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## Criminological profile of a perpetrator of a high treason

### Кримінологічний профіль особи, що вчинила державну зраду

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#### Abstract

The article presents the analysis of specific criminological features of the persons who have committed high treason in order to know their typical criminological profile. For the purpose of that, 39 court decisions of the Unified State Register of Judgments (hereinafter: USRJ) of Ukraine, which were made against persons who committed this type of crime, were examined. Socio-demographic (gender, age, education, nationality) and criminal-law (motivation of the criminal behavior, single or group criminal character of criminal activity, duration of criminal activity, presence or absence of criminal record, etc.) were estimated in investigation. Generalization and interpretation of the results of court decisions made it possible to simulate a typical criminological profile of the perpetrator of the state treason and to identify certain specific characteristics of the subjects of this crime. It is concluded that knowledge of the criminological profile of the state traitor is of great importance for the profile of criminals by law enforcement agencies, which are empowered to prevent crime in the field of national security.

**Keywords:** identity of an offender; high treason; criminological profile; elements of a criminal; National security.

#### Анотація

У статті представлено аналіз специфічних кримінологічних особливостей осіб, що вчинили державну зраду, з метою пізнання їхнього типового кримінологічного профілю. З цією метою було проведено вивчення 39 судових рішень Єдиного державного реєстру судових рішень (далі ЄДРСР) України, які були винесені відносно осіб, які вчинили даний вид злочину. У дослідженні були оцінені соціально-демографічні (стать, вік, освіта, національність) та кримінально-правові (мотивація злочинної поведінки, одноосібний чи груповий характер злочинних дій, тривалість злочинної діяльності, наявність чи відсутність судимості тощо) характеристики. Узагальнення та інтерпретація результатів судових рішень надала можливість змодельювати типовий кримінологічний профіль особи злочинця, що вчинив державну зраду та виділити окремі специфічні характеристики суб'єктів цього злочину. Зроблено висновок, що знання кримінологічного профілю державного зрадника має велике значення для здійснення профілювання злочинців правоохоронними органами, які вповноважені здійснювати запобігання вчиненню злочинів в сфері національної безпеки.

**Ключові слова:** особа злочинця; державна зрада; кримінологічний профіль; ознаки злочинця; національна безпека.

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## Introduction

It is undeniable that high treason is one of the most dangerous crimes against Ukraine's national security fundamentals. Before the Russian aggression, the Ukrainian law enforcement agencies identified only isolated cases of high treason. The situation changed after February 22, 2014, when Viktor Yanukovich, was pitched over the bar of the President, virtually withdrew from the exercise of his constitutional powers and fled to the Russian Federation, followed by other leaders of Ukraine who openly lobbied the interests of the aggressor country.

The statistical analysis of the data of the Unified State Register of Judgments (hereinafter referred to as "the USRJ") shows that during the six years from February 22, 2008 to February 22, 2014, only one decision was made in Ukraine for committing the crime under Art. 111 of the Criminal Code of Ukraine (State Treason), which has not yet been convicted, whereas in the next six years, from 22 February 2014 to 22 February 2020, 42 court decisions were imposed. Therefore, in view of the constant increase of threats to national security, the necessity of modelling the criminological profile of a person committing a high treason has become urgent.

## Methodological Framework of the Research

The purpose of the article is to simulate a criminological profile of a perpetrator of a high treason.

The formulated purpose of the study allowed us to put forward the main hypotheses that should be tested in the course of its implementation:

1. One of the main factors that motives to a high treason commitment is a self-serving purpose for the sake of moving to a neighbouring country and providing material security to the family.
2. Origin by birth and residence from the territory of the aggressor country, the occupied territory or the areas adjacent to them increase the risks of committing a high treason through the relevant (informational and psychological) influence of the aggressor country.
3. In the most cases, special services of foreign states incline servicemen to commit a high treason for the purpose of obtaining sensitive information, weapons, equipment, etc. from them.

The methodology of the empirical part of our study is based on general scientific methods, the main of which was the method of systematic analysis. This method in some way combines subjective and objective moments of knowledge. It is a program of theory formation and practical implementation (Khalymon, Polovnikov, & Volynets, 2020).

The study was aimed at identifying and examining the socio-demographic and criminal characteristics of those who committed a high treason.

The study used a specially designed questionnaire to evaluate the criminological profile of the person who committed high treason. It included 24 items that characterized traitors and were modelled on the basis of an analysis of researches on similar topics, as well as the authors' personal views on the problem.

The specific nature of the research topic and the inability to examine closed (secret) court decisions prompted us to study the available data of the USRJ of Ukraine. The data set with court decisions was formed for the study, which was obtained from the USRJ of Ukraine. During the study execution, the USRJ of Ukraine contained 42 available court decisions under Art. 111 of the Criminal Code of Ukraine, which have been pronounced by the courts for the last six years since 2014. We differentiated these court decisions by types and obtained the distribution of statistics as follows:

- conclusions to indict – 34 (81.0%), of which, using Art. 69 – 12 (28.6%), a person was acquitted and convicted of another crime – 3 (7.1%), a person was fully acquitted – 1 (2.4%);
- decisions of the panel of judges on relief from criminal punishment on the basis of Part 2 of Art. 111 of the Criminal Code of Ukraine – 5 (11.9%);
- the Supreme Court's ruling on the cassation appeal, where the lower court's decisions were left unchanged – 3 (7.1%).

In total, 39 court decisions were worked out (without taking into account the three Supreme Court rulings on cassation appeals, where lower court decisions were left unchanged) in criminal proceedings against 41 persons.

## Review of the Literature

There are many different methods of criminal profiling, all of which depend on the validity of the underlying theory, logic and understanding. Some methods are abstract, general and prognostic, others specific. Some rely on offender group statistics or solely on the experience or case-by-case study of behavioural evidence (No authors, 2012).

In order to better understand the modelling of the criminal profile of the offender, let's call to memory the history of its occurrence. In the 1970s, the United States Federal Bureau of Investigation (hereinafter FBI) began conducting criminological profiling based on a comprehensive approach using practical experience, psychology, crime scene and maritime medicine. Special Agent Howard Teten was a member of the relevant FBI Division, who developed and taught a course called "Applied Criminology" (profiling). Teten taught the course with a fellow agent, Pat Mullany, who was also an FBI instructor. Together, they began receiving inquiries from police investigators and checking the profiles of criminals who had been prosecuted. In the course of their work many positive results were obtained. The success of Teten and Mullany led to the creation of the FBI National Centre for Violent Crime Analysis (NCAVC) and put the criminological profiling process into practice (Morton, & Lord, 2005).

Continuing, it should be noted that some scholars determine the profiling of criminals as a simulation of the criminological profile of a person who committed a particular crime with a view to further using the accused to prove the guilt or identifying an unknown offender (Douglas, Ressler, Burgess, & Hartman 1986; Petherick, & Turvey 2012; Esparza, & Turvey, 2016). In our study we characterise the criminological profile of persons who committed a high treason, summarized from the available data of the USRJ of Ukraine on a number of known crimes (although there may be other sources: criminal proceedings, operational reports, etc.). Therefore, there is a need to distinguish these two types of criminological profile, which are inherently similar but have different purposes and modelling techniques, the first, as we have said, is used in criminal proceedings to prove the guilt of an accused for a particular crime or to find an unknown offender who committed a crime, the second is used to search and identify those who may prepare a crime commitment.

A similar methodology for modelling the criminological profile for migrant smugglers was used in their study by Kuryliuk, & Khalymon, who also studied available data from the USRJ of Ukraine on court decisions under Art. 332 (Illegal trafficking of persons across the State border of Ukraine) of the Criminal Code of Ukraine (Kuryliuk, & Khalymon, 2020).

The issue of the effectiveness of the use of criminal profile is one of the controversial. For example (Kocsis, 2013), in his study, note that despite the development, both in the research and in the practical application of criminal profiling, over the last four decades, the empirical assessment of the accuracy of the methodology, and therefore its validity, remains limited.

In our opinion, the criminological profile used to prove the guilt of the accused or to identify an unknown criminal in a specific criminal proceeding is criticized for the risks of possibly convicting an innocent person as a result of being identified with the appropriate criminological profile model.

The criminological profile of the traitor which we propose has a predictive nature, somewhat different nature of modelling based on the statistics of a group of offenders, and can be used by law enforcement agencies that are authorized to prevent crime in the field of national security, to search and identify persons who may prepare to commit such a kind of crime.

Among the considerable number of well-known works of foreign and Ukrainian scholars on the penal, criminalistical and criminological characteristics of a high treason, no studies have been conducted to simulate the criminological profile of the person who committed such a crime.

In a further analysis of the available works of foreign scientists, it was found that they mainly investigated certain elements of insider threats to national security. For example, research has been conducted on insider threats in the area of information and communication technologies and organizational IT systems (Huth, 2013; Herrera, & Maennel, 2019; Brown, Buede, & Vermillion, 2019; Gragido & Pirc, 2011). Ukrainian scientists have explored information security and means of its legal support (Kharytonov, Kharytonova, Tolmachevska, Fasii & Tkalych, 2019).

It can also be noted that, according to a study conducted on May 2005 by the Coordination

Centre and Secret Service US CERT / SEI Insider Threat, entitled “Insider Threat Investigation: Computer Systems Sabotage in Critical Infrastructure Sectors”, 16% of insider activity occurs in governmental organizations (Cole, & Ring, 2006). One of the governments’ most well-known “evil insiders” is Edward Snowden, who, as a computer security expert at the US Central Intelligence Agency, has betrayed his country’s national interests and stole more than a million of confidential documents. In May 2013, he fled to Hong Kong and began to disclose the contents of the stolen data, which led to the disclosure of Western government policy on secret mass surveillance (Ring, 2015).

Some foreign scholars have investigated the direct profiling of insider threats and the specifics of traitor detection methods, depending on their use of operational or operational and technical means (Al tabash, & Happa, 2018; Cole, & Ring, 2006).

Among Ukrainian scientists, Zaitsev paid attention to the study of a high treason in his works (Zaitsev, 2017), who conducted research, including data of the USSR of Ukraine, and concluded that in 2014-2017 a high treason was made by Ukrainian citizens for the benefit of the military and intelligence agencies of the Russian Federation or their controlled structures. In addition, the mentioned author notes that the citizens of Ukraine are ready to make a high treason for the sake of moving to a neighbouring country and financial security of their families. The own beliefs of mistrust and imperceptions of the current authorities in Ukraine also act as a driving force. This crime is mostly committed by military personnel of the Armed Forces of Ukraine, law enforcement officials and temporarily unemployed persons.

Some aspects of this problem were studied by (Konchuk, 2019), who analysed the peculiarities

of the imposition of punishment for a high treason in her work and proposed to provide for exemption from criminal liability for high treason in the following cases: 1) if a citizen of Ukraine or a person with citizenship of Ukraine and belonging to citizenship of another state (other states) simultaneously stopped committing actions (inaction) aimed at the grievance of sovereignty, territorial integrity and inviolability, defence capability, state, economic or information security of Ukraine, although the possibility of consummation of crime existed; 2) there were no damage to the national security of Ukraine; 3) voluntarily informed the state authorities about the committed.

## Results and discussion

Studying the criminological characteristics of the perpetrators of a high treason, we have chosen a structure that includes socio-demographic (gender, age, education, nationality) and penal (motivation of criminal behaviour, single or group nature of criminal acts, duration of criminal activity, availability or absence criminal record, etc.).

Agreeing with (Makhatadze, 2017), it should be noted that indeed, the dominant element in the structure of the offender’s personality is socio-demographic characteristics. It includes: gender, age, education, profession, experience, nationality, citizenship, place of residence and other data on a person’s social status.

### Socio-demographic characteristics

The analysis of the obtained data shows that the persons who have committed the high treason are classified as follows: among the total number of investigated persons in 34 cases (82.9%) – are men, in 7 (17.1%) – are women (see the Table 1).

**Table 1.**  
*Gender*

	<b>N<sub>0</sub></b>	<b>%</b>
<b>Male</b>	34	82,9
<b>Female</b>	7	17,1

In the process of studying age characteristics for greater informational value, we have divided the age structure into five positions, which are further divided into three groups. Thus, convicted persons for the high treason were

divided by age as follows: youth (18-24 years) – 3 cases (7.3%); 25-34 years – 8 (19.6%); average age (35-44 years) – 17 (41.5%); 45-59 years – 9 (21.9%); 60 years and older – 4 cases (9.7%) respectively (see the Table 2).

**Table 2.**

*Age*

	<b>№</b>	<b>%</b>
<b>18-24</b>	3	7.3
<b>25-34</b>	8	19.6
<b>35-44</b>	17	41.5
<b>45-59</b>	9	21.9
<b>60 and older</b>	4	9.7

The results show that the majority of people who committed the high treason belong to the middle and older age, which together accounted for 30 cases (73.2%) of all persons under study.

The level of education is an important component of the socio-demographic characteristics of the offender. Thus, a person's characteristics by level of education make it possible to determine outlook, knowledge, skills, habits, and possibility of self-realization and level of

intellectual and cultural development (Khalymon, 2008).

In general, by level of education, the perpetrators of this crime are characterized as follows: 21 cases (51.3%) have higher education, 1 (2.4%) have primary higher education (college, technical school, secondary medical postgraduate, junior specialist), at 18 (43.9%) have secondary, special education or vocational education (general academic school, lyceum, vocational school), 1 (2.4%) have primary education (less than 9 classes) (see the Table 3).

**Table 3.**

*Education*

	<b>№</b>	<b>%</b>
<b>Higher education</b>	21	51.3
<b>Primary higher education</b>	1	2.4
<b>Secondary, special education or vocational education</b>	18	43.9
<b>Primary education</b>	1	2.4

Taking into account results of the study of court decisions we have concluded that the occupation of persons is characterized as follows: the highest indicator was made by military personnel with 12

cases (29.3%), 9 (21.9%) – were employees, 8 (19.6%) were competent employees, 1 (2.4%) – was entrepreneur, 2 (4.9%) – were pensioners, 9 (21.9%) did not work (see the Table 4).

**Table 4.**

*Occupation*

	<b>№</b>	<b>%</b>
<b>Military personnel</b>	12	29.3
<b>Employees</b>	9	21.9
<b>Competent employees</b>	8	19.6
<b>Entrepreneur</b>	1	2.4
<b>Pensioners</b>	2	4.9
<b>Unemployed</b>	9	21.9

In a typical criminological portrait, we used the concept of a government official by combining the statistics of the survey on national servicemen and employees into one group and got an overall result of 51.2%.

In comparison, for example, with the data of the Coordination Centre and the Secret Service of the United States / CERT / SEI Insider Threat, where the value on insider activity of government officials is at the level of 16% (Cole, & Ring, 2006), the Ukrainian variant, as we see, is almost in 3 times (51.2%) exceeds the American value. In our opinion, such a difference is primarily due

to the peculiarities of the status of these countries: the US is a highly developed country where foreign intelligence is hunting for technology; Ukraine is a war-torn country, so precisely government officials who face with confidentiality are more interested in intelligence.

Also the ethnicity of those who commit high treason is important. According to our study, Ukrainians were mostly criminals; there were 23 cases (56.1%), in 18 (43.9%) Russians (see the Table 5).

**Table 5.**  
*Nationality*

	<b>№</b>	<b>%</b>
<b>Ukrainians</b>	23	56.1
<b>Russians</b>	18	43.9

In addition, (Makhatadze, 2017) speaks about the importance of the personality-role characteristics of a person, which characterizes an individual in the system of existing social institutions, which is manifested in a person's belonging to a certain social group, interaction with other individuals in different spheres of life of society, that is personality-role characteristics define the

everyday, family, industrial and general ties of the subject. One of the social institutions where a person fulfils his / her "role" is the family.

Thus, the number of married offenders is 23 persons (56.1%), in 16 cases (39.1%) the offenders were not married, and the other 2 persons (4.9%) were divorced (see the Table 6).

**Table 6.**  
*Marital status*

	<b>№</b>	<b>%</b>
<b>Were married/covert</b>	23	56.1
<b>Were not married</b>	16	39.1
<b>Were divorced</b>	2	4.9

In addition, at the time of the crime in 30 cases (73.1%), there were no juvenile dependents, 7

(17.1%) had one child and 4 (9.7%) had two children at dependent (see the Table 7)

**Table 7.**  
*Children on maintenance*

	<b>№</b>	<b>%</b>
<b>There were no juvenile dependents</b>	30	73.1
<b>One child was dependent on</b>	7	17.1
<b>Two children were at dependent on</b>	4	9.7

Most of the perpetrators of the crime provided by the Art. 111 of the Criminal Code of Ukraine – in

37 cases (90.3%) lived in cities, in 4 (9.7%) were inhabitants of villages (see the Table 8).

**Table 8.**  
*Place of residence by level of urbanization*

	<b>№</b>	<b>%</b>
<b>City</b>	37	90.3
<b>Village</b>	4	9.7

We received the following distribution by regions of residence: 19 (46.3%) residents of the rear regions of Ukraine, 12 (29.2%) residents of the occupied territory and 10 (24.5%) residents of the areas bordering the occupied territory or aggressor country (see the Table 9).

**Table 9.**  
*Place of residence by region*

	<b>№</b>	<b>%</b>
<b>Residents of the rear regions of Ukraine</b>	19	46.3
<b>Residents of the occupied territory</b>	12	29.2
<b>Residents of the areas bordering the occupied territory or aggressor country</b>	10	24.5

It is interesting that 16 (39.1 %) persons were born at rear regions of Ukraine, 9 (21.9 %) – areas bordering the occupied territory or

aggressor country, 9 (21.9 %) – natives of aggressor country and 7 (17.1 %) – we were born at occupied territory (see the Table 10).

**Table 10.**  
*Place of birth according to region*

	<b>№</b>	<b>%</b>
<b>Natives of rear regions of Ukraine</b>	16	39.1
<b>Natives of areas bordering the occupied territory or aggressor country</b>	9	21.9
<b>Natives of aggressor country</b>	9	21.9
<b>Natives of occupied territory</b>	7	17.1

As we can see, in both groups (by birth to a greater extent – 25 cases (60.9%), by residence to a lesser extent – 22 cases (53.7%)), the majority of persons are in one way or another related to the territory in which they have or have had the influence of the aggressor country. This is the territory of the aggressor country, the occupied territory and the areas bordering them.

The second important element that characterizes the offender's personality is the criminal-law characteristics that, according to (Botnarenko, 2017), allow us to establish the trend and motivation of criminal behaviour, the single or

group nature of criminal acts, the duration and intensity of criminal activity, the presence or absence of criminal activity etc. That is, this information foresees the characterization of the offender's personality from the criminal law perspective and covers the qualities inherent to the offender.

### **Criminal signs**

Among the surveyed persons there were only 2 cases (4.9%) where convicted persons had a criminal history (criminal record) (see the Table 11).

**Table 11.**  
*Criminal Record*

	<b>N<sub>2</sub></b>	<b>%</b>
<b>No</b>	39	95.1
<b>Yes</b>	2	4.9

Most of those convicted of a high treason committed crimes alone – 30 cases (73.1%), part of the group of persons – 9 (21.9%), and complicity with others – 2 (5.0%) (see the Table 12).

**Table 12.**  
*Complicity*

	<b>N<sub>2</sub></b>	<b>%</b>
<b>Committed crime alone</b>	30	73.1
<b>Committed crime as part of the group</b>	9	21.9
<b>Committed crime complicity with others</b>	2	5.0

In all cases, the high treason was committed in favour of the aggressor country, with the objective side of treason being the following: 18 cases (43.9%) of assisting a foreign state, foreign organization or their representatives in conducting subversive activities against Ukraine; espionage: transfer or collection of the state

secret information for the purpose of transmission to a foreign state, a foreign organization or their representatives – 15 (36.5%); moving to the side of the enemy in martial law or in times of armed conflict – 8 (19.6%) (see the Table 13).

**Table 13.**  
*Form of a high treason commitment*

	<b>N<sub>2</sub></b>	<b>%</b>
<b>Assisted a foreign state, foreign organization or their representatives in conducting subversive activities against Ukraine</b>	18	43.9
<b>Made espionage</b>	15	36.5
<b>Moved to the side of the enemy in martial law or in times of armed conflict</b>	8	19.6

Assisting a foreign state, foreign organization or their representatives in carrying out subversive activities against Ukraine was to facilitate these activities by government officials (mainly local government and court employees) who stayed in the occupied territory and went over the state authorities of the aggressor country – 7 cases (17.1%), inciting others to commit subversive activities – 5 (12.2%), taking possession of a military aircraft of the Armed Forces (hereinafter AF) of Ukraine for the purpose of flight to the

territory of the country – 2 (4.9%), imitation of a terrorist act with the purpose of discrediting the Armed Forces and other law enforcement agencies of Ukraine by involving participants of the Anti-terrorist operation in the east of Ukraine – 2 (4.9%), weapons trafficking to the territory of Ukraine – 1 (2.4%), search of places for the arrangement of a combat training camp for the purpose of subversive activity in Ukraine – 1(2.4%) (see the Table 14).



**Table 14.***Types of assistance a foreign state, foreign organization or their representatives in carrying out subversive activities*

	<b>№</b>	<b>%</b>
<b>Concur in subversive activities</b>	7	17.1
<b>Incited others to commit subversive activities</b>	5	12.2
<b>Captured a military aircraft</b>	2	4.9
<b>Imitated terrorist act</b>	2	4.9
<b>Trafficked weapon</b>	1	2.4
<b>Searched of places for the arrangement of a combat training camp</b>	1	2.4

Espionage consisted of collecting information on Ukrainian military units by their location, alarms, codes, passwords, etc., using intelligence or investigative operations – 12 cases (29.2%), gathering information in the field of defence,

information of a military nature (information on staffing of military equipment that is armed at the Armed Forces of Ukraine; state-owned enterprises that repair the above equipment equipment) 3 (7.3%) (see the Table 15).

**Table 15.***Types of espionage*

	<b>№</b>	<b>%</b>
<b>Collected information on Ukrainian military units</b>	12	29.2
<b>Collected information in the field of defence</b>	3	7.3

Adhering to the enemy's side in a state of martial law or in times of armed conflict was carried out by accepting citizenship and including to the lists of military units of the aggressor country.

The convicted persons committed the high treason from 1 to 6 months in 24 cases (58.5%), over 24 months – in 10 (24.4%) and within 7 - 12 months in 7 (17.1%) cases (see the Table 16).

**Table 16.***The period during which the crime was committed*

	<b>№</b>	<b>%</b>
<b>From 1 to 6 months</b>	24	58.5
<b>Within 7 - 12 months</b>	7	17.1
<b>Over 24 months</b>	10	24.4

Motives for the high treason commitment: negative attitude towards the state power in Ukraine – 21 cases (51.2%), desire to move to the side of the

aggressor country – 9 (21.9%), self-serving purpose – 6 (14.7%), pressure of special services outside the territory of Ukraine – 5 (12.2%) (see Table 17).

**Table 17.***Motives*

	<b>№</b>	<b>%</b>
<b>Negative attitude towards the state power</b>	21	51.2
<b>Desire to move to the side of the aggressor country</b>	9	21.9
<b>Self-serving purpose</b>	6	14.7
<b>Pressure of special services outside the territory of Ukraine</b>	5	12.2

Only 8 cases (19.6%) clearly demonstrated obtaining of funds from representatives of the special services of the aggressor country for the crime, in 6 (14.8%) cases these amounts are in the range of 100-500, one in the range of 1000-10000 (2.4%) and 10000-50000 (2.4%) USD. At the same time, persons who moved over the enemy's side in martial law or in times of armed conflict – 8 cases (19.6%) received money in the form of cash security, already as servicemen of the aggressor country. Also, government officials who stayed in the occupied territory and moved

over the state authorities of the aggressor country in 7 cases (17.1%) received money in the form of cash security. In addition, in 3 cases (7.3%), those who committed the high treason were expected to receive preferences from the government of the aggressor country in the form of citizenship, pensions and social benefits. Thus, taking into account the cases of financial security and the expected preferences, we have an indirect payment and a correspondingly self-serving purpose of committing a crime at the level of 26 cases (63.6%) of the total number (see the Table 18).

**Table 18.**  
*Receiving funds for committing a crime*

	<b>Nº</b>	<b>%</b>
<b>100-500 USD</b>	6	14.8
<b>1000-10000 USD</b>	1	2.4
<b>10000-50000 USD</b>	1	2.4
<b>Persons, who moved over the enemy side received money in the form of cash security</b>	8	19.6
<b>Government officials who stayed in the occupied territory and moved over the state authorities of the aggressor country received money in the form of cash security</b>	7	17.1

It is important to characterize the form of involvement in the execution of a criminal task of a foreign state for profiling a state traitor: without written obligation – 18 cases (43.9%), oath taking at enlistment in the military service

of the aggressor country – 8 (19.5%), oath taking at enlistment in the civil service of the aggressor country – 7 (17.1%), written commitment 7 (17.1%), movement over terrorists – 1 (2.4%) (see the Table 19).

**Table 19.**  
*Form of involvement*

	<b>Nº</b>	<b>%</b>
<b>Involved without written obligation</b>	18	43.9
<b>Took oath of the aggressor country</b>	8	19.5
<b>Took oath civil service of the aggressor country</b>	7	17.1
<b>Involved by written commitment</b>	7	17.1
<b>Moved over terrorists</b>	1	2.4

In addition, in the course of sentencing analysis, we received information on forms and means of communication for the transmission of information that were used in the course of a foreign country's criminal mission. It is clear that personal meetings and mobile terminals were used by persons who moved over the enemy side and were enlisted in military service in the Armed Forces or public service of the aggressor country – 15 cases (36.6%) and 5 (12.2%) other persons, in 8 (19.5 %) cases – used personal

meetings, mobile terminals and e-mail boxes via the Internet, 7 (17.1%) used only e-mail boxes via the Internet, 2 (4.9%) used mobile terminals and social networks, in 2 (4.9%) – video was used through the Internet (for online participation in the propagandist television programs of the aggressor country), on one occasion special software was used to transmit messages via the Internet (2.4%) and magnetic data medium (2.4%) (see the Table 20)

**Table 20.**  
*Forms and means of communication*

	<b>№</b>	<b>%</b>
<b>Personal meetings and mobile terminals</b>	20	48.8
<b>Personal meetings, mobile terminals and e-mail boxes</b>	8	19.5
<b>Only e-mail boxes</b>	7	17.1
<b>Mobile terminals and social networks</b>	2	4.9
<b>Video</b>	1	2.4
<b>Messenger</b>	1	2.4

Attitude to guilt: convicted did not admit guilt in 17 cases (41.4%), admitted guilt (facilitated the investigation, signed plea agreements) – 8 (19.6%), in 6 (14.7%) trial was conducted without the presence of the accused, therefore no

convicts of guilt were known, admitted guilt in 4 (9.7%), admitted guilt with contriteion in 4 (9.7%), partially admitted guilt in 2 (4.9%) (see the Table 21).

**Table 21.**  
*Attitude to guilt*

	<b>№</b>	<b>%</b>
<b>Did not admit guilt</b>	17	41.4
<b>Admitted guilt and facilitated the investigation</b>	8	19.6
<b>Admitted guilt</b>	4	9.7
<b>Contriteion</b>	4	9.7
<b>Partially admitted guilt</b>	2	4.9
<b>Uncertain</b>	6	14.7

One of the main circumstances to be proved are the circumstances that mitigate and aggravate the punishment of Art. 66 (Circumstances that mitigate punishment) and Art. 67 (Circumstances that aggravate punishment) of the Criminal Code of Ukraine.

In our opinion, it is noteworthy that in all investigated judgments the courts did not establish aggravating circumstances. Mitigating circumstances were found in 25 cases (60.9%), most of them, 12 (29.2%) cases, taking into account contriteion by courts or active facilitation of crime investigation, and 8 (19.6%) cases involving several circumstances that

mitigate punishment affecting the perpetrator, including his or her young or retirement age, lack of convictions, positive characteristics from place of residence, presence of minors or elderly persons at dependent on, disability, general situation in the occupied territory in which citizens of Ukraine stayed by force there and were affected by armed aggression on the side of the Russian Federation, etc., in 4 cases (9.7%) in similar circumstances that mitigate punishment and the courts do not take them into account; in 1 (2.4%) the status of a participant in a war betrayal was taken into account (see the Table 22).

**Table 22.**  
*Circumstances that mitigate punishment*

	<b>№</b>	<b>%</b>
<b>Contriteion and facilitation of crime investigation was taken into account</b>	12	29.2
<b>Several circumstances that mitigate punishment, (young age, lack of convictions, situation in the occupied territory) were taken into account</b>	8	19.6

<b>Status of participant in military operations was taken into account</b>	1	2.4
<b>Circumstances that mitigate punishment we're not taken into account</b>	4	9.7

In order to complete the criminological portrait of the perpetrator of the high treason, it is necessary to find out the punishment applied to the perpetrators. The sanction of Art. 111 of the Criminal Code of Ukraine provides for punishment for committing this crime in the form of imprisonment for a term of twelve to fifteen years with or without confiscation of property (Part 1 of Article 111 of the Criminal Code of Ukraine).

The studied judgments indicate the preferred use of imprisonment for a term of twelve to fifteen years without confiscation of property – 15 cases (36.6%) and 5 (12.2%) with confiscation of property. In most sentences the courts applied

Art. 69 of the Criminal Code of Ukraine (disproportionate a milder sentencing than prescribed by law) respectively – in 12 cases (29.3%) and in 5 (12.2%) part 2 of Art. 111 of the Criminal Code of Ukraine due to failure to act on a criminal task. Also in 3 cases (7.3%) the person was acquitted and convicted for other crimes (Articles 114-1 (Wrongful obstruction of the lawful activity of the Armed Forces of Ukraine and other military formations), 258-3 (Creation of a terrorist group or terrorist organization), 409 (Evasion from military service by self-injury or otherwise) of the Criminal Code of Ukraine) and in 1 (2.4%) are fully justified under Art. 111 of the Criminal Code of Ukraine (see the Table 23).

**Table 23.**  
*The degree of punishment*

	<b>№</b>	<b>%</b>
<b>Imprisonment for the term of twelve to fifteen years without confiscation of property</b>	15	36.6
<b>Imprisonment for the term of twelve to fifteen years with confiscation of property</b>	5	12.2
<b>Disproportionate a milder sentencing than prescribed by law according to Art. 69 of CCU was applied</b>	12	29.3
<b>Art. 111 of the CCU was applied due to failure to act on a criminal task.</b>	5	12.2
<b>Were acquitted and convicted for other crimes</b>	3	7.3
<b>Fully justified</b>	1	2.4

Special mention should be made of the fact that 19 (46.3%) persons committed related crimes under the following articles of the Criminal Code of Ukraine: 109 (Actions aimed at forcible change or overthrow of the constitutional order) – 3 (7.3%), 110 (Attack on territorial integrity and inviolability of Ukraine) – 5 (12.2%), 113 (Diversion) – 1 (2.4%), 114-1 (Obstruction of the lawful activity of the Armed Forces of Ukraine and other military formations) – 1 (2.4%), 172 (Gross violation of labour legislation) – 1 (

2.4%), 201 (Smuggling) – 1 (2.4%), 258 (Terrorist Act) – 1 (2.4%), 258-3 (Creation of a terrorist group or terrorist organizations) - 4 (9.7%), 258-4 (Facilitation of terrorist act) – 1 (2.4%), 258-5 (Financing of terrorism) – 1 (2.4%), 263 (Illegal use of weapons, ammunition or explosives) – 5 (12.2%), 408 (Desertion) – 7 (17.1%), 437 (Planning, preparation, establishment and conduct of an aggressive war) – 2 (4.9%) (see the Table 24).

**Table 24.**  
*Related crimes*

	№	%
109	3	7.3
110	5	12.2
113	1	2.4
114-1	1	2.4
172	1	2.4
201	1	2.4
258	1	2.4
258-3	4	9.7
258-4	1	2.4
258-5	1	2.4
263	5	12.2
408	7	17.1
437	2	4.9

## Conclusions

The results of the study showed that insufficient attention is paid to the study of the traitor's identity in the scientific literature. The above mentioned confirms the relevance of the study, and the results may become material for further comprehensive monographs on the study of criminological features of persons who have committed the high treason or other crimes in the field of national security.

The results of the study of court decisions under Art. 111 of the Criminal Code of Ukraine, their analysis and generalization, make it possible to work out a criminological profile of the offender who commits a high treason. That is male (82.9%), aged 35-59 (63.4%), living in the city (90.3%), has higher education (51.2%), government official (51.2%), married (56.1%), does not have under-aged children dependent (73.1%), was not convicted (95.1%) and committed a crime alone (73.1%). At the same time, it should be noted that this model of criminological profile of the state traitor is characteristic of Ukrainian criminals and can be applied to a greater extent in Ukraine.

The results generally confirmed hypothesis № 1 that one of the main motives for committing the high treason is a self-serving purpose. Thus, indeed, taking into account the individuals who received funds from special services, money from the government of the aggressor country, and expected citizenship, retirement benefits and social benefits, we have a lucrative goal of 26 cases (63.6%), which is also confirmed by studies of domestic scientists (Zaitsev, 2017).

Hypothesis № 2 has also been confirmed. As a result of conducted study we have found that originations from the territory of the aggressor country, the occupied territory or the areas bordering on them increased by more than 25 cases (60.9%) and less by 22 cases (53.7%) risks of committing the high treason through the appropriate (informational-psychological) influence of the aggressor country.

Hypothesis № 3 is partially confirmed. Only in 12 cases (29.3%) special services of foreign states incline to the high treason servicemen, who in our study are included in one general group together with government officials.

Thus, the abovementioned elements of the criminological profile of the person who committed the high treason will help the operational staff to form an idea of the contingent of persons who may be inclined to commit this type of crime. In addition, the use of a typical profile of such persons will allow narrowing the range of search for factual information about the intelligence and subversive activity of special services of foreign states and will promote the interests of criminal justice, as well as obtaining information in the interests of security of citizens, society and the state.

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