

“Manufacturing Impunity: Russian Information Operations in Ukraine: Russia’s Use of Information Alibis and How They Materially Contribute to the Planning, Execution and Cover-up of International Crimes” (‘Manufacturing Impunity’) provides an in-depth examination of “information alibis”, a distinct form of disinformation employed by the Russian Federation in armed conflicts. Information alibis involve the preemptive dissemination of false information, carefully crafted to deflect responsibility for crimes committed by the actual perpetrator or perpetrating State. By constructing these deceptive narratives, Russia aims to absolve its leadership of culpability and manipulate the information landscape to its advantage. This tactic represents a cynical weaponisation of rhetoric as part of Russia’s broader military strategy.

The report analyses the structure, purpose, and objectives of information alibis within the wider context of Russian information operations. It reveals a coherent strategy rooted in state doctrine, evident in operations within Ukraine, Syria, and other regions of the world. This strategy involves a complex interplay of state actors and carefully orchestrated disinformation campaigns designed to mislead both domestic and international audiences.

Russian Information Operations and Use of Information Alibis

Manufacturing Impunity reviews Russia’s general information operations, highlighting their structure, evolution, and implementation during armed conflicts. Russian information operations are characterised by a complex framework blending psychological, technical, and strategic methods aimed at influencing domestic and international perceptions. Rooted in Soviet-era propaganda tactics, these operations have evolved to play a critical role in Russia’s domestic and foreign policy strategies.

A key component of Russia’s information strategy is the development of “information alibis” – fabricated narratives intended to obscure the truth, evade accountability, and justify unlawful actions. These tactics were notably employed during Russia’s military intervention in Syria, particularly to deny the Syrian Government’s use of chemical weapons against its own people and unlawful attacks against the Syrian Civil Defence (“White Helmets”), a Syrian non-governmental organisation.

Overall, Russia’s information operations represent a deliberate, multi-layered approach to influence narratives, destabilise adversaries, and shape the global perception of its actions. These strategies underscore the necessity for enhanced international efforts to counter disinformation, promote factual accuracy, and strengthen accountability for information-related crimes.

How Russia has Used Information Alibis during its War of Aggression in Ukraine

‘Manufacturing Impunity’ presents five detailed case studies illustrating the practical application of information alibis in the context of Russia’s war of aggression in Ukraine. Each case study analyses a specific incident, including:

- Mariupol Maternity Ward No. 3;
- Mariupol Drama Theatre;

- Kramatorsk train station;
- Olenivka POW camp; and
- Kakhovka Dam.

The case studies showcase the diverse tactics employed by Russia in creating and disseminating information alibis. They highlight the use of various media platforms, including Telegram channels, state-controlled media outlets, and social media influencers, to spread false narratives and manipulate public perception. They also demonstrate the active involvement of Russian political and military leadership, including the Ministry of Foreign Affairs, Permanent Mission of Russia to the UN and Ministry of Defence. The case studies also demonstrate the devastating consequences of these disinformation campaigns, which often lead to increased civilian casualties, a further escalation of the conflict, and the masking of responsibility.

For example, the case study on the Mariupol Maternity Ward No. 3 attack reveals how Russia used information alibis to deflect responsibility for the bombing of a hospital, falsely claiming that it was being used as a military base by Ukrainian forces. Similarly, the case study on the Olenivka POW camp attack demonstrates how Russia used disinformation to blame Ukraine for the shelling of a prison holding Ukrainian prisoners of war, despite considerable evidence suggesting Russian involvement. In both scenarios, the preemptive disinformation was spread by various actors, including diplomats, social media figures and media outlets; and the official narratives following the kinetic attack which emanated from official sources such as the Ministry of Defence parroted the preemptive disinformation. The preemptive disinformation is therefore utilised as a convenient pretext to sow doubt and shift the blame from perpetrator to the victim.

These case studies provide compelling evidence of Russia's regular use of information alibis to justify its actions, discredit its adversaries, and evade accountability for international crimes.

Information Alibis and their Contribution to the Planning, Execution and Cover-up of an International Crime

After reviewing the five information alibis, 'Manufacturing Impunity' continues by addressing the legal consequences of using information alibis during conflict, examining whether such actions constitute a contribution to an international crime. It explores three distinct modes of individual criminal liability under the Rome Statute, with particular emphasis on Article 25(3)(d), which addresses contributing to a crime committed by a group of persons acting with a common purpose.

One of the key challenges in prosecuting individuals for disseminating information alibis is establishing a direct link between their actions and the commission of an international crime. This requires the demonstration that the disinformation campaign had a substantial effect on the perpetration of the crime, either by facilitating its commission or hindering investigations and accountability.

However, the jurisprudence of international criminal tribunals provides some guidance on this issue. For example, in the ICTY case of *Prosecutor v. Mladić*, the Trial Chamber found that

Radko Mladić, the former commander of the Bosnian Serb Army, had made a significant contribution to the Srebrenica genocide by disseminating disinformation to conceal the crimes and obstruct justice.

This case, along with other precedents, suggests that individuals involved in information alibis can be held criminally responsible if their actions contribute to the commission of international crimes.

The Blueprint: How to Investigate and Prosecute Information Alibis

The final section presents a blueprint for investigating and prosecuting individuals involved in disseminating disinformation employed in the planning and execution of international crimes. Using the Kakhovka dam attack as a case study, it outlines four key investigative steps:

- *Step 1:* Establishing the occurrence of an international crime. This involves gathering evidence to prove that a crime within the jurisdiction of the ICC has been committed, such as a war crime or a crime against humanity.
- *Step 2:* Investigating those responsible for spreading disinformation. This requires identifying the individuals and organisations involved in the disinformation campaign, analysing their roles and responsibilities, and tracing the flow of information.
- *Step 3:* Assessing potential exemptions to freedom of expression protections. This involves evaluating whether the disinformation campaign falls within the legitimate restrictions on freedom of expression recognised by international law.
- *Step 4:* Determining the appropriate mode of liability to prosecute such individuals under international law. This requires analysing the specific circumstances of the case and selecting the most appropriate mode of liability, such as co-perpetration, aiding and abetting, or contributing to a common purpose.

Conclusion

The report concludes that information alibis, when used to plan, execute or conceal international crimes, can be legitimately restricted under international law. By shedding light on the deceptive tactics employed by Russia in information warfare, this report aims to raise awareness and contribute to efforts to counter disinformation and promote accountability for international crimes. It provides valuable insights for policymakers, legal professionals, and civil society organisations working to address the challenges posed by information alibis and other forms of disinformation in armed conflicts.

‘Manufacturing Impunity’ underscores the urgent need for the international community to recognise and address the threat posed by information alibis. This will require a concerted effort to uphold international law, promote accountability and protect civilians in conflict zones. The International Criminal Court, the United Nations, states and civil society organisations all have a crucial role to play in countering disinformation and ensuring that those who manipulate the information landscape for criminal purposes are held responsible for their actions. Only through such collective action can we hope to safeguard international peace and security and prevent the further loss of trust in information sources.

Next Steps: Advancing Accountability Initiatives

This report advances a working theory of criminal culpability concerning the use of information alibis, grounded in existing legal frameworks and supported by preliminary evidentiary analysis. While it establishes a robust conceptual and legal foundation, further investigative steps are required to identify specific individuals - including participants in information operations - who may bear criminal responsibility, and to substantiate their role in facilitating or concealing the commission of international crimes.

The following section outlines key preparatory steps that must be undertaken prior to submitting such information to accountability mechanisms.

Clearly Identify Perpetrators Involved in Attacks in Ukraine

Part II presents a basic understanding of Russian information operations in the context of its military operations, including a basic description of the structure and potential hierarchy of such operations and more specific detail of how they are integrated into military operations. Although it is plain that overall they are integrated, a critical next step is to conduct investigations to systematically identify the individuals and entities responsible for the creation and dissemination of information alibis, including how they operate in tandem with the military operations, whether through specific orders per operation or more generalised planning that requires their action according to pre-set triggers. This requires a mapping of networks, including the roles played by Russian state officials, military leaders, state-influenced NGOs, diplomats, media actors and social media contributors (i.e. Telegram channel creators). It must also include evaluations of the precise nature of the hierarchical system that appears to exist, the nature of communication pathways, and the decision-making processes that are relied upon to disseminate the information alibis.

Collecting More Evidence Concerning the Five Information Alibis and Additional Instances

Part III presents *prima facie* evidence demonstrating that Russian operators participated in disinformation campaigns before, during and after five attacks against Ukrainian targets that constitute international crimes. Further investigations should prioritise the collection of more information establishing with even greater clarity the perpetration of a crime.

In addition to collecting information regarding the five information alibis in this report, future investigations should also review other incidents in Ukraine and third countries where Russian officials or affiliated actors relied upon information alibis to obscure responsibility for acts that may constitute international crimes.

Establishing Causal Links between Disinformation and the Perpetration of Specific Crimes

It is critical to further establish clear causal links between actions taken by individuals involved in disinformation campaigns and the perpetration or cover-up of a crime. Whilst it is not necessary to establish any *sine qua non* relationship, it is important to establish these links beyond a reasonable doubt, including, *inter alia*, the significance of the contribution to specific crimes or criminal plans and at least the alleged perpetrators' awareness of a contribution.