European Parliament

Subject: Request to initiate designation of the FSB and Rosgvardiya under the EU terrorist list

Dear President von der Leyen,
Dear President Costa,
Dear High Representative,

As we mark the fourth anniversary of Russia's full-scale invasion of Ukraine, we write to urge immediate and decisive legal action in response to the systematic, coordinated and state-directed campaign of terror conducted by Russian security structures against Ukrainian civilians, with the intent of seriously intimidating a population and destabilising or destroying the fundamental political, economic and social structures of Ukraine as a sovereign State. The scale, coordination and sustained character of these acts demonstrate that they are not incidental consequences of armed conflict, but form part of a deliberate and organised actions directed at the civilian population and at the functioning of the Ukrainian State, thereby requiring a formal assessment under the European Union's counter-terrorism framework.

On 9 July 2025, the European Parliament adopted the resolution *"The human cost of Russia's war against Ukraine and the urgent need to end Russian aggression: the situation of illegally detained civilians and prisoners of war, and the continued bombing of civilians."* This resolution recognised the systematic nature of grave abuses committed against Ukrainian civilians, including unlawful detention, torture, enforced disappearances, killings, and continued brutal attacks on civilian infrastructure across the country.

Extensive documentation from international organisations, including United Nations and Organization for Security and Co-operation in Europe (OSCE), investigative journalists, and testimonies from released detainees demonstrates that the Federal Security Service (FSB) and the Russian National Guard (*Rosgvardiya*) are directly involved in:

- Widespread and systematic use of torture against Ukrainian civilians.
- The abduction, unlawful confinement and arbitrary detention of Ukrainian civilians.
- The operation of detention facilities, in which torture and other forms of cruel, inhuman, or degrading treatment are systematically employed.
- The use of detention as a method of coercion, intimidation and persecution of a civilian population.
- Enforced disappearances of civilians.
- Providing support to other Russian state structures involved in operations targeting civilian infrastructure[1].

Estimates indicate that between 16,000 and potentially over 40,000 Ukrainian civilians are currently detained in Russia and in occupied territories. These individuals are not

[1] See, e.g., OSCE Office for Democratic Institutions and Human Rights, Eighth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine – 16 December 2025; Fourth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine – 12 December 2023. Independent International Commission of Inquiry on Ukraine, A/79/549, 2024. Report of the Independent International Commission of Inquiry on Ukraine, A/80/497, 2025. Council of Europe, Human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine, 31 August 2023.

prisoners of war. They are civilians abducted and detained without due process, frequently subjected to torture and inhumane treatment. There is currently no functioning mechanism for their release.

In parallel with these actions, Russian state structures have carried out repeated, coordinated and large-scale attacks against Ukraine's civilian infrastructure. These attacks have resulted in severe economic damage and serious risks to civilian life.

These actions must be assessed within the framework of Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism.

Article 1(3) of the Common Position 2001/931/CFSP defines terrorist acts as intentional acts which may seriously damage a country, where committed with the aim of seriously intimidating a population, unduly compelling a Government to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country. The provision expressly includes, *inter alia*, attacks upon a person's life which may cause death; attacks upon the physical integrity of a person; kidnapping or hostage-taking; causing fires or explosions the effect of which is to endanger human life; causing extensive destruction to a Government or public facility, a transport system or an infrastructure facility; interfering with or disrupting the supply of water, power or any other fundamental natural resource where the effect is to endanger human life; directing a terrorist group; and participating in the activities of a terrorist group. This definition of terrorist acts is equally applicable for the purposes of Council Regulation (EC) No 2580/2001, which implements specific restrictive measures against persons, groups and entities involved in such acts.

The conduct attributed to the Federal Security Service and the Russian National Guard, as described above, falls within the material scope of this definition of terrorist acts. Moreover, this conduct is neither isolated nor incidental. It is organised, sustained and carried out through structured chains of command over a prolonged period of time. Article 1(3) of the Common Position 2001/931/CFSP defines a "terrorist group" as a structured group established over a period of time and acting in concert to commit terrorist acts. The provision does not exclude entities that are formally state-affiliated where the objective criteria are fulfilled.

Furthermore, the requirement set out in Article 1(4) of Common Position 2001/931/CFSP is satisfied.

That provision establishes that inclusion in the EU terrorist list must be based on precise information or material indicating that a decision has been taken by a competent authority (judicial or equivalent) in respect of the persons, groups or entities concerned, whether relating to the instigation of investigations or prosecution for a terrorist act, an attempt to perpetrate, participate in or facilitate such an act, or to condemnation for such acts.

Ukrainian competent authorities have initiated numerous criminal investigations and prosecutions concerning conduct attributed to members of the Federal Security Service and the Russian National Guard, including acts that qualify under Ukrainian criminal law as terrorist offences.

In particular, the Security Service of Ukraine (SBU), acting as a competent authority within the meaning of Article 1(4) of Common Position 2001/931/CFSP, has reported the

notification of suspicion against senior officials of the Russian National Guard under Article 258-3 of the Criminal Code of Ukraine[2], which criminalises the creation, leadership or participation in a terrorist organization[3]. Such measures constitute formal prosecutorial decisions within the meaning of Article 1(4) of Common Position 2001/931/CFSP. Substantial and credible evidence relating to the underlying conduct has additionally been documented by international bodies.

In addition, Ukrainian authorities have brought charges under Article 258 of the Criminal Code of Ukraine ("Act of terrorism") against FSB agents in relation to the organisation of terrorist acts on territory under Ukraine control, as in the case of the assassination attempt on the President of Ukraine in 2024[4].

Beyond explicit terrorism charges, multiple FSB agents have been prosecuted and convicted under Article 438 of the Criminal Code of Ukraine ("Violations of the laws and customs of war") for conduct involving torture, unlawful detention, hostage-taking and systematic coercion of civilians in occupied territories[5]. While formally classified under war crimes provisions, the underlying factual conduct, including kidnapping, hostage-taking, attacks upon the physical integrity of persons, and acts intended to intimidate the civilian population, corresponds to the categories of terrorist acts enumerated in Article 1(3) of Common Position 2001/931/CFSP.

The existence of formal criminal proceedings, indictments, notifications of suspicion, and judicial decisions issued by Ukrainian courts satisfies the requirement that a decision be taken by a competent authority in respect of the persons or entities concerned. The consistent and documented pattern of prosecutions relating to conduct attributable to agents of the FSB

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[2] https://zakon.rada.gov.ua/laws/show/en/2341-14#Text.

[3] For example, the SBU has announced charges against Rosgvardiya General Igor Semilyak, including under Article 258-3(1) of the Criminal Code of Ukraine. For more information, see: https://unn.ua/en/news/suspicion-was-reported-to-the-general-of-the-rosgvardiya-who-is-responsible-for-repressions-in-the-donetsk-region.

[4] See https://www.bbc.com/news/world-europe-68968256.

[5] For example, on September 17, 2025, the Khadzhibey District Court of the city of Odesa considered the case against an officer of the 3rd Department of the 9th Directorate of the Operational Information Department of the 5th Service of the FSB of the Russian Federation, Sergey Viktorovich Sinitsyn (call sign "Sabir"). The court established that Sergey Sinitsyn committed an offense under Part 3 of Article 110 of the Criminal Code of Ukraine - "Intentional actions committed by a group of persons upon prior conspiracy with the aim of changing the boundaries of the territory and the state border of Ukraine, which resulted in grave consequences" (for more information, see https://reyestr.court.gov.ua/Review/130313054). The Court also determined that Sinitsyn's actions constitute a crime under Article 438 (1) of the Criminal Code of Ukraine - Issuing an order for cruel treatment of the civilian population and committing other violations of the laws and customs of war. Investigators established that Sinitsyn arrived in temporarily occupied Kherson in early March 2022. His tasks included organising mass repressions against members of the resistance movement, directing raids by Russian occupying forces on the homes of local residents, abducting people and taking them to detention facilities, and building his own agent networks, into which "Sabir" attempted to recruit former and current law enforcement officers and officials. In addition, Sinitsyn was involved in creating the occupation police force in the Kherson region, selecting personnel for it, and unlawfully seizing vehicles and weapons. The Court materials state that Sinitsyn personally instructed his subordinates to apply physical and psychological coercion to the victims, including torture with electric shock, in order to force them to cooperate (for more information, see https://investigator.org.ua/publication/south-articles/278727/). The Court sentenced Sinitsyn *in absentia* to life imprisonment. Currently, he is presumed to be in Russia or in still occupied territories of Ukraine. A person with the same surname, patronymic, and family name (Sergey Viktorovich Sinitsyn) was mentioned in the official Kremlin website (http://www.kremlin.ru/acts/bank/51230) in the list of persons who received promotions in the civil service.

and Rosgvardiya demonstrates that the evidentiary threshold required under Article 1(4) of Common Position 2001/931/CFSP is met.

In light of these elements, we consider that there is not only a sufficient legal basis, but also a compelling institutional responsibility to initiate a formal assessment under Common Position 2001/931/CFSP concerning the potential designation of the FSB and Rosgvardiya under the EU terrorist list, as implemented through Council Regulation (EC) No 2580/2001.

The systematic detention, torture and enforced disappearance of civilians, coupled with coordinated contributions to attacks against civilian infrastructure, constitute conduct that falls within the material scope of the European Union's counter-terrorism framework. The designation of entities responsible for these acts would ensure consistency in the application of the European Union's counter-terrorism framework and reinforce the credibility of EU restrictive measures.

The recent decision of the Council to designate the Islamic Revolutionary Guard Corps under the EU terrorist regime demonstrates that the European Union is prepared, where warranted, to apply this framework to state-affiliated security structures whose conduct meets the legal criteria.

Accordingly, we respectfully call upon you to:

1. Initiate without delay a formal legal assessment under Common Position 2001/931/CFSP concerning the Federal Security Service (FSB) and Russian National Guard (Rosgvardiya), for the purpose of their designation and inclusion in the list of persons, groups and entities subject to Council Regulation (EC) No 2580/2001.

2. Submit this matter to the Foreign Affairs Council for consideration.

3. Ensure that the unconditional release of all unlawfully detained Ukrainian civilians becomes a central demand in any engagement with the Russian Federation.

The systematic and brutal attacks against civilians constitute a grave and continuing escalation with direct implications for the security and stability of the European continent. Where such conduct fulfils the criteria established under the European Union's counter-terrorism framework, those criteria must be applied consistently, objectively and without hesitation.

A failure to respond through the appropriate legal instruments would risk undermining the credibility and coherence of the European Union's restrictive measures regime. The designation of the FSB and Rosgvardiya would therefore send a clear and necessary message that state-sponsored terror against civilians and the deliberate destabilisation of a sovereign State will not remain without legal and political consequences.

We thank you for your attention to this matter and look forward to your response.

Yours sincerely,

The undersigned Members of the European Parliament

1. Rasa Juknevičienė, EPP
2. Dainius Žalimas, Renew
3. Michael Gahler, EPP
4. Paulius Saudargas, EPP
5. Tomas TOBÉ, EPP
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