25, S16) and screenshots from the videos (S9, S16, S25) (S15, S26), he had been dragged to that spot on the road a moment earlier, at the same time as XXXX was dragged from the road towards the intersection.

In the video (S14), it is asked what should be done to Stulov and whether he should be shot. The response is that it is easier to shoot him because his abdomen is open. Then, in the video, there is an order to shoot, a shot is heard, and his elbow drops down to the road (S14, S15). According to the voice sample analysis, the voices heard in the video are unlikely to be V.T.'s (V27, V52).

In the video from the road area, XXXXX is still lying in the same position, but his elbow is down on the road (S15, S16). At that point in the video, it is asked, "Is this one breathing?" to which the response is "No, all are killed" (S16).

In a photo published on social media on September 8, 2014, taken from the same spot on the road based on his position (S15), a clear wound is visible on the top of his head, which is not visible in the video from the road area (S15, S16), and his belt buckle is open. There are pools of blood on the road under his head and abdomen. In that photo, M.'s foot is also visible next to the body (S15), as in the previously discussed photo concerning the flag (S24a-S24b). Later examinations of XXX's body revealed a shrapnel wound to the head (S28).

According to the defense, the photo published on September 8, 2014 (S15) is a forgery because the video from the road does not show a wound on the top of XXX's head, nor is there any blood on the road (S16). However, another photo from the same series, in which XXX is turned on his back and shows a lot of blood on his face and upper body clothes, contradicts the claim that the photo of the blood pools and head wound is forged. Similarly, the report on the gunshot wound to the head (S28) contradicts the claim that the wound visible on the top of the head is not real.

M. and V.T. are also seen moving in the video at the spot where XXXX is lying (S16, S15). The pose photos for count 4 were also taken next to that spot.

The victim XXXXX has previously stated that he saw from the bus stop after the fire attack that M., V.T., and a few other individuals moving with them came together to the road, walked to the soldiers lying on the road, and shot at them.

The group of individuals came to the road from the opposite side of the bus stop, behind the armored personnel carrier, from the same direction where they had been until the fire attack ended, according to the videos (S9, S25) and V.T.'s account.

This strongly supports the view that the individuals who came together to the road, as described by XXXX, belonged to the same group as M. and V.T. or at least under the command of that group.

According to XXXX, the same individuals regrouped after the shooting on the road when they came from the road to XXX at the bus stop. XXX recognized M. and V.T. at the scene as the same individuals shown to him and other Aidar soldiers in photos earlier in the summer of 2014 during Aidar unit training in Stsastja.

However, according to his account, XXX could not identify the soldiers lying on the road or know whether they were already dead when they were shot on the road after the fire attack ended. He only heard sounds from the road that suggested some soldiers might have still been alive at that time.

XXXX stated when asked that he also saw and heard from the road that soldiers lying on the ground were being moved and their belongings examined. This is consistent with what has been revealed from the videos (S9, S16, S25) about the events on the road area and the individuals moving on the road after the fire attack.

In at least one video from the road area, XXXX's painful groans are clearly heard when he is lifted and begins to be dragged from the road. In that context, loud voices of several individuals around him are also heard. As stated above, at the same time, XXX was also dragged next to XXX (S25, S26). According to the charge, XXX was shot on the road at the spot where he was dragged (S15).

The defense has questioned the credibility of XXX's testimony, particularly on the grounds that he did not mention his observations from the bus stop during the interrogation on August 11, 2023, related to the terrorism investigation. As previously stated in the interrogation reports, he did mention at that time that M. and V.T. had executed soldiers by shooting, but this detail was not further addressed in that interrogation.

In the interrogation on August 11, 2023, he stated that he saw M. and V.T. at the scene when he was being interrogated just before being taken away by car. This is also possible, as the videos (S9, S25) do not show who was present during the interrogation. The interrogation was filmed by the same journalist who filmed the events of September 5, 2014, at the scene with the Rusich group (S9, S13, S13a, S25) along with M. and V.T..

As previously noted, based on the videos and other visual evidence, V.T. was moving on the road area with M. (S9, S15, S16, S23) for a considerable time after the fire attack. They were also moving together at the spot on the road where Stulov was lying after being moved on the road area (S15, S16). M.'s foot is visible at that spot in the photo of Stulov lying on the road (S15, S24a-S24b).

Therefore, the fact that XXX did not mention his observations from the bus stop during the interrogation on August 11, 2023, does not in itself mean that his later observations in the interrogation on May 6, 2024, and now in the main hearing about the movements and actions of M., V.T., and other individuals in the same group on the road should be considered clearly unreliable.

The victim XXXX also stated that he saw from the roadside forest after the shooting ended that M. and V.T. were shooting at soldiers lying on the ground. However, he recognized and associated them with the events on the road only later, according to his account. He also stated that he left the scene through the forest immediately after the shooting ended, so it is possible that he could no longer make clear visual observations from the forest at that stage.

In any case, all the victims stated that they heard several individual gunshots from the road area even after the fire attack ended.

Based on the previously discussed videos and photos (S14-S16, S27) concerning XXX, he was still alive after the fire attack but was killed while wounded on the road by being shot in the head after being dragged to that spot on the road.

Only he and the soldier in count 3, XXX, were moved while wounded on the road area after the fire attack, according to the videos (S16, S25), which supports the view that he was alive after the fire attack before being shot.

According to XXX's account, V.T. was in the same group of several individuals as M., who were moving on the road shooting at soldiers lying on the ground. V.T.'s own account in a video published on September 26, 2014, that he himself shot at Aidar soldiers in the battle on September 5, 2014 (S20), also supports the view of his involvement.

Due to his position as a superior as defined in Section 12 of Chapter 11 of the Criminal Code, V.T. is partly responsible for the killing of XXX on the road, regardless of whether he personally shot XXX or who among the individuals in the same group ultimately shot XXX. Based on the aforementioned facts,

he must have known what was being done to XX when he was moving with the group on the road. He did not intervene or prevent it.

Therefore, the charge in count 2 has been proven regarding the killing of the wounded soldier XXX in the fire attack.

According to the charge, at least three other soldiers who were still alive were allegedly shot on the road area after the fire attack. However, the evidence does not indicate whether there were other soldiers alive on the road area besides XX and XXX after the fire attack ended. As previously noted, only XXX and XXX were moved on the road according to the videos (S16, S25).

The video footage from the road area contradicts the claim that there were several other soldiers alive at that time besides them. The videos show only about ten bodies on the road area and its western forest edge, which were severely mutilated, burned, or stiffened in place after the fire attack. Some bodies were still burning at that time (S9, S16, S25). On the other hand, the visual evidence does not exclude the possibility that some of the other soldiers were still alive when the individuals described by XXX came to the road after the fire attack to shoot at the soldiers lying on the ground.

However, the charge of killing requires evidence that the soldiers who were shot at were alive.

Therefore, the charge has not been proven to a greater extent and must be dismissed regarding the killing of soldiers other than XXXXX. For the same reason, the charge must also be dismissed as unproven regarding the claim that V.T. personally killed wounded soldiers by shooting.

Assessment of evidence and conclusions regarding count 3

Based on the videos, XXX, who was wounded in the fire attack, was interrogated or questioned at the scene by several individuals. He was first dragged from the road to a spot closer to the intersection (S9, S16, S25).

In a photo published in an internet article on March 25, 2015, M.'s foot is on the upper body of XXX lying on the ground, based on the footwear he was wearing (S24a, S24b) visible in the video (S9) of the interrogation (S27, S27a).

In that photo (S27, S27a), the Rusich group's insignia is clearly visible on XXX's left cheek. The insignia is also briefly visible in the video (S9, S17).

Based on the clarity of the insignia (S27, S27a), it appears that the insignia was imprinted or otherwise made on his cheek with a sharp-edged object shaped like the insignia.

The insignia is the same as the one visible on the flag in the group photo published on September 18, 2014 (S5) and on the armbands of V.T. and M. in the interview videos (S6, S7).

The videos or other visual evidence of moving and questioning XXX from the road do not reveal when and by whom the Rusich insignia was made on his cheek. The insignia was already made by the time he was being interrogated in the video (S9, S17), and M. had his foot on him during that time (S27, S27a).

The evidence does not reveal whether V.T. was present like M. when XXX was interrogated or questioned.

However, in the video of the interrogation (S9), V.T. is also mentioned ("Where is Slavian"), which supports the view that he was involved with XXX at some point during the events on the road area, like M.. As previously noted, V.T. was otherwise moving on the road area together with M. or in the same group as him (S15-S16).

Since the insignia made on XXX's cheek was specifically the Rusich group's insignia, it is clear that the act was carried out by a member or members of the Rusich group at that time.

As with the act proven in count 2, V.T. is considered to have been aware of and partly responsible for the act described in count 3 based on all the evidence regarding the events on the road area. Due to his position as a superior, he was partly responsible for ensuring that the wounded XXXX was not mistreated by members of the Rusich group or individuals operating within that group at the time. He did not intervene or prevent the mistreatment of XXXX.

Therefore, the fact of who among the individuals in the same group as him ultimately made the insignia on XXX's cheek and at what stage of the events on the road area the act was carried out is irrelevant to the charge and V.T.'s involvement.

Based on these grounds, the charge in count 3 has been proven.

Assessment of evidence and conclusions regarding count 4

As previously noted in connection with count 2, based on the video from the road area (S16) and the photos referred to in count 4 (S18), V.T. took the relevant photo of M., which was published on social media on September 8, 2014.

A similar photo of V.T. from the same spot was published on September 24, 2014 (S18).

In the photos, the body of an Aidar soldier lies face down behind them, with the upper body still burning and the lower body exposed. In the background, the frame of a truck is burning. The photos were published on a social media site by a third party, indicating that the photos were shared after being taken. The photo of V.T. has the joint insignia of the Betmen unit and the Rusich group added to it (S18).

Based on the content of the photos and their sharing on the internet, it is clear that they constitute the desecration of a dead soldier, fulfilling the elements of a war crime.

From the photo of V.T., it cannot be concluded that it was entirely fabricated, as he claimed. As previously noted, he was indeed at the location visible in the photo on the road area after the fire attack, as he took the corresponding photo of M. himself, based on the video (S16) and screenshots from the video.

Therefore, the charge in count 4 has been proven as such.

Assessment of evidence and conclusions regarding count 5

In an interview published on September 26, 2014 (V10), V.T. states that "our (Rusich) commander's order is not to take any prisoners" - "we have such an order that no prisoners are taken." However, he clarifies that if someone survives and is in relatively good condition, they can be taken to a military hospital, but if the enemy is seriously wounded and cannot be transported anywhere, they are finished off to prevent suffering. This part of the interview relates to a question about the destruction of an armored personnel carrier and its crew by V.T. and a few members of the Rusich unit (S19). Based on this, he likely referred to the later firefight on the same road area on September 5, 2014, discussed earlier in the interview.

In an interview published on June 10, 2015 (V10), V.T. states that one of Rusich's rules is not to take prisoners. In that interview, V.T. also talks about the events of September 5, 2014, where a total of 35 enemy soldiers were killed, and three were taken prisoner (S20).

V.T.'s statements about not taking prisoners must be considered as conduct punishable as a war crime, given the context of the interviews in which his statements were made. The interviews discussed real situations involving the use of armed force in which the Rusich group participated in the destruction of the enemy.

The fact that two soldiers (XXX and XXXX) were actually taken prisoner from the scene of count 1 and that prisoners could be taken under certain conditions, according to V.T., does not in itself exempt him from responsibility.

Nor does the fact that it was the commander's order and not V.T.'s own directive or order matter for the charge. V.T. stated that it was a rule of the Rusich group.

Therefore, the charge in count 5 has been proven as such.

Sentencing Considerations

War crimes are punishable under Section 5 of Chapter 11 of the Criminal Code with a minimum of one year of imprisonment or life imprisonment.

The acts proven in count 2 and count 3 involve significantly reprehensible conduct, demonstrating cruelty and brutality, as well as complete disregard for the lives, health, and humane treatment of severely wounded and incapacitated victims.

The act in count 2, in terms of the perpetrator's guilt and the manner of execution demonstrating cruelty and brutality, is comparable to a killing punishable as murder. Therefore, the punishment required for that act should be considered the starting point for determining the overall sentence.

The acts in counts 4-5 are less severe compared to the acts in counts 2-3, but they also emphasize the same indifference to the generally known fundamental rules of armed conflict in the overall context of counts 2-5.

These factors strongly argue against considering a fixed-term imprisonment as sufficient for the overall sentence for the crimes in counts 2-5. Therefore, the defendant must be sentenced to life imprisonment for the acts.

Continued Detention

Due to the imposed sentence, the defendant is ordered to remain in custody under Section 12 of Chapter 2 of the Coercive Measures Act.

Claim for Crime Victim Fee

The law on the crime victim fee came into effect only after the acts described in the charge, on December 1, 2016. Therefore, the claim for ordering the defendant to pay the crime victim fee to the state is dismissed.

Liability for Damages

According to Section 4a of Chapter 5 of the Tort Liability Act, the parents, children, and spouse of a deceased person, as well as any other person who was particularly close to the deceased, are entitled to compensation for the suffering caused by the death if the death was caused intentionally and the awarding of compensation is deemed reasonable, taking into account the closeness of the relationship between the deceased and the claimant, the nature of the act, and other circumstances.

There has been no disagreement between the parties that, in addition to the mother of XXXXX, who died in the act described in charge 2, his sister can also be considered a person entitled to compensation under Section 4a. There has also been no disagreement about the reasonableness of the amounts of the compensation claims.

The act described in charge 2 must be considered such that awarding compensation for the suffering caused by the death is justified and reasonable as intended by Section 4a.

On these grounds, the compensation claims of XXXX's mother and sister are accepted as such.

Since the charge in count 1 has been dismissed as unproven, there is no basis for the compensation claims of the plaintiffs and beneficiaries based on it. Therefore, those claims are dismissed.

Costs of Evidence

Witness XXXX was awarded compensation from state funds for his requested expenses (€74.56) for participating in the main hearing via video link from Ukraine during the main hearing on January 27, 2025. The compensation was paid on behalf of the Ukrainian authorities for practical reasons,

therefore, it is justified that the corresponding cost remains a state expense. No other costs of evidence have arisen from the main hearing.

Fees for Defenders and Legal Counsel

Hourly Fees Payable to Defenders and Legal Counsel

The defenders and the legal counsel for the plaintiffs and beneficiaries have requested fees for their actions based on the precedent set by the Supreme Court decision 2024:71, which stipulates an hourly fee of €130.

The prosecutors have disputed the claim to the extent that it exceeds the hourly fee of €110 specified in Section 6 of the Government Decree on Legal Aid Fees for the period before January 27, 2025, and €120 thereafter.

According to Section 17, Subsection 1 of the Legal Aid Act, a reasonable fee is determined for a private counsel based on the necessary actions taken, the time spent, and the loss of time due to essential travel, along with reimbursement for expenses.

The same section stipulates that the amount of the hourly fee is regulated by a government decree.

According to Section 6 of the Government Decree on Legal Aid Fees, the hourly fee for actions taken in this case was €110 at the start of the actions (December 15, 2023), until the decree was amended on January 27, 2025, to increase the hourly fee to €120. According to the transitional provision of the amendment (17/2025), the provisions in force at the time of the actions apply to actions taken before the amendment came into force.

The Supreme Court stated in the aforementioned precedent that the fee of €110 specified in the decree could not be considered reasonable as required by Section 17 of the Legal Aid Act, and therefore, Section 6 of the fee decree in force at that time was not applied based on Section 107 of the Constitution. The Supreme Court accepted the requested hourly fee of €130. The fee decree was subsequently amended as mentioned above, increasing the hourly fee to €120.

The District Court notes that the hourly fee specified in the amendment that came into force on January 27, 2025, conflicts with the Supreme Court's interpretation of the law, and it is unclear whether the amendment (17/2025) can override the legal principle established by the precedent.

In this unclear situation, it is justified to accept the hourly fee basis requested in the fee applications for all actions. On these grounds, the fee requests of the counsel are accepted to the extent that they have requested the application of an hourly fee of €130.

Fee Increase

All counsel have requested a 20% increase in their fees on the grounds that the task was exceptionally difficult and required special expertise, experience, and professional skill (Section 8, Subsection 2 of the fee decree).

Additionally, defenders Lampela and the legal counsel for the plaintiffs and beneficiaries have based their request for an increase on the fact that the task had to be performed in a foreign language (Section 8, Subsection 1 of the fee decree).

Furthermore, Lampela has also based his request for an increase on the fact that he had significantly greater responsibility because the matter was of particular importance to the client (Section 8, Subsection 3 of the fee decree).

The District Court notes that the case was exceptional in nature and also extensive. On this basis, the task of the counsel can be considered exceptionally difficult as intended by Section 8 of the fee decree, and its handling can be considered to have required special expertise, experience, and professional skill.

On these grounds, the District Court accepts the requested fee increases of 20% for the actions performed.

To the extent that the defenders have requested an increase in fees for travel time, the District Court rejects the request for an increase in fees as detailed below.

Additional Fee Requests have not been translated

Judgement

-V.T., 020187

Dismissed

1. **War Crime**
 - o September 5, 2014

Convicted

2. **War Crime**
 - o September 5, 2014
 - o Criminal Code, Chapter 11, Section 5, Subsection 1, Paragraph 1
 - o Criminal Code, Chapter 11, Section 12
3. **War Crime**
 - o September 5, 2014
 - o Criminal Code, Chapter 11, Section 5, Subsection 1, Paragraph 1
 - o Criminal Code, Chapter 11, Section 12
4. **War Crime**
 - o September 5, 2014 - September 24, 2014
 - o Criminal Code, Chapter 11, Section 5, Subsection 2
5. **War Crime**
 - o September 26, 2014 - June 10, 2015
 - o Criminal Code, Chapter 11, Section 5, Subsection 1, Paragraph 13

Sentencing

- Combined sentence for convicted crimes 2-5: Life imprisonment
- Period of deprivation of liberty: December 15, 2023 - March 14, 2025

Liability for Damages

- [...]

Other Statements

- The defendant is ordered to remain in custody. He will be sent to prison to serve his sentence if he accepts the decision or otherwise to be held there until the execution of the sentence begins or otherwise ordered. Place of detention: XX.