

DANGEROUS JUSTICE

Argentina's Criminal System
in the Mirror of the Rudnev Case



Edited by Massimo Introvigne and María Vardé

CESNUR



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Cover photo: Konstantin Rudnev, under pre-trial house arrest, with his wife.

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Introduction

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An Overview of the Book

This timely and informative volume complements the special issue of *The Journal of CESNUR* (2026, 10 [5]) released recently, which focused on the injustices visited on Konstantin Rudnev in three different countries. That earlier collection featured ten articles by well-known international scholars who examined, from varying disciplinary perspectives, different aspects of this strange saga, Rudnev's early life and career as an esoteric teacher, and his core ideas and teachings. The current volume contains additional work from four of those scholars, who build on their earlier efforts, but it also includes new articles by eight other contributors, focusing on other relevant aspects of the Rudnev matter and, more generally, on the perennial shortcomings of the Argentine justice system. The volume contains five substantial chapters, on which I will comment individually, as well as other reports in which a number of informed commentators discuss serious issues with the manner in which Konstantin Rudnev has been treated so egregiously within the justice system of Argentina, and why.

Well-respected new religious movements scholar *Massimo Introvigne* opens the collection with an analytical treatment of ten “interconnected falsehoods that emerged from anti-cult prejudice and structural weaknesses in Argentina's justice system.” He focuses on the social construction of Rudnev as a “cult leader,” thoroughly debunking the use of that term and designation and describing the term as a “rhetorical weapon” used against unpopular persons and groups. (See Richardson [1993] and Dillon and Richardson [1994] for further analyses of the problematic “cult” concept, which is often used as a “social weapon” of control against unpopular religious groups).

Introvigne, who has focused in previous work on the pseudo-scientific term “brainwashing” (Introvigne 2022), describes and debunks, citing my own early work, the easy acceptance of this meaningless term by the Argentine justice system and media. They ignored the fact that the term has been thoroughly discredited in courts in Europe and the United States. Other falsehoods discussed concern the

apparently deliberate manner in which the Argentine justice system is misused to harass and incarcerate Rudnev, in clear violation of international norms and treaties concerning so-called “preventive detention.” Throughout his analysis, Introvigne is critical of Prosecutor Fernando Arrigo’s role in constructing a false narrative about Rudnev and using it to prosecute him in ways that deviate considerably from international norms and standards that Argentina has pledged to implement and support.

The next chapter, by *Marisa Tarantino*, Assistant Prosecutor in Argentina’s National Criminal and Correctional Prosecutor’s Office, is a welcome rendition in English of some of the ideas she developed in several earlier articles and a book written in Spanish. She offers a very detailed history of the many machinations behind the development of anti-trafficking laws in Argentina. She particularly draws attention to the double standard that exists when sex work is automatically defined as exploitative, while other types of labor that might be involved in a trafficking situation require definitive proof established through the usual evidentiary standards. She also decries the complete dismissal of any recognition of agency and consent in such cases, and calls for an objective examination of how the justice system has been badly used to invent trafficking cases where none existed.

The next chapter, by *Cecilia Varela*, Independent Researcher in the Scientific Researcher Career of Argentina’s National Scientific and Technical Research Council (CONICET), based at the Institute of Anthropological Sciences Research at the University of Buenos Aires (ICA), and *María Vardé*, PhD candidate and researcher at ICA, builds on the previous chapter by Tarantino and offers details about the development and implementation of anti-trafficking language and legislation in Argentina from 2007 to the present. They focus particularly on the language used to characterize alleged victims, and on how the campaign against paid sex work was redefined in a few short years as a form of human trafficking in which the “victims” lost the right of consent and self-determination. They describe how trafficking was initially characterized with terminology taken from human rights discourse, and then examine the impressively thorough incorporation of concepts drawn from international anti-cult activism by state bureaucracies working in the area of human trafficking. (See Shupe and Bromley [1980, 1994] and Bromley and Shupe [1995] for background on the development of the anti-cult ideology, which plays such an important role in how the Rudnev case has been defined and dealt with by Argentine authorities. Also see Introvigne [2026] for a critical update on how anti-cult ideology has evolved over time into

a more virulent set of ideas that are now being accepted in some courts and other official entities, including in Argentina). Terms such as “coercive persuasion” and “coercive organization” were developed in Argentina in some significant legal cases involving religious groups. Thereafter, those terms furnished new resources for interpreting supposedly exploitative relationships within such groups.

Particularly relevant to the Rudnev case, Varela and Vardé also consider the implications of problematic situations in which a person identified by the justice system as a victim rejects that designation and challenges the use of such categorizations. The dismissal of such assertions of agency and self-determination, with claims that the person was “brainwashed” or under “coercive control,” is diametrically opposed to any human rights considerations that should be granted to such individuals. Indeed, the way in which anti-cult concepts are incorporated into the Argentine justice system and used to incarcerate alleged perpetrators and to harass “victims” who do not admit they are victims seems similar to the state-authorized use of forced “deprogramming” methods in authoritarian societies such as China (see Richardson 2011).

Ezequiel Kostenwein, a faculty member of the National University of La Plata, Argentina, and a researcher at CONICET, offers a much-needed and nuanced analysis of the complications associated with the use of pre-trial detention (PTD) in Argentine courts. He has done considerable research on the issue in Buenos Aires courts and summarizes his findings in this chapter. His report contradicts any claim of fairness in the use of PTD in the country. He quickly disabuses readers of any view offering simplistic reasons for the high propensity of Argentine courts to use PTD. He asserts that it is naïve to attribute the use of PTD solely to sensationalist journalists, ambitious politicians, or weak judges. Instead, the frequent use of PTD results from the complex interaction of many factors, including, among other considerations, simple professional routines, career motivations, and “judicial danger.” This awkward term refers to the fear judges have of getting into difficulty for not using PTD, and of then seeing the case become a sensation because of later acts committed by the person who was released. Kostenwein also highlights the interesting finding concerning the predictive value of the probable sentence in a particular case. The more punitive the possible sentence, the more likely PTD is to be ordered, a finding that should give pause to those concerned about the continual misuse of PTD in Argentina.

Prominent Paris attorney *Patricia Duval* next offers a searing example of the misuse of PTD described in the previous chapter. She presents many details, not readily available elsewhere, about the inhumane actions taken against Konstantin

Rudnev by prosecutors, led by controversial chief prosecutor Fernando Arrigo, and by prison officials (also influenced by Arrigo). The details revealed in Duval's chapter describe the most egregious maltreatment of an imprisoned person I have heard of since the days of apartheid and Nelson Mandela's treatment in South African prisons. The treatment of Rudnev is a very disturbing example of the lengths to which some prosecutors in Argentina will go to extract false confessions in cases where they have no substantive evidence of guilt, particularly when the claims involve an alleged "cult leader." There clearly are no legal justifications for the way Rudnev has been tortured through forced medication, refusal of needed medical care, and imprisonment under inhumane conditions, including solitary confinement or detention in overcrowded cells with convicted criminals, and in other ways.

It is hard to believe that a supposedly democratic nation that has signed various international protocols against the misuse of PTD would allow the treatment described in Duval's chapter. It is particularly ironic that some Argentine officials helped construct more recent international guidelines for PTD in the post-Mandela period, after the terrible circumstances of the South African leader's 27-year imprisonment became known. It is time for Argentina to follow the PTD guidelines that it helped devise.

The five focused chapters just described either deal directly with the incarceration of Rudnev in Argentina or offer a broader examination of the Argentine justice system and particularly of its use (i.e., misuse) of PTD. Six other contributors to the volume address different issues related to the Rudnev saga of manufactured evidence and to the blatant acceptance of elements of the anti-cult ideology that undergirds the moral panic concerning newer religions and expressions of spirituality.

Rosita Šorytė, a former Lithuanian diplomat and human rights advocate who spent her younger years in Soviet-occupied Lithuania, examines the videos about Rudnev produced by the Russian "influencer" and "professional skeptic" Mikhail Lidin. Lidin's videos are extremely biased and misinformed about Rudnev, as Šorytė amply demonstrates. Yet his work has been influential in perpetuating negative sentiment against Rudnev in Russia, even after Rudnev's arrest, sham trial, and incarceration. Lidin's efforts have also directly contributed to the pursuit of Rudnev after he left Russia, having served eleven years in Russian prisons. His campaign helped justify the actions of Russian authorities as they attacked Rudnev in other countries. It has also complemented the efforts of functionaries of the Russian Orthodox Church (ROC) as they have sought to stifle

and control any new expressions of religiosity in Russia that are viewed as possible competitors of the ROC.

Alejandro Agostinelli, an Argentine journalist, has written a fascinating chapter about how he contributed in the early 1990s to the growing “cult scare” in Argentina. In 1991, he published a widely read newspaper article dealing with “flying-saucer cults” that supposedly “brainwashed” their adherents into participating by overcoming their agency and destroying their personalities. This article, an unapologetic and naïve presentation of the debunked pseudo-scientific theory of brainwashing, contributed to a “moral panic” about a “cult invasion” in Argentina. (For discussion of the role of mass media in the development of moral panics about newer religious movements, see Richardson and Introvigne [2007]).

Agostinelli’s article helped underpin and justify the persecution of Valentina de Andrade, a Brazilian religious leader, and her husband, who were charged with using such methods to gain adherents to her group, some of whom allegedly disappeared or were killed. She and her husband were eventually acquitted when the case came to trial, but the case resulted in her being harassed from 1993 to 2003. It is worth noting that the crimes of which the couple were accused were later solved when a serial killer with no connection to de Andrade confessed to them.

Agostinelli then had something of a “road to Damascus” experience, as he was led to reexamine his assumptions through dialogue with social scientists, especially sociologist Alejandro Frigerio (see Frigerio and Oro [1998] for a sample of the writings of Frigerio and others that contributed to Agostinelli’s dramatic change of perspective). Agostinelli now unashamedly describes himself as a “repentant anti-cultist.” His chapter, which cites a number of well-respected scholars in the field of new religions studies, offers considerable detail about how the handling of Rudnev’s incarceration parallels what happened years earlier in the de Andrade case. This amazingly candid self-confession by Agostinelli should be required reading for all journalists who attempt to report objectively on newer religious and spiritual groups and experiences.

Liliana Eva Cucurullo, a public defender in the province of Buenos Aires, reviews the court documents she was able to access and offers a more cautious interpretation of the circumstances surrounding Rudnev’s continued incarceration. She seems to give the prosecution team considerable benefit of the doubt when examining the limited materials at her disposal, and

does not deal directly with the apparent violations of international standards concerning pre-trial detention. She apparently did not have access to much of the other material and information available to some other commentators in this volume. Cucurullo focuses instead on the extreme complexity of the case, noting that it involves “cross-border travel and movement of persons, communications, electronic devices, documentary evidence, personal relationships spanning several countries, and a prosecutorial hypothesis that requires events occurring at different times and locations to be reconstructed.”

She states unequivocally that “complexity does not constitute an exception to criminal procedure.” Cucurullo also states that “membership in a minority group does not constitute evidence of criminality,” and she takes considerable umbrage at the seeming denial of the autonomy of perceived victims and at the stereotyping of women caught up in a net of assumed trafficking. The careful approach demonstrated in this chapter should be respected by all involved in this and other contentious cases. But even if a case is very complex, as this one is, the investigation should proceed apace if international norms concerning PTD are to be followed.

The chapter by *Elena Makarova* about her involvement in this case was previously published in *Bitter Winter*. She was a pregnant young Russian woman who had escaped a violent partner and came to Argentina to give birth, so that her child would have dual citizenship (something many Russian women do every year). She states that she had never met Rudnev and that her only connection with him was a photocopy of his passport, shown to the hospital by an acquaintance because of extralegal pressure to name the father of her child. Makarova asserts that this episode became the justification for the trafficking accusation, which she emphatically rejects. DNA tests later confirmed that Rudnev is not the father. Makarova then describes threats to take away her son, who was delivered by a cesarean section to which she strongly objected. She states that the only people who victimized her in Argentina were the prosecutors, against whom she has filed a complaint.

Alessandro Amicarelli, a London-based human rights attorney who is President of the European Federation for Freedom of Belief, examines Argentine pre-trial detention practices in the light of the case law of the European Court of Human Rights. He discusses judgments ranging from *Letellier v. France*, *Clooth v. Belgium*, and *Ilijkov v. Bulgaria* to two 2026 decisions concerning Ukraine, all of which detail the proper limits that should be placed on PTD. These decisions and others make it clear that pre-trial detention should be used sparingly and with

great care. From these judgments he derives three tests: PTD must not exceed a reasonable time, investigators must conduct the investigation with diligence, and effective alternative remedies must be seriously considered. Amicarelli then applies these criteria both to the Rudnev case and to another well-publicized case, in which police officers spent six years in pre-trial detention. He concludes that Argentina fails all three tests. He closes his article with detailed descriptions of the high human cost of prolonged detention for defendants' families, especially its very serious effects on the physical and mental health of children, mothers, and wives.

Michele Olzi, a political scientist from Italy's University of Insubria, poses the famous question asked long ago by the Roman poet Juvenal, "Who watches the watchmen?," in an article that takes great issue with the apparent impunity of prosecutors such as Fernando Arrigo in Argentina. He then invokes John Stuart Mill's notion of individual autonomy and the underlying logic of the United Nations' Universal Declaration of Human Rights, as well as Article 17 of the International Covenant on Civil and Political Rights ("No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation"). He argues that four requirements must be met to justify state interference with personal autonomy: legality, necessity, reasonableness, and proportionality. Olzi then asserts that the state actions implemented in Rudnev's case do not meet these criteria and should have been prohibited as arbitrary, even though they might have been technically legal. He also disagrees with the tactic of imposing the status of victim on an adult woman who rejects it, as in the case of Rudnev's alleged victim, Elena Makarova. Thus, Olzi expresses strong disagreement with the assumption that "denial of victimhood becomes evidence of victimization," as the prosecutor has assumed in the Rudnev case.

Concluding Comments

It is hoped that this impressive collection will be circulated widely, especially among political and judicial leaders in Argentina, where Konstantin Rudnev's life is in serious jeopardy as a result of a series of questionable decisions made in his case. The Rudnev case has attracted the attention of many NGOs around the world that promote and defend religious freedom, as well as that of a number of prominent scholars of religion and others. (For a listing of some of these actions, see my Introduction to the special issue of *The Journal of CESNUR* recently devoted to this matter: Richardson 2026).

Leaders of mass media organizations and individual journalists also need to take heed of these writings and accept their responsibility for the problematic situation that has developed in this case. The political and judicial situation concerning Konstantin Rudnev has clearly spiraled out of control in Argentina. Remedial actions need to be implemented quickly for all those involved in this strange and revealing saga.

What has taken place in this matter in Argentina clearly demonstrates the precariousness of religious freedom and human rights there, and of the right of individuals to experiment with different beliefs and lifestyles. The miscarriage of justice that has occurred in Rudnev's case in Argentina also needs to be understood in many other societies where efforts are being made to limit spiritual experimentation by those seeking an alternative set of beliefs and a more meaningful lifestyle than those currently available to them. If that can occur, then the efforts of all who have contributed to this impressive collection will not have been wasted.

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Argentina: The Ten Falsehoods That Shaped the Rudnev Case

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ABSTRACT: This article analyzes the criminal proceedings against Konstantin Rudnev in Argentina, arguing that the case was shaped by ten interconnected falsehoods that emerged from anti-cult prejudice and structural weaknesses in Argentina's justice system. The first set of falsehoods concerns the transnational narrative that framed Rudnev as a "cult leader," a practitioner of "brainwashing," and the inheritor of a Russian conviction treated as reliable despite the political nature of judicial repression in Putin's Russia. These claims relied on discredited theories, cultural misunderstandings of esoteric traditions such as Tantra, and uncritical acceptance of tainted foreign information. The second set of falsehoods concerns events in Argentina, including allegations that Rudnev reconstructed a "cult," trafficked a young woman who explicitly denies any connection to him, and was linked to drug possession disproven by forensic analysis. The article demonstrates how these assumptions justified prolonged preventive detention and ignored medical evidence showing that incarceration endangered Rudnev's health. By reconstructing how these ten falsehoods circulated through media, prosecutorial documents, and institutional exchanges, the study situates the Rudnev case within broader patterns of prosecutorial overreach, anti-cult ideology, and systemic deficiencies in Argentina's criminal justice system. It argues that the case exemplifies a human-rights crisis requiring urgent institutional reform.

KEYWORDS: Konstantin Rudnev, Ashram Shambhala, Fernando Arrigo, Anti-cult movement in Argentina, Anti-cult repression in Russia.

Konstantin Rudnev's case in Argentina (Introvigne and Vardé 2026; Vardé 2026) mirrors two contradictions. One concerns the prejudices that emerge as soon as a defendant is described as the leader of a so-called "cult." The other concerns systemic problems in Argentina's criminal law that go beyond the Rudnev case.

These two contradictions converged in a narrative that shaped the Rudnev case and created an image of the defendant that does not match the documented facts. The first five falsehoods (1 to 5) illustrate how this narrative was assembled and how it circulated through media, prosecutorial documents, and institutional exchanges between countries. The second set of falsehoods (6 to 10) concerns the case in Argentina.

The falsehoods were believed and shaped a case because of the exceptional stubbornness of a local prosecutor, Fernando Arrigo (Amicarelli 2026a). They also reveal a crisis in Argentina's criminal justice system.

Falsehood Number 1: Konstantin Rudnev Is a “Cult Leader”

The first falsehood is the most fundamental. It claims that Konstantin Rudnev leads a “cult.” This label is used as if it were a neutral sociological category. However, scholars of new religious movements have long explained that serious academic literature does not recognize a distinction between good religions and bad “cults.” The word “cult” is simply a derogatory term used to slander certain movements. People apply it selectively and inconsistently, depending on cultural, political, and historical circumstances rather than objective criteria (Ashcraft 2018).

All the features that are allegedly typical of “cults” are also found in mainline religions. Devotion to a charismatic teacher, intensive study of spiritual texts, experiments in communal living, and unconventional rituals appear in traditions that are centuries old and widely respected. What is part of the majority religion in one country is easily dismissed as “cult” in another. The same practices that are admired in one cultural context are feared in another. This is why scholars insist that the distinction between legitimate and illegitimate religions and spirituality is spurious (Richardson 1991). It is not that there are recognized characteristics of a “cult” and the school founded by Rudnev does not fit them. It is that the category of “cult” itself is a rhetorical weapon rather than an analytical tool.

Once the word “cult” is used, the defendant is placed in a framework that presumes manipulation, secrecy, and abuse. This framework is not based on evidence. It is based on prejudice. It creates an atmosphere where any accusation seems plausible, and any defense seems suspect. It also encourages authorities to rely on stereotypes rather than on documented facts. The Rudnev case shows how powerful this label can be and how quickly it distorts the perception of a spiritual movement.

Falsehood Number 2: “Konstantin Rudnev Uses Brainwashing”

The second falsehood is the claim that Rudnev uses “brainwashing” to lure and control his “victims.” This accusation is common in cases involving minority spiritual movements, although the concept of “brainwashing” has been discredited for decades. Under any other name, including “coercive persuasion” or “mind control,” it is pseudoscience. It has no more credibility than flat-Earth theories. Courts in most democratic countries have rejected it, and

scholars have shown it lacks an empirical foundation (Richardson 1991, 1992, 1993, 1996, 2014, 2015; Introvigne 2022a).

The idea of “brainwashing” was created during the Cold War and used to explain why prisoners of the Chinese or Soviet Communists made statements that their captors wanted. These statements existed, but they derived from torture and blackmail rather than from mysterious mind control techniques. Later, it was applied to new religious movements, although no evidence showed these groups used techniques capable of overriding free will. Anti-cult activists and a small number of psychologists promoted the theory, but critics pointed to obvious methodological flaws. Academic associations issued statements explaining that “brainwashing” is not a valid scientific concept. Courts in the United States and the European Court of Human Rights rejected it (United States District Court for the Northern District of California 1990; European Court of Human Rights 2010).

Despite this, some Argentine agencies and prosecutors fell for this discredited pseudoscience. They accepted the idea that Rudnev used “brainwashing” to attract and maintain followers without asking for evidence. They relied on outdated literature and claims rejected in other jurisdictions. They interpreted normal spiritual practices as coercive techniques. Meditation became manipulation. Rituals became psychological control. They treated the mere existence of a spiritual teacher as proof of undue influence.

The problem, again, is not that “brainwashing” exists and Rudnev does not practice it. The problem is that “brainwashing” as commonly described by anti-cultists does not exist. It survives as a myth because it is convenient. It allows authorities to explain why adults make choices that appear unconventional, prosecutors to claim that consent is irrelevant, and media to present spiritual movements as dangerous. In the Rudnev case, this myth was used to justify accusations that lacked factual basis.

Falsehood Number 3: “Rudnev’s Teachings Are Inherently Abusive”

The third falsehood concerns Rudnev’s teachings. They are described as inherently abusive, although they belong to a broader esoteric current that is a legitimate part of spiritual pluralism. This current includes teachings on energy, consciousness, and liberation. It also includes practices related to Tantric sexuality. These practices may look strange to those unfamiliar with

Tantra, but they are absolutely normal to scholars of this tradition (Introvigne 2022b).

Tantric sexuality is part of a centuries-old spiritual system. It is based on the idea that sexual energy can be used for transformation and enlightenment. It is present in Hindu and Buddhist traditions and in modern esoteric movements. It is not inherently abusive or manipulative. It is simply unfamiliar to those who have never encountered it. In the Rudnev case, this unfamiliarity was used to create suspicion. Practices that are documented in academic literature and studied by dozens of scholars were described as dangerous. Teachings that are part of a recognized spiritual lineage were treated as evidence of wrongdoing.

Rudnev's teachings fit within a broader esoteric framework (Kotkowska 2026; Nemes 2026). They are not isolated inventions. They belong to a tradition that values personal transformation and spiritual discipline. The accusation that these teachings are abusive is based on misunderstanding and on cultural prejudice. It ignores the fact that spiritual diversity is a normal feature of modern societies and that adults have the right to explore unconventional forms of spirituality.

Falsehood Number 4: "The Russian Court Case Proves That Rudnev Is a Criminal"

The fourth falsehood is the claim that his Russian conviction proves that Rudnev is an "evil cult leader" and a criminal. This argument treats Russia as a "normal" country where courts are independent, and dissidents are treated fairly. Obviously, this is not the case. Putin's Russia has a long record of using courts to suppress political opponents and religious minorities. False witnesses hit dissidents. Drugs are found when their homes are raided. Trials are conducted with predetermined outcomes.

Rudnev was sentenced in Russia for operating a "cult," for sexual abuse of a woman whose testimony was contradictory, and for being in possession of drugs. The drugs were likely planted during the raid. Rudnev tested negative on drug tests, which means he was not using them personally. There was no paraphernalia typical of those preparing drugs for sale (Duval 2026). These accusations are similar to those used against political dissidents and members of peaceful religious groups Russia labels as "extremist," such as the Jehovah's Witnesses. They are part of a pattern. They are not reliable indicators of guilt.

Nobody should take decisions against political and spiritual dissidents by Russian courts seriously. The Argentine authorities accepted the Russian sentence

without considering the political context. They treated it as evidence rather than as a warning sign. This helped create a narrative that portrayed Rudnev as “dangerous” before his behavior in Argentina was ever examined.

Falsehood Number 5: “Rudnev Escaped Montenegro Because He Was Wanted by the Police”

The fifth falsehood concerns Rudnev’s stay in Montenegro after he had served his jail term in Russia (Amicarelli 2026b). It was claimed that he escaped the country and went to Argentina because the police wanted him. This is false. The media harassed him because of information spread by Russia, but he was not incriminated, and he was not wanted.

The information received by Argentine authorities from Montenegro stated that Rudnev had been summoned by the police of Bar to “give a statement” and to “collect information” in a case of possible “illicit trade.” This is the content of a communication from Interpol’s National Central Bureau for Montenegro in Podgorica to the Argentine authorities dated April 16, 2025 (NCB Podgorica 2025). The accusations of illicit trade focused on another guest staying at the same hotel as Rudnev during a political conference. Being called to give a statement does not mean being accused of any crime. It is a routine procedure.

If Rudnev had been under prosecution or accused of crimes in Montenegro, Interpol would have said so. They did not. They reported that they had asked him to provide information. This became a narrative of escape. Media in Argentina repeated the claim. Prosecutors accepted it. The idea that Rudnev fled Montenegro became part of the case, although it was unsupported by facts.

Falsehood Number 6: “Rudnev Reconstructed His Cult in Argentina”

The second half of the Rudnev case’s mythology concerns events in Argentina. These events were interpreted through the same prejudicial lens that had already distorted understanding of his spiritual background, the Russian proceedings, and his passage in Montenegro. The result was a chain of assumptions that created an image of a dangerous figure operating a clandestine network, although the documented facts point in a very different direction. Falsehoods six to ten show how Prosecutor Fernando Arrigo and his team assembled this narrative and how it contributed to decisions that affected Rudnev’s liberty and health.

The sixth falsehood claims that Rudnev reconstructed his “cult” in Argentina. This accusation appears frequently in media reports and prosecutorial documents, although it lacks factual basis. It also ignores a preliminary point. Argentina does not prohibit foreign or Argentine citizens from establishing spiritual schools. Freedom of religion or belief includes the right to create communities, to teach, and to gather with others who share similar interests. Some prosecutors, anti-cult activists, or media commentators may dislike certain spiritual movements, but personal preferences do not define the limits of constitutional rights.

In Rudnev’s case, however, no evidence shows that he reorganized a spiritual school in Argentina. Some of the persons arrested and accused of being part of the “cult” insist that they did not even know him. Some did know either him or his wife from Russia, and some came to Argentina because of this connection. It is normal for Russians who share similar interests in Russia to discuss spiritual matters when meeting in Argentina. These conversations do not constitute an organization. They do not constitute a school. They do not constitute a “cult.” We are speaking of a handful of people who met socially or informally. There has never been an “organization” (Vardé 2026).

Prosecutor Arrigo and his team interpreted ordinary social interactions as evidence of a structured group. They treated conversations as signs of a conspiracy. They turned a small group of acquaintances into a network, adding unrelated people to lend credibility to their theory. This interpretation created an image of a reconstructed “cult,” although nothing of the sort existed.

Falsehood Number 7: “Rudnev Trafficked a Young Russian Woman to Argentina for Purposes of Sexual and Cultic Abuse”

The seventh falsehood concerns the accusation that Rudnev trafficked a young Russian woman called Elena Makarova to Argentina to make her part of his “cult” and abuse her sexually. This accusation collapses when confronted with the woman’s own statements. She denies it herself. After months of unsuccessful attempts to explain what really happened to Argentine prosecutors, in August 2026 she decided to write an article for *Bitter Winter* titled “The ‘Victim’ Speaks Out” (Makarova 2026). She explains that she had never met Rudnev, was not trafficked, and was not abused. Her account contradicts the narrative authorities constructed.

Like thousands of Russian women who hope their children will acquire Argentine citizenship, she came to Bariloche to give birth. When asked (abusively, as Argentine law does not require it) to name the father, she did not want to mention the abusive man from whom she had escaped. Pressured to document who the father was, she used a photocopy of Rudnev's passport, which the friend who had traveled from Russia with her had found in the house where they were staying, owned by a woman who was a friend of Rudnev's wife and was assisting the Rudnevs in their immigration procedures in Argentina. Rudnev was not the father of Makarova's child, as the DNA test demonstrated. Makarova had never even spoken with Rudnev.

The prosecution relied on alleged phone messages from a woman who supposedly instructed Makarova to lie. Makarova discusses the issue in her article. Her words are worth quoting:

Either there is a problem with Russian translations—which would not be the first in my case—or I cannot explain how those messages landed on my phone. I live in a country where planting incriminating messages on phones is, unfortunately, a known police or intelligence strategy. I cannot rule out that something similar happened (Makarova 2026).

The trafficking narrative was built on conjecture. Hospital staff misinterpreted Makarova's situation. Police officers relied on assumptions. Prosecutors accepted a version of events without a factual basis. They ignored the woman's own statements. The result was an accusation that portrayed Rudnev as a trafficker, although the alleged victim firmly denies it. Makarova claims she is a victim not of Rudnev but of Prosecutor Arrigo and his team, who subjected her to unbelievable pressure trying to persuade her that she should accuse Rudnev.

Falsehood Number 8: "When They Were Arrested, Followers of Rudnev Were Found in Possession of Drugs"

The eighth falsehood concerns the accusation that followers of Rudnev were found in possession of drugs. First, this accusation presumes that the arrested women were "followers of Rudnev," although this relationship has not been proved. It also presumes that the seized substances were drugs, although forensic examination demonstrated the opposite.

The substances seized from the accused women were examined. They were not drugs. They did not contain illegal components. They did not match any prohibited substance. Pills supposed to include cocaine or ecstasy were common

pharmaceutical products. Mushrooms supposed to be hallucinogenic were dried mushrooms commonly used for cooking (Introvigne 2026). This should have ended the accusation. Instead, the prosecution continued to rely on the theory of drug trafficking.

If there are other seizures that the prosecution relies on to insist on drug charges, the defense does not know them. The accusations appear to be based on assumptions rather than on evidence.

Falsehood Number 9: “Rudnev’s Situation Requires a Long Preventive Detention”

The ninth falsehood concerns preventive detention. Preventive detention is an exceptional measure. International law is explicit about this. It should be used only when there is a concrete risk of violence, flight, or interference with evidence. It should be limited in duration. Special circumstances should justify it.

In Rudnev’s case, there is no risk of violence. There is no evidence. There is no indication that he would try to escape, and in fact he insists on a speedy trial where he can demonstrate his innocence. Preventive detention for such a long period violates international law. It also reflects systemic problems in Argentina’s criminal system, where defendants can be detained for long periods to obtain confessions.

The idea that Rudnev’s situation requires long preventive detention is part of the narrative constructed around him. It is based on the assumption that he is dangerous, leads a “cult,” and “trafficked” a “victim.” These assumptions are all false. Preventive detention is used to compensate for weak evidence.

Falsehood Number 10: “Rudnev’s Health Is Compatible With Detention in Jail”

The tenth falsehood concerns Rudnev’s health. It claims his health is compatible with detention in jail. This is contradicted by medical reports and by documented observations. When in jail, his health deteriorated. He lost significant weight. He suffered from conditions that required specialized care. He was subjected to inappropriate medical treatment. His situation required repeated surgery and created a risk to his health and even to his life.

Detention in jail is not compatible with Rudnev’s health. Conversely, house arrest accommodates any needs the prosecution may claim to have. It allows monitoring while also providing access to adequate medical care.

It allows the continuation of the investigation without endangering his life. The insistence on jail detention ignores medical evidence. It also ignores humanitarian considerations.

Conclusion

Ten falsehoods were used to justify decisions that affected Rudnev's liberty and health. They reveal a bias against him and reliance on information coming from tainted sources in Russia.

The ten falsehoods that shaped the Rudnev case illustrate how a narrative can be constructed through prejudice, misunderstanding, and unreliable information. In turn, these narratives influence decisions that have serious consequences.

The Rudnev case demands scrutiny, adherence to international standards, and respect for freedom of religion or belief. It demands recognition that falsehoods should not determine the fate of a defendant. Critics charge Prosecutor Arrigo with abuses that should be investigated. They also suggest he is unfit to continue prosecuting the case.

At the same time, the Rudnev case is not isolated, nor is it an anomaly in the Argentine system. Scholars of new religious movements have demonstrated a consistent pattern of abusive behavior by Argentine prosecutors persuaded that some groups are "cults" to be eradicated. Legal scholars have criticized prosecutors' excessive power and the abuse of preventive detention. The Rudnev case, thus, should be an opportunity for Argentina to confront structural problems that create a serious human rights crisis.

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Current Issues in Argentine Criminal Policy and Human Trafficking Legislation

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ABSTRACT: With the enactment of Law No. 26,364 in 2008 and its amendment by Law No. 26,842 in 2012, Argentine criminal policy on human trafficking underwent a sustained process of expansion and intensification of the punitive response. This article traces that trajectory, considering the historical background that explains it and focusing on three categories central to interpreting the statutory offense: exploitation, consent, and vulnerability. To this end, we will review the international debates surrounding the drafting of the Palermo Protocol, the campaign's reception in Argentina, and the main doctrinal challenges that emerged from successive legislative reforms. The analysis will address some of the most significant problems in the current legal and criminal-policy framework: the different legal treatment of labor and sexual exploitation, the interpretive consequences of removing the so-called "means" element from the basic offense of human trafficking, the irrelevance of consent as a normative criterion, and, finally, the expansive use of the category of "vulnerability." On these grounds, we argue that this criminal policy displays a punitivist tendency, reflected in its normative structure, the interpretive frameworks institutionalized for its implementation, and its application by the courts.

KEYWORDS: Human Trafficking, Exploitation, Consent, Vulnerability, Criminal Policy, Argentine Criminal Law.

Introduction

The term "human trafficking" frequently appears in political and legal discourse as though it described a self-evident criminal reality. Yet defining its scope has been particularly problematic since its earliest legislative formulations. Over time, notions such as "white slavery" first, "trafficking in women" later, and, more recently, "human trafficking," have referred to highly diverse phenomena: migration, precarious work in markets characterized by high levels of informality, extreme forms of exploitation, and even consensual exchanges in the sex market. We are therefore dealing with a category that, beyond being polysemic, is deeply marked by its historicity and political dimensions. Its use in the language of criminal law, therefore, cannot be explained in simple or neutral terms.

In this article, which in some respects condenses the more extensive analysis I undertook previously (Tarantino 2021a), I seek to revisit the debate surrounding anti-trafficking policy, with particular attention to three fundamental categories

that have historically stood at the core of the political and legal debate: exploitation, consent, and vulnerability.

As I argued then, the research provides good grounds for maintaining that there is a direct relationship between the expansion of current criminal policy in this field and its effects in terms of increased criminalization within the sphere of sex work (Tarantino 2019, 2021a). This problem warrants particular attention once we recognize that the language of trafficking has increasingly been extended to an ever more diverse range of settings.

From “White Slavery” to the Palermo Protocol

Although references to the “new scourge” were repeated ad nauseam during the human trafficking campaign at the beginning of this millennium, trafficking was in fact not a new problem. In the late nineteenth and early twentieth centuries, the expression “white slavery” was used to refer to a set of problems associated with prostitution, the control of migration, and the regulation of sexual morality, particularly with respect to poor and racialized women in the new cities that emerged in the wake of the Industrial Revolution. The studies of Donna Guy, Jo Doezema, and Judith Walkowitz demonstrated that these campaigns reproduced journalistic and police narratives in which a specific image of women was constructed: passive victims, invariably young and innocent, who fell into foreign networks, were enslaved, and required rescue (Walkowitz 1999; Guy 1994; Doezema 2000).

Those early debates left lasting traces in both national legislation—in Argentina, for example, in Law No. 12,331—and international law, particularly in the 1949 Convention. Decades later, the “sex wars” of the 1970s and 1980s revisited, in new terms, the feminist dispute surrounding prostitution, autonomy, and exploitation, tensions that would continue to run through anti-trafficking policies up to the present (Tarantino 2021a).

In the late 1990s, the United States led a new international campaign against human trafficking within the context of the fight against organized crime. The annual Trafficking in Persons Reports prepared by the U.S. Department of State, known as the TIP Reports, began to condition access to financial assistance and funding and set standards that directly affected local policies. At the same time, this campaign became embedded in the U.S. neo-abolitionist strand that defined prostitution as a paradigmatic form of violence against women. The new

security-oriented policies advanced by the United States approached the control of migration and the labor market through neo-abolitionist arguments. These arguments, purportedly framed within a human rights discourse, facilitated the promotion of the campaign by presenting trafficking as a global “new scourge” and as a struggle on behalf of women (Bernstein 2012; Varela 2015a; Iglesias Skulj 2017, 2018).

The discussions preceding the adoption in 2000 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, reveal a setting in which there was little consensus. Two major feminist blocs confronted one another. The Coalition Against Trafficking in Women (CATW) promoted a definition in which trafficking and prostitution were equated, regardless of whether forms of coercion—the means element—were present. By contrast, the Human Rights Caucus (HRC), composed of advocates for the recognition of sex work and anti-trafficking activists, demanded a distinction between forced and non-forced migration and the incorporation of labor exploitation as a central component of the problem (Doezema 2010; Varela 2012; Iglesias Skulj 2013; Tarantino 2021a).

The importance of the means element became evident in this context. Force, deception, coercion, and abuse of power were legal categories that had historically identified and delimited the criminal phenomenon. Their presence indicated a lack of self-determination and, for that reason, made it possible to distinguish an autonomous migration process or employment situation from forced trajectories.

The formula ultimately adopted by the Protocol represented a compromise that reflected the ambiguity of the consensus reached. It included the means element but incorporated a new way in which consent could be impaired: the “abuse of a position of vulnerability.” It also established the irrelevance of consent when obtained through those means and incorporated, among other purposes, labor exploitation as a purpose of trafficking.

At the same time, it did not establish the absolute irrelevance of consent, nor did it eliminate the need to identify some impairment of the will. However, it did broaden its interpretation in contexts of precariousness or disadvantage that could be read through the lens of “vulnerability.”

The Localization of the Anti-Trafficking Campaign in Argentina and an Initial Expansion of the Legal Framework

The adoption of the Palermo Protocol triggered a process of reconfiguration of criminal policy in Argentina. One of the most effective arguments used to promote legislation was the alleged existence of a “gap in the law.” The debate centered on the claim that the Criminal Code did not provide the tools needed to comply with the international commitments arising under the Protocol.

This claim had not been preceded by an analysis of the existing statutory offenses capable of demonstrating the existence of such a legal gap. A simple review of the Criminal Code was sufficient to refute it: the offenses of promoting and facilitating prostitution, the economic exploitation of another person’s prostitution, reduction to servitude, unlawful deprivation of liberty, and even specific provisions concerning sex trafficking and human smuggling, among other existing offenses, could apply in combination depending on the circumstances of the case and provide an adequate criminal-law response (cf. De Luca 2008; D’Alessio and Divito 2009; Hairabedian 2009; Tarantino 2020, 2021a).

Nevertheless, Law No. 26,364 was enacted in 2008 to incorporate the “new offense” into Articles 145 bis and 145 ter. The debate largely reproduced what had taken place internationally, and formulas reproducing the definitions of the Palermo Protocol were ultimately adopted.

From the outset, major interpretive problems arose within the doctrinal debate. By enumerating acts such as recruiting, transporting, harboring, and receiving—corresponding to different stages of a trafficking process—the offense placed conduct involving differing degrees of harmfulness under the same penalty range. In addition, the formula complicated the application of the rules governing participation in the offense and the concurrence of offenses with pre-existing criminal provisions, creating risks of double counting and disproportionality, as well as procedural problems concerning territorial jurisdiction (Tarantino 2020, 2021a; Vázquez Berrostequieta 2014).

The reform also produced a specialized institutional architecture. Bodies were created to support criminal-law intervention and were entrusted with rescuing victims. The functions of the Prosecutorial Unit for Assistance in Kidnapping-for-Ransom Cases (UFASE)—later the Office of the Prosecutor for Trafficking and Exploitation of Persons (PROTEX)—were also expanded, together with operating protocols and training programs, which increasingly influenced the practices of criminal justice agencies and created a specific field of

knowledge and intervention resembling what Laura Agustín (2009) called the “rescue industry.”

Cecilia Varela’s studies of the first years of judicial application of the trafficking law identified different interpretive orientations: some privileged the establishment of physical violence or coercion and implicitly preserved the distinction between forced and voluntary prostitution; others emphasized the “position of vulnerability” of the person regarded as the victim and tended to blur that boundary (Varela 2013, 2015b). According to that reconstruction, the growing influence of abolitionist positions, the pedagogical work of UFASE-PROTEX, and the central role acquired by the Rescue Office contributed to strengthening this second perspective (Varela 2015b; Tarantino 2018).

Exploitation: Opacity or Double Standard?

One of the central problems in this legal architecture of human trafficking lies in the notion of exploitation. Article 145 bis incorporates exploitation as a purpose of the offense but does not provide a definition that would determine what constitutes exploitation for criminal law purposes. To specify the scope of the concept, legal scholarship turned to the Protocol and to the forms enumerated by the law itself, which the Criminal Code already provided as separate offenses.

The contrast between “labor exploitation” and “sexual exploitation” became particularly marked. In the field of labor, legal scholarship and case law have sought parameters for distinguishing the precarious conditions characteristic of certain socially tolerated levels of informality from situations that cross that threshold and produce criminally relevant harm.

In this respect, reduction to servitude entails a severe degree of control and impairment of freedom of movement and self-determination. In contrast, forced labor involves coercion, indebtedness, deception, and restrictions that reveal a less intense but nevertheless criminally relevant impairment. It would therefore not be sufficient merely to establish that an employer derives economic benefits from another person’s labor; it is necessary to identify how those benefits are obtained and to what extent the worker’s rights are impaired (Tarantino and Castany 2011; Hairabedian 2009; Figueroa 2017).

In the sexual sphere, by contrast, a significant portion of legal scholarship adopts a much broader definition. Colombo and Mángano characterize certain

forms of prostitution as sexual slavery and associate exploitation with the performance of the activity itself and with third parties deriving some benefit from it (Colombo and Mángano 2012).

Thus, labor exploitation requires specific findings concerning subjection or the impairment of rights sufficient to exceed the level of “permitted risk,” that is, merely precarious working conditions. Sexual exploitation, by contrast, would arise simply from establishing the exchange characteristic of sex work and, all the more so, when third parties assist in making it possible.

The problem, therefore, would not merely be one of the “opacity of the law,” but rather the possible existence of an interpretive double standard.

In this respect, the distinction is not clearly grounded in evaluative criteria. Put differently, if every employment relationship entails some form of appropriation of physical or intellectual energy for the benefit of third parties, what would justify treating sex work differently? What feature of it allows us to speak of *per se* criminally relevant exploitation?

The question is particularly pertinent if we begin from a paradigm that respects the principle of legality, the harm principle, the principle of minimum intervention, and proportionality, all of which require identifying concrete harm to justify punitive intervention (Buompadre 2018).

The Problem of Consent and the 2012 Reform

Criticisms of Law No. 26,364 focused exclusively on the legal treatment of consent rather than the doctrinal problems it generated. The anti-trafficking movement regarded the means element as an evidentiary obstacle and demanded its elimination, together with an explicit declaration that consent was irrelevant. Once again, the debate reproduced the Palermo controversy.

Law No. 26,842 was enacted in 2012, in a context of intense social upheaval following the discovery of the body of a young woman who had disappeared some time earlier, in what became known in Argentina as the Candela case. The new law incorporated those demands: it removed the means element from the basic offense and transferred the relevant means to the aggravating circumstances; declared the consent of the person regarded as the victim irrelevant; amended in the same manner the offenses of promoting, facilitating, and economically exploiting prostitution; and considerably increased the applicable penalty ranges,

establishing statutory minimum sentences that prevent or hinder release while proceedings are pending, alternative case dispositions, or plea agreements.

Legal scholarship had already pointed out that when the statutory conduct entails overcoming a person's will through violence, deception, threats, or some other vitiating factor, stating that consent obtained under those circumstances is invalid is redundant (among others, De Luca 2008; Tazza 2014). Yet the 2012 reform went further: it not only removed the means from the basic offense but transferred them to the aggravating circumstances. That combination, together with the irrelevance of consent, created difficulties in determining what harmful conduct the basic offense is intended to punish. If every means capable of vitiating the will constitutes an aggravating circumstance, the basic offense can apply only where the person regarded as the victim gave consent that was not vitiated.

The contrast with labor exploitation becomes even clearer. Law No. 26,842 also amended Article 140 of the Criminal Code, which criminalizes reduction to servitude or an analogous condition, but did not introduce a general clause rendering consent irrelevant. It merely increased the penalty and expressly included forced labor and servile marriage.

Accordingly, whereas forms of trafficking and labor exploitation continue to require proof of some form of subjection or coercion, the basic trafficking offense was framed in such a way that it appears applicable only to a trafficking process for purposes of sexual exploitation, understood here as the non-coercive practice of prostitution (Tarantino 2021a).

The new law also aggravated the interpretive problems surrounding the rules on concurrence of offenses: the consummation of exploitation, in addition to constituting separate offenses, constitutes an aggravated form of trafficking. This creates the need to determine how to distinguish cases that fall within that aggravating circumstance from those that fall within the separate offenses, so prohibited double counting does not occur and the risk of multiple criminal prosecutions is avoided.

Vulnerability: From Contextual Condition to a Punitive Key

The incorporation of the means element consisting of “abuse of a position of vulnerability” completed this shift toward an expansive criminal policy. Although the term appeared in the Protocol and in Law No. 26,364, it differed

from the forms traditionally recognized by law as capable of impairing or nullifying the will.

The institutional discourse that gradually permeated criminal justice agencies began to rely on the “Brasilia Rules” to interpret “vulnerability” as synonymous with poverty, gender status, age, migration, racialization, disability, or other individual circumstances reflecting structural inequalities and potentially making it impossible for the individual to choose “a dignified life plan.” Some formulations went so far as to maintain that the mere existence of these indicators rendered consent fictitious or invalid (Figuerola 2017; Messio 2015).

A particularly problematic operation arises here: vulnerability would no longer be a condition whose abuse must be established; its mere presence would be sufficient for the will to be regarded as vitiated. The distinction is not insignificant. In the first case, the person’s own perception, life trajectory, and circumstances are relevant. In the second, they are not.

UNODC had already warned that indicators of vulnerability should not be confused with proof of the means element itself. It also stressed that the analysis must take into account the specific circumstances of each case (UNODC 2013).

Varela’s studies likewise showed how the “interpretive work” of judicial agencies could transform certain biographical facts into presumptions regarding a person’s inability to decide, particularly when that person’s own account did not coincide with the hypothesis of victimization (Varela 2013, 2015b).

The issue becomes even more significant when the same conditions are assessed differently depending on the procedural position assigned to the person. I have pointed out in previous work that women coming from contexts of extreme precariousness may be regarded as incapable of consenting when the system places them in the position of victims and, at the same time, as fully capable of making decisions when they are prosecuted as perpetrators of other offenses. So-called “human couriers” provide a particularly telling example (Tarantino 2021a, 2021b). This double standard shows that “vulnerability” is a category whose use requires strict and context-sensitive reasoning.

Punitive Expansion and Interpretive Requirements

The foregoing discussion makes it possible to see that the legal categories of *exploitation*, *consent*, and *vulnerability* do not operate as independent problems.

Their articulation explains much of the expansive capacity of anti-trafficking criminal policy in Argentina.

An open-ended notion of exploitation broadens the universe of possible purposes; the general irrelevance of consent reduces legal recognition of agency and lends itself to moralizing interpretations with little grounding in the realities of the persons the law purports to protect. A conception of vulnerability detached from abusive conduct makes it possible retrospectively to treat consensual relationships as coercive where coercion had not been established in the individual case. In this way, punitive intervention produces an expansive effect that extends criminalization to socially tolerated conduct. Quantitative studies conducted since the first law entered into force show a marked overrepresentation of women among those formally prosecuted and those convicted of trafficking, at rates three or four times those found for other offenses (Tarantino 2021b).

In addition, Law No. 26,842 increases the severity of the responses prescribed for all the amended offenses. The means now constitute express aggravating circumstances; consummated exploitation increases the seriousness still further; and statutory minimum sentences are set at levels that facilitate the imposition of severe coercive measures during proceedings, limiting defendants' ability to remain at liberty while the case is pending.

For that reason, the problem of expansion cannot be resolved simply by calling for better intentions in interpreting or applying the law. The effects produced are not an error but a direct consequence of criminal policy and of the legal framework that remains in force (Tarantino 2021a). It is therefore crucial to ask how facts are established and through which paradigms they are legally interpreted once criminal justice agencies intervene.

Conclusions

The recent history of Argentine human trafficking legislation reveals a constant trend toward expansion. The issue emerged in the wake of an international campaign shaped by the debate over prostitution; the first special law incorporated new elements into a legal framework that already covered several forms of conduct. The 2012 reform removed the means element from the basic offense, declared consent irrelevant, and substantially increased penalties. In addition, the institutionalization of specialized bodies of knowledge caused categories such as

vulnerability and exploitation to take on an expansive meaning and scope in case interpretation.

The doctrinal categories of criminal law focus on specific harmful conduct, but that conduct must be proved. Vulnerability does not eliminate a person's capacity for agency; therefore, it is essential to establish an abuse of that vulnerability capable of nullifying self-determination. Consent should not automatically be replaced by a presumption based on biographical facts interpreted without considering the very person whose life trajectory is at issue. Criminally relevant exploitation requires elements that distinguish a conflictual, unequal, or precarious social relationship from one that reaches a threshold exceeding *permitted risk*.

If criminal law represents the most significant form of state intervention in individual liberty, excessive flexibility in its categories may be no virtue at all. When the language of trafficking is extended to new forms of social exchange, this warning becomes even more important. The expansion of the law's scope of application, whether through legislative reforms, judicial interpretation, or broader reformulations involving new criminal-policy paradigms, cannot contravene the constitutional principles governing a state under the rule of law. Individualized proof, the precise identification of abuse, the strict delimitation of exploitation, and a narrow interpretation of criminal statutes do not hinder the prosecution of trafficking. On the contrary, these safeguards make it possible to distinguish a punitivist and expansive criminal policy from a more restrained one and, therefore, one that is constitutionally legitimate.

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Expansive Interpretations of the Crime of Human Trafficking in Argentina: Between the Fight Against Sex Work and the Persecution of Religious Heterodoxies

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ABSTRACT: This article describes and historicizes the configuration of Argentina’s anti-trafficking campaign from 2007 to the present, focusing on transformations in its objects of intervention and languages of victimization. First, it analyzes the vernacularization of trafficking through its inscription within a local human rights language organized around the figure of disappearance. This process helped consolidate expansive interpretations of the trafficking offense. Second, it examines the incorporation, from the late 2010s onward, by state bureaucracies associated with the field of human trafficking of categories drawn from anti-cult activism, such as “coercive organization” and “coercive persuasion,” which provided new resources for interpreting relationships of adherence, authority, and consent in religious and spiritual groups. Finally, it considers the controversies generated when persons institutionally identified as victims reject that classification and challenge state authority to define their experience. Both processes make it possible to observe the conditions under which diverse experiences become legible as forms of victimization.

KEYWORDS: Human Trafficking, Disappeared Under Democracy, Anti-cult Movement, Criminal Law Issues in Argentina.

Introduction

This article describes and historicizes how Argentina’s anti-trafficking campaign has been configured, attending to the different meanings it has acquired and its objects of intervention from its beginnings in 2007 to the present. In this book, Tarantino reconstructs the formulation of the criminal offense and the amendments affecting the role assigned to consent, vulnerability, and exploitation. Building on that account, we address two articulations that became central to the local anti-trafficking campaign: first, the inscription of trafficking within a vernacular human-rights language organized around the figure of disappearance; and, more recently, the incorporation of categories produced in controversies surrounding so-called “cults.” We examine which forms of victimization became intelligible through these successive operations and which experiences were more difficult to have recognized or, at least, kept from becoming targets of criminal prosecution.

Sexual Freedoms and the “Disappeared Under Democracy”

At the beginning of the twenty-first century, the campaign against human trafficking acquired a global dimension through transnational activist networks that promoted its expansion in supranational arenas. In this context, under the United Nations framework, human trafficking was defined as a manifestation of transnational organized crime through the Palermo Protocol, adopted in 2000 and in force since 2003. Although several studies noted the Protocol’s lack of a human rights perspective (Ditmore and Wijers 2003; Anderson and Andrijasevic 2008), a campaign framed in human rights language quickly spread across countries, prompting them to align their legislation with the Palermo Protocol. Other studies have highlighted the expansive interpretations acquired by the trafficking offense in different contexts (Gallagher 2015; Piscitelli 2015), as different offenses and/or irregularities become synonymous with trafficking according to the interests of the actors who mobilize that language in each setting.

In Argentina, since 2008, a coalition of organizations successfully promoted legal reforms that broadened the range of practices that may be prosecuted as “human trafficking” and “sexual exploitation” (see Tarantino in this book). The local movement aligned exclusively with prostitution abolitionism and quickly resonated beyond its initial community of entrepreneurs. Although the legislation included other forms of exploitation (forced labor or services, slavery or practices similar to slavery, servitude, and organ removal), trafficking for purposes of sexual exploitation received the greatest attention through sensationalist narratives. It became a matter of the highest priority, signaling an emerging “gender perspective” in public policy.

These processes of “vernacularization of international law” (Merry 2006) require interpretive frames that can mobilize resources in specific cultural contexts and interpellate subjects beyond the original community of committed activists. Translation gains adherents when it mobilizes “ways of packaging and presenting ideas that generate shared beliefs, motivate collective action, and define appropriate strategies of action” (Merry 2006, 136). As Cheng (2011) notes, these processes frequently involve evoking shared memories and values within a national community, without precluding attention to the power relations within which vernacularization occurs. In Argentina’s anti-trafficking campaign, the evocation of the recent past of state terrorism during the last military dictatorship (1976–1983) played a central role in the initial construction of the issue as a public problem. During that period, a human rights movement emerged in the country

around claims concerning the unlawful detention and disappearance of political activists and consolidated during the 1980s amid the democratic transition. Prostitutes, presented as the “disappeared under democracy,” evoked an already sedimented political symbol that enabled anti-trafficking entrepreneurs to shape an interpretive frame familiar to a broad public. Following Cheng, we also attend to the silences and erasures produced by understanding prostitution as “disappearance.”

In the years following the enactment of the trafficking law (2008), the abolitionist perspective—which considers consent to provide sexual services impossible—deepened both in the statutory text and in the expansive interpretations developed in the judicial field. The trafficking offense progressively absorbed conduct that would previously have been interpreted as “pimping” or “facilitation of prostitution,” such that anyone present at a commercial-sex venue could be considered a trafficking victim even where no migration or displacement had occurred. Interpretation of the offense thus shifted from its original association with migratory mobility toward what Doezema (2010) calls the “white slave myth.”

These judicial interpretations consolidated alongside growing anti-trafficking activism. Until 2015, when femicide became a more available explanatory hypothesis with the emergence of the *Ni Una Menos* movement, the absences of young women, mothers, or students reported by their relatives were presented by this activism as the result of “trafficking networks,” without very precise evidence being provided. The cases mobilized featured “perfect victims” who conformed to traditional gender stereotypes—marked by sexual innocence and passivity—and venues where sexual services were offered were identified as the final destination of these new “disappeared under democracy.” By mobilizing this central symbol of post-dictatorship Argentina, the anti-trafficking campaign shaped public awareness of the problem beyond the sectors initially engaged with it (Varela 2020). The visibility these cases acquired contrasts with the neglect of initial concerns over the migration of Dominican women, whose movement and subsequent entry into the sex market—both marked by multiple forms of precariousness—had been carefully documented (OIM 2003).

The panic over young women’s absences also contrasted with reports from other state bureaucracies with responsibilities in the field. The National Registry of Information on Missing Minors, for example, reported that “missing person” reports involving girls aged 12 to 17 were three times as frequent as those involving boys in the same age group, but linked that disparity to situations

far removed from the trafficking-disappearance paradigm: gender-based violence, excessive domestic workloads, adolescent pregnancy, and family restrictions on the use of time and on sexual-affective relationships (Registro Nacional de Información de Personas Menores Extraviadas 2011, 2012, 2013). As the trafficking-disappearance paradigm became institutionalized, these interpretations lost visibility.

The prostitute as one of the “disappeared under democracy” and trafficking as “disappearance” thus became the cornerstones of translation into a vernacular human rights language—an operation deployed by the anti-trafficking movement and later institutionalized through public policy during the Kirchnerist period (Varela 2020). In these expansive interpretations, prostitution and “disappearance” increasingly became equivalent matters. By presenting kidnapping as the predominant route into the sex market, the paradigm discursively reinforced the idea that no woman would engage in sex work with her *consent*. Where women stated that they engaged in sex work consensually, appeals to their “vulnerability” provided the means to invalidate that consent. The campaign thus portrayed the sex worker as a subject unable to discern and pursue her own best interests.

The successful vernacularization of Argentina’s anti-trafficking campaign initially rested on the historical density of the term “disappearance.” This category did not merely represent a person’s absence but condensed the experience of state terrorism and the demands for “memory, truth, and justice” constructed since the democratic transition. The figure was modeled on the representation of an innocent victim, making it possible to contest the stigmatization of activists’ political identities (Crenzel 2008). Three decades later, this matrix made it possible to project new forms of innocence onto women whose sexual reputations had historically been viewed with suspicion. In this sense, the language of disappearance helped demand state protection against neglected forms of violence while tending to make less audible experiences that did not fit the figure of a passive and sexually innocent victim.

Through intensive law enforcement operations and searches driven by the logic of “rescue” and by the sexual and moral panic associated with disappearance, the anti-trafficking campaign effectively reorganized the sex market within a few years. Bars and cabarets offering visible sexual services in major urban centers disappeared, and commercial sex became concentrated in private apartments and encounters arranged through digital devices. The COVID-19 pandemic

intensified this process as multiple platforms for virtual sex work became more widely used, also changing consumption patterns.

From 2015 onward, the voices of sex workers denouncing human rights violations during these operations also became increasingly audible, both within and outside feminism. They emphasized the campaign's moralism and demanded labor rights and recognition of their capacity to *consent*. In this sense, the new anti-trafficking regimes altered the commercial-sex market but also fostered the conditions for reorganizing a political subject that, together with the feminist explosion of 2015, gained considerable visibility (Varela and Martynowskyj 2024). With the sex-market landscape transformed, public criticism directed at the campaign's "collateral damage" and the conflation of trafficking with sex work, and sex work positioned as a feminist claim (albeit always contested), the campaign lost momentum both in the mass media and in the circuits of congresses, panels, and conferences through which its expertise had been validated.

The development of the "trafficking-disappearance" paradigm illustrates the malleability and flexibility anti-trafficking discourses can attain, as Elizabeth Bernstein (2018) has argued. By the end of the 2010s, through new expansive interpretations produced in the judicial field, the trafficking offense began to be linked to the practices of religious and spiritual groups through the incorporation of language drawn from anti-cult activism.

"Cults" and Human Trafficking

Beginning in the 1970s, organizations and networks emerged in the United States and Europe that the specialized literature has termed anti-cult movements (Shupe and Bromley 1980, 1994). These movements maintained that certain religious groups, whose beliefs and lifestyles they considered highly unusual, used techniques of "brainwashing," "mind control," or "coercive persuasion" capable of overriding individuals' will and recruiting them into their ranks. Introducing these concepts into U.S. courts gave rise to the so-called *cult wars*, which generated intense debate between anti-cult movement entrepreneurs and representatives of the social sciences and psychology (Anthony and Robbins 1992; Bromley and Shupe 1995). From the late 1980s through the 1990s, brainwashing theories lost legitimacy in significant U.S. academic, professional, and judicial sectors (Anthony and Robbins 1992; Introvigne 2022).

In Argentina, these forms of language circulated publicly from the mid-1980s. Although they were initially linked to concerns about capitalist imperialism through the expansion of foreign evangelical and Pentecostal groups, by the end of that decade an anti-cult repertoire originating in the United States gained prominence and increasingly adopted the vocabulary of psychology and mental health (Frigerio 1993). These approaches coexisted and fueled different civil society demands to regulate minority religions, although they did not become institutionalized.

Two decades later, these repertoires entered the field of anti-trafficking policy through court cases in which anti-cult categories offered new resources for interpreting relationships of adherence, authority, and consent. In the case known as Monte Sión, initiated in 2014 against those responsible for an evangelical church and resolved in 2019 with the conviction of the pastor and his wife, the court characterized the group as a “destructive cult.” It explained that members were recruited and continued to participate through a process of “coercive persuasion” that impaired self-determination and vitiated consent (Tribunal Oral en lo Criminal Federal de Mar del Plata 2019). In the case known as Hotel City, initiated in 2018 against a group associated with Hindu philosophy and resolved in 2022 with the conviction of three people, the same court adopted and expanded that repertoire through the notions of “coercive cult,” “coercive persuasion,” and “brainwashing,” expressly citing Monte Sión as a comparable precedent (Tribunal Oral en lo Criminal Federal de Mar del Plata 2022).

As in the 1990s, the media remained a key arena for disseminating cases involving religious groups, now through the language of trafficking and again using expressions such as “cult” and “brainwashing.” Through its website and news agency, the National Public Prosecutors’ Office (MPF) disseminated investigations, court-issued formal charging orders, and judicial decisions concerning the offense of human trafficking using terms such as “cult,” “coercive organization,” and “coercive persuasion.” The press, court files, and institutional communications became interconnected arenas in which certain classifications circulated, reinforced one another, and gained public recognition.

Between 2020 and 2025, this repertoire grew more stable across state bureaucracies linked to anti-trafficking policy. The Executive Committee to Combat Trafficking and Exploitation of Persons, responsible within the Executive Branch for coordinating national policy in this area, progressively incorporated “coercive organizations” into its prevention and planning instruments (Comité Ejecutivo para la Lucha contra la Trata y Explotación de Personas 2020,

2022, 2023). Within the MPF, the Prosecutor's Office for Trafficking and Exploitation of Persons (PROTEX)—the specialized unit for trafficking and exploitation—began deploying these categories in criminal investigations, reports, and training activities (PROTEX 2021; MPF 2022, 2025).

Other bodies within the justice system later joined these circuits, including the Office of the Federal Public Defender General (Rodríguez 2024). Across these arenas, anti-cult language moved beyond individual case files and began appearing in materials for prevention, training, and guidance of judicial practice. Within a few years, this vocabulary stabilized as part of the so-called “new modalities” of human trafficking. Thus, this language was initially deployed by judicial actors and later stabilized by state bureaucracies that developed links with anti-cult organizations.

The availability of the category “coercive organization” made it possible to group under a single designation complaints and disputes that might previously have been interpreted through pre-existing offenses such as subjecting a person to servitude, fraud, or other fraudulent offenses. The novelty therefore lies not in the conduct alleged but in the possibility of translating it into a trafficking modality. In this respect, PROTEX itself linked the rise in new complaints in 2021 to the public visibility gained by earlier cases (PROTEX 2021).

A terminological shift accompanied this institutionalization of anti-cult language. The expressions “cult” and “brainwashing,” marked by a long history of controversy and criticism, gradually gave way to the categories “coercive organization” and “coercive persuasion,” presented as ostensibly more technical and neutral. Criticism of the term “cult” was not new either: as early as 2005, the National Plan against Discrimination warned of its pejorative use to designate Protestant denominations, while later documents from Argentina's National Institute against Discrimination, Xenophobia and Racism challenged its stigmatizing use in relation to certain religious minorities (INADI 2005, 2018). However, the terminological replacement did not transform the explanatory frameworks. Documents produced by bureaucracies responsible for trafficking matters kept the connections between the two vocabularies explicit, indicating the translations to be made from one term to the other. What can be observed, then, is a process in which contested categories were renewed as technical vocabulary capable of circulating with greater legitimacy within state bureaucracies.

These expansive interpretations of trafficking are especially evident in the treatment of consent and the accounts of persons identified as victims in judicial proceedings. Research on sex work has shown that the category of vulnerability has served to discount the accounts of those who reject designation as victims, re-inscribing situated decisions within a web of constraints and invalidating their capacity to consent (Varela 2013; Martynowskyj 2019; Tarantino, this book). Continuing the uses of vulnerability in relation to sexual exploitation (Varela 2013), the inclusion of “coercive persuasion” made it possible to invalidate both consent and a person’s capacity to understand and adequately express their experience. Thus, when members of religious heterodoxies denied being exploited, that denial could be interpreted as an effect of the control mechanism, reinforcing the victimization hypothesis (Vardé 2026). Rejection of the institutional classification as a victim ceased to challenge the hypothesis being advanced and instead became an element confirming it.

These operations also generated controversy. Just as sex workers organized to challenge policies that spoke in their name and questioned the authority of anti-trafficking apparatuses to define their experiences, in cases involving religious and spiritual heterodoxies, those identified as victims actively opposed that classification. In the Buenos Aires Yoga School case, nine women designated as victims retained legal representation to participate in proceedings and hearings, submitted evidence to contest that status, and brought legal actions against the prosecutors involved (Vardé 2024). In the Rudnev case, the alleged victim rejected both that status and the facts alleged by the prosecution and later filed a complaint against the prosecutors involved, alleging they imposed a status she rejects (Introvigne and Vardé 2026; Makarova 2026). In these cases, both the interpretation of the facts and the authority of state bureaucracies to determine who is legitimately entitled to speak about their own experience are contested.

The notion of vulnerability also expanded during this process. If, in the law’s early years, that category already encompassed a wide range of socioeconomic, migratory, and gender conditions (Varela 2013), cases involving religious heterodoxies brought various affective and emotional factors to the fore (Vardé 2024). In 2025, a federal prosecutor stated that “recruited persons” present “vulnerabilities linked to emotions and the search for a group to belong to” (MPF 2025). Grief, separations, family conflicts, a search for belonging, or spiritual answers may thus enter the retrospective reconstruction of recruitment and be treated as indications of vulnerability susceptible to exploitation.

This connection also shapes how the conduct elements of the offense are interpreted. Previous work has identified how practices with ordinary meanings in religious or spiritual contexts have been translated into conduct captured by the operative verbs of the trafficking offense: disseminating a doctrine or publishing videos as “recruitment”; helping someone move home as “transportation”; living in or near a community as “harboring”; performing community tasks or donating goods or time to an undertaking as “exploitation” (Vardé 2024, 2026). In this process, “coercive persuasion” functions as an interpretive tool that assigns religious practices a coercive meaning, so that religious adherence ceases to be merely a context and may become an element that redefines their criminal-law character.

Conclusion

Through a “hyperlocal” narrative tied to its transitional-justice process and the memory politics of the recent past, the campaign lost its original references to supranational and transnational arenas. It became embedded in a local tradition of political struggle. Although pressure from the United States Department of State and programs initiated by the IOM provided the initial impetus, the anti-trafficking campaign quickly developed its own agenda linked to anti-prostitution policies. One notable singularity of this translation is the loss of references to migratory processes, which generally remain linked to anti-trafficking rhetoric in countries of both the Global North and the Global South.

The incorporation of the anti-cult repertoire reveals a second phase of the campaign. A transnational language, produced around controversies over new religious movements and disseminated for decades by activists, “experts,” and the media, became articulated with a local regime of victimization in which subjects’ consent and their accounts of the events under adjudication carry no weight. Beyond the obvious differences between sex work and religious activity, this historical review draws attention to a common problem concerning the conditions under which certain experiences become legible as victimization. If the trafficking-disappearance metaphor tended to render part of women’s sexual experience inaudible, the figure of the “coercive organization” may help undermine the authority of accounts by those who describe their religious adherence as voluntary. Far from definitively closing these questions, controversies in both fields simultaneously show that these classifications remain

open to dispute by those designated as victims and open up new horizons for processes of politicizing experience.

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Pre-trial Detention, Media, and Politics in Argentina: From Procedural Risk to “Judicial Danger”

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ABSTRACT: This paper draws on prior research on pre-trial detention in the Argentine criminal justice system, primarily in the province of Buenos Aires. I first analyze the predictive nature of the measure and the prominent place that the expected sentence occupies in its everyday use. I then examine pre-trial detention as a judicial practice shaped by professional routines, career-related motivations, and what some judicial actors have called “judicial danger.” I subsequently focus on the relationships among criminal justice, the media, and the political field, including the disciplining effects that judicial actors themselves attribute to campaigns against pre-trial release and to the metaphor of the “revolving door.” Finally, I return to my work on resonant cases, victims, and “judicial devils.” Rather than explaining pre-trial detention as a device that merely represses, or is shaped by external forces acting upon the courts, I propose analyzing the relationships, justifications, and associations that make its use possible.

KEYWORDS: Pre-trial Detention in Argentina, Criminal Justice in Argentina, Media and Criminal Law, Politics and Criminal Law, Resonant Criminal Cases.

Introduction

Pre-trial detention (PTD) is, on the one hand, a relatively straightforward legal measure to define and, on the other, a complex judicial practice to analyze. In legal terms, it entails depriving a person who retains the status of innocence of liberty during the proceedings and should be used only to avert procedural risks, chiefly flight or interference with the investigation. However, many reports produced in Latin America have pointed to a persistent gap between that formulation and the measure’s actual use. To varying degrees, these studies identify weaknesses in alternatives to incarceration, the influence of extrajudicial actors, asymmetries between prosecutors and defense attorneys, and a judicial culture inclined toward using PTD (CEJA 2009; DPLF 2013; INECIP 2012).

In previous work, I distinguished three common approaches to this problem: criminal law doctrine, which focuses on what should limit precautionary coercion; nongovernmental organizations that have helped make its consequences visible and turn its excessive use into a public problem; and various social science approaches that explain it as an effect of broader processes—actuarial, economic, or related to criminal policy—that extend beyond the courts (Kostenwein 2017, 2023).

Without disregarding those contributions, I have argued that PTD cannot be understood solely in terms of what it represses or the external forces that supposedly determine it. In recent work, I have called the perspective that characterizes it chiefly by its negative effects or as an instrument of processes located elsewhere the “repressive hypothesis.” The problem with these explanations is not that the harms they identify are irrelevant, but that they may obscure the concrete relationships that make pre-trial incarceration possible. I therefore propose defining PTD also by what it produces: the justifications, criticisms, agreements, and ties it articulates among judicial and extrajudicial actors (Kostenwein 2017, 2023).

This perspective helps avoid two reductions. The first treats PTD as a problem confined to the judicial sphere. The second turns it into a simple political maneuver, making prosecutors, defense attorneys, and judges passive actors (Kostenwein 2015b). Most of the empirical material I revisit comes from research conducted in the province of Buenos Aires, especially interviews with those judicial actors. I do not intend to extend these findings mechanically to all Argentine jurisdictions. I am interested in reconstructing certain mechanisms that appear with particular intensity around pre-trial incarceration: the centrality of the expected sentence, the routinization of certain arguments, the professional exposure of those who decide in favor of release, and the relationships among criminal justice, the media, and the political field, especially when a case acquires public resonance.

Governing Through the Future

In practice, PTD relates to the power to predict the future behavior of people facing criminal proceedings. Judicial actors must forecast whether someone will attempt to flee or interfere with the investigation. By definition, this entails anticipating events that have not yet occurred. In research conducted in the judicial districts of La Plata, Quilmes, and Mar del Plata, I observed that these predictions are not usually based on probabilistic studies or empirical data on such flight or interference, but rather on provisions of the Code of Criminal Procedure and on local forms of learning about how procedural risks should be interpreted (Kostenwein 2019b).

Indicators include prior records, ties to the community, social situation, certain assessments of dangerousness, and, with particular frequency, the expected sentence (ES). The latter does not operate simply as one element among others.

In case files, hearings, and interviews, it repeatedly appears as a reason for requesting or granting PTD when the eventual sentence would entail actual imprisonment. In my work, I suggest that the ES thus becomes an element around which actors stabilize the precautionary measure and make it routine (Kostenwein 2019b).

This shift is significant because the seriousness of the charge may end up serving as the basis for the prediction. In actual practice, I found arguments that infer a risk of flight from the sentence that might be imposed for the offense under investigation. Some judicial actors explicitly question this reasoning and point out that the seriousness of the act, the harm caused, or the future sentence are criteria for a conviction, not for a precautionary decision. Others consider the ES useful for anticipating possible evasion of the proceedings. These different positions do not, however, eliminate the criterion's routine nature.

We can therefore speak of a substantive tendency: PTD approaches an anticipation of future punishment when the prospect of an effective custodial sentence is used to justify incarceration before that sentence exists (Kostenwein 2019b). One prosecutor interviewed went so far as to describe PTD as an advance on the future sentence; another acknowledged that the ES was a “tricky” argument, although necessary for everyday work. These testimonies do not describe a universal rule, but they show how precautionary logic can consolidate through reasoning that relegates specific verification of procedural risks to the background.

Pre-trial Detention as Practice: Routine, Career, and “Judicial Danger”

PTD does not circulate solely by force of legal rules. To understand how it is requested, challenged, granted, or denied, we must attend to the dispositions and competencies of those who work in criminal justice. In the province of Buenos Aires, I found that legal principles coexist with professional expectations, hierarchies, and learning forms linked to judicial careers. In that context, imposing PTD may become an institutionally available and expected response (Kostenwein 2015c).

The testimonies collected include expressions such as “not making waves” or “keeping a low profile.” The actors themselves link them to the advisability of avoiding exposure that could hinder professional advancement, especially in controversial or resonant cases. In my work, I have noted that these precepts may,

in specific circumstances, contribute to imposing pre-trial incarceration rather than denying it (Kostenwein 2015c). This is not a matter of reducing judicial decisions to calculations associated with judicial careers, but of incorporating into the analysis the institutional conditions within which those decisions acquire meaning.

This dimension becomes more visible when a release decision prompts public criticism. The judicial actors interviewed mentioned cases of judges subjected to intense criticism and removal proceedings following decisions regarded as lenient. Their accounts contain the idea of a “disciplining effect” that is difficult to measure but persistent in the perceptions of those who work within the judiciary (Kostenwein 2015a, 2015b). One of the prosecutors interviewed summarized the problem as “judicial danger.” Alongside the procedural danger that should justify PTD, there is the danger that the person who orders a release may lose their job if a serious event subsequently occurs and causes public commotion.

This is not to claim that judges incarcerate out of fear, but rather to note that, according to the judicial actors themselves, different decisions carry different consequences. Some describe a judiciary in which avoiding professional risks may conflict with independent judgment. Others point out that discourses about the “revolving door”—a metaphor that dramatizes the problem of pre-trial release by presenting the justice system as a circuit in which detainees “enter through one door and leave through the other”—make them feel that they should assume a function of repressing crime that exceeds the precautionary role assigned to them (Kostenwein 2015a, 2015b). Thus, rather than imagining a justice system that is either completely autonomous or completely subordinated, it is necessary to observe how these pressures are produced, how they are interpreted, and what responses they enable.

Reports on Argentina add other components: asymmetries between prosecutors and defense attorneys, limited use of alternative measures, harassment of judges favorable to release, unclear criteria in appointments and promotions, and weak reasoning in some prosecutorial requests (CIPPEC 2011; DPLF 2013; INECIP 2012). They also point out that pre-trial incarceration can become a form of “blackmail” to induce acceptance of abbreviated proceedings, allowing earlier recovery of liberty at the cost, in some cases, of confessing to offenses not committed (INECIP 2012). These diagnoses belong to the organizations cited. I revisit them to show that PTD is embedded in concrete relationships among actors with unequal capacities and positions, beyond the harm it causes.

Media, Politics, and Pre-trial Detention

The media emerged spontaneously in many interviews with prosecutors, defense attorneys, and guarantee judges. Based on 46 interviews, I distinguished three grammars concerning their influence: hegemonic press, judicial voluntarism, and cunning (Kostenwein 2015b, 2019c). The first presents the media as capable of setting limits and exerting decisive pressure; the second acknowledges that pressure but maintains that it can be resisted; the third warns that blaming the press can also operate as a justification through which judicial actors displace their own problems and obligations outward.

This plurality prevents us from claiming that the media uniformly determine judicial decisions. But it also does not allow us to treat them as an external element without effects. In my studies, they appear as a factor that can publicize and condemn rulings, produce images of criminal justice, and amplify political discourses about insecurity and punishment. The question is to reconstruct how the media enter the administration of justice and what consequences they produce in each situation (Kostenwein 2015b).

In the province of Buenos Aires, the relationship between media and politics acquired particular importance around the metaphor of the “revolving door.” Various political leaders publicly used that expression to hold the courts responsible for insecurity and to call for restrictions on pre-trial release. During that period, electoral proposals and reforms circulated that explicitly aimed to limit liberty during criminal proceedings. The judicial actors interviewed interpreted these interventions as producing a disciplining effect on those deciding liberty. In my work, I also noted that political representatives exert public pressure largely through the media, so the relationship cannot be conceived as two independent actors (Kostenwein 2015a, 2015b).

This dynamic makes it possible to speak of a repoliticization of criminal justice in which PTD occupies a privileged place. Following Garland (2005), I characterize some of these responses as a style of *acting out*: high-profile measures aimed at displaying an ability to act and obtaining immediate rewards in the face of problems whose complexity would require longer-term strategies. In that context, for the judicial actors interviewed, PTD appears as a preferred tool for provincial political authorities to gain quick advantages rather than lasting solutions (Kostenwein 2015b).

The result is not merely greater public debate about pre-trial incarceration. Extrajudicial actors enter the administration of justice with different capacities:

the media publicize—and at times condemn—decisions; political representatives accuse judicial actors and seek to limit their discretion. To some extent, these interventions transform a problem of justice into a problem of security or, more precisely, consolidate the justice system itself as a source of insecurity (Kostenwein 2015b).

Nor is it always appropriate to describe the relationship between justice and politics as confrontational. In analyzing media portrayals, I found situations in which political representatives do not attack judicial actors but make use of them, while certain judicial actors accept political impulses that may favor their advancement within the institution. In this model, criminal justice and the political field appear “tensely joined together” (Kostenwein 2019c). This observation complicates explanations that present judges solely as victims of external pressures: the relationships may include conflict, resistance, alliances, promotions, and benefits.

For this reason, criticism of media determinism does not imply a defense of the judiciary’s effective autonomy. It means taking mediations seriously. The press may be regarded as hegemonic by some judicial actors, as resistible by others, or as an evasive form of “cunning” by a third group of judicial actors. At the same time, the political field may challenge judges or articulate with them. What matters is to reconstruct how PTD circulates within this web and what relationships it produces when the judiciary’s own conduct becomes a public problem.

Resonant Cases, Victims, and Judicial Devils

Not every criminal case attains public resonance. In previous work, I analyzed how a complaint must succeed in having what it alleges regarded as true and, in addition, sufficiently important to transcend the individual conflict. Following Boltanski, I speak of processes of desingularization through which a specific victim may be associated with other possible victims and a particular event may be projected as a threat to a broader social sector (Boltanski 2000; Kostenwein 2016, 2019a).

The media participate in that process by circulating allegations, calling on specialists, linking episodes, and attributing responsibility. In my analysis of the Piombo–Sal Llargués case—the public controversy triggered in 2015 by a ruling of the Buenos Aires Province Court of Cassation that reduced a sentence from six

to three years in a case involving the sexual abuse of a six-year-old boy—I found a significant presence of imprecise legal references in the news reports examined (Kostenwein 2016). I did not assume a deliberate intent to misrepresent. I showed that, once the scandal is triggered, rulings matter not only for what they say but also for what they prompt other actors to say (Kostenwein 2016).

In this context, I cautiously proposed the notion of “judicial devils.” These are judicial actors who, because of decisions their detractors regard as lenient, are presented as threats to society. A central element of this construction is the accusation of insensitivity toward specific victims, along with the possibility of projecting that harm onto society as a whole (Kostenwein 2019a). Decisions favorable to release may thus acquire a meaning that exceeds the technical discussion of procedural risks and become part of controversies concerning victims, the threat they represent, and the role the justice system should play.

The category should not be used mechanically. “Judicial devils” are not weak or passive actors: they belong to an institution with resources, recognition, and capacity for resistance. Nor does every intense public reaction constitute a moral panic. I have proposed a weak use of the concept precisely because the events that generate these controversies may be serious and because I lack sufficient information to claim in general terms that the reactions are disproportionate (Kostenwein 2019a). More modestly, the concept helps examine how certain judicial actors come to be presented as a risk to social cohesion based on decisions that their opponents interpret as lenient and detached from victims’ needs.

The selectivity with which these episodes acquire visibility is also part of the problem. We know little about the reality underlying the label of “judicial devils,” since we lack sufficient empirical data as the press and political authorities emphasize only those proceedings in which judicial actors granted release and the person released subsequently committed a serious offense (Kostenwein 2019a).

Conclusion

The recurrent use of pre-trial detention cannot be explained solely as a violation of legal rules or as the automatic result of political or media pressure. In the Buenos Aires practice studied, it appears as a measure stabilized by forms of reasoning, routines, and relationships. The expected sentence may acquire a

prominent place to the point of bringing the precautionary measure close to an anticipation of punishment; judicial actors describe professional expectations linked to “not making waves” or “keeping a low profile”; and some of them speak of a “judicial danger” when a decision favorable to release may subsequently become grounds for professional criticism.

The media and the political field intervene in this process without producing uniform effects. The press may publicize and condemn rulings and amplify discourses that present the justice system as lenient. Political authorities have used similar situations to challenge pre-trial release, promote restrictions, and turn PTD into a visible response to insecurity. For some judicial actors, these interventions produce disciplining effects. In other scenarios, politics and justice appear articulated rather than opposed. These different modalities do not render extrajudicial pressure irrelevant: they require reconstructing how it combines with the judiciary’s internal dynamics.

Research on resonant cases shows, in turn, how a particular victim and event may be desingularized and projected onto a broader universe of potential victims. In these controversies, certain judicial decisions may be interpreted as signs of leniency or insensitivity, and judges themselves may become objects of public criticism. It is not appropriate to conclude that every resonant case leads to greater use of PTD. It is, however, necessary to incorporate these relationships into the analysis of the conditions under which decisions are made concerning the liberty of accused persons.

For this reason, I have proposed defining PTD not only by its oppressive aspect but also by what it produces. For pre-trial incarceration to exist as it does, judicial actors must do something with it: request it, object to it, grant it, deny it, and use it to validate demands, objections, and rulings. Following these associations makes it possible to understand how a legally exceptional measure can become consolidated as a habitual practice and, in certain scenarios, be offered as an available response, suggested, and endorsed within the judicial institution itself.

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Argentina's Case Against Rudnev: Pre-trial Detention as Coercion

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ABSTRACT: This article examines the Argentine criminal proceedings against Konstantin Rudnev as a paradigmatic case of the abusive use of pre-trial detention to extract confessions, in violation of international human rights standards. Drawing on detailed documentation of his arrest, solitary confinement, denial of legal counsel, forced medication, and prolonged detention under extreme conditions, the study demonstrates how prosecutorial authorities constructed an unofficial presumption of guilt by labeling Rudnev an “evil cult leader” and then used deprivation of liberty as coercive leverage. The analysis shows that applying procedural provisions designed for complex transnational crime was legally unfounded, as no transnational organization or foreign investigation existed. The article situates these violations within Argentina’s broader systemic over-reliance on pre-trial detention, widely criticized by monitoring bodies such as the PPN and INECIP, and contrasts domestic practice with the UN Tokyo Rules and the Mandela Rules, both of which Argentina helped draft. The Rudnev case illustrates how preventive detention becomes a tool of institutional pressure—aimed at securing a *juicio abreviado*—rather than a precautionary measure and raises urgent questions about the treatment of spiritual minorities, the erosion of the presumption of innocence, and the persistence of coercive tactics incompatible with democratic norms.

KEYWORDS: Konstantin Rudnev, Anti-cult Campaigns in Argentina, Pre-trial Detention in Argentina, Abuse of Pre-trial Detention, Pre-trial Detention and Confession.

After his Russian nightmare and emigration to what he hoped would be more favorable climes, Konstantin Rudnev and his wife lived peacefully in Argentina, particularly in the Bariloche region, where they enjoyed the great outdoors.

They had been living there for six months when they were arrested in March 2025 at the Bariloche airport as they were preparing to board a flight to Buenos Aires, and then on to Brazil, to visit that country.

The harsh reality of the transnational persecution they were suffering was brought home to them when they were caught up in a dragnet operation targeting a group of Russian citizens suspected of participating in a human trafficking ring that he allegedly led as an “evil cult leader.”

Rudnev later learned of the secret investigation and the extremely flimsy grounds on which it was opened (Introvigne and Vardé 2026; Vardé 2026).

Aside from the irregular circumstances surrounding his arrest and arbitrary detention, the most striking aspect of his case, from the perspective of international human rights law, is the abusive use of pre-trial detention to extract confessions.

These practices by the Argentine authorities—which at times constitute a flagrant violation of the prohibition of torture and degrading treatment—

transform what should be a search for the truth into a quest for a confession, based on an unofficial presumption of guilt.

This practice runs counter to all of Argentina's commitments to respect human rights.

I. Irregularity of the Arrest and Detention and Ill Treatment

From the moment of his arrest, Rudnev had no access to a lawyer, nor was he informed of the reasons for his arrest and charges against him.

The transcript of the first hearing on April 3, 2025, revealed that he had been arrested on the prosecutor's verbal order, given by phone to the airport police. It also revealed that the "theory of the case" supporting the launching of criminal proceedings, according to the prosecutor, was that Rudnev was an "evil cult leader."

The detention at the airport, the search, and the seizure of all money, documents, and personal belongings were carried out without a lawyer present and without any opportunity to contact one, or to make a phone call to seek and retain private legal counsel. Authorities ignored requests for this opportunity from the moment of detention.

Konstantin Rudnev was immediately singled out of the group of Russian suspects as the "evil cult leader" and sent to a high-security prison in Rawson, where he was detained from March 29, 2025, onward.

He was transferred from Bariloche airport wearing only a T-shirt. They took all his belongings. He was kept that way when he arrived at Rawson prison, in the southern part of the country near Patagonia, where temperatures are extremely low, especially as winter approached.

There, he was put immediately in solitary confinement and was taken to see doctors at 4 a.m., without any explanation. He was forced to take three pills daily, was never told what medications they were, and was forced to open his mouth so guards could check that he had swallowed them.

No interpreter was provided. Occasionally, prison staff used Google Translate on their phones. However, most translations were inaccurate, and not all guards or doctors used it. Most of the time, there was no translation at all.

Later, only after the filing of a habeas corpus did his lawyer obtain prison medical reports and discover that he had been given strong blood pressure—

lowering medications, which explained his constant severe weakness and episodes of fainting, including actual loss of consciousness.

Rudnev's first in-person meeting with a private lawyer arranged by his wife took place on April 9, **twelve days after his arrest**.

From the moment of his detention, Konstantin was held in solitary confinement for ten days in a punishment cell, used a bucket as a toilet, was not provided even with a spoon, and had to eat with his hands during that entire period. Drinking water came directly from the tap and was of poor quality, which caused him severe diarrhea.

Only after the lawyer's visit on April 9 was Konstantin Rudnev removed from solitary confinement, transferred to a general pavilion with approximately 24 detainees, and provided with some basic personal items.

The pavilion housed 23 other inmates who smoked heavily, which caused him respiratory problems due to his lung disease. Rudnev entered prison at the age of 57, suffering from several serious medical issues, including progressive pulmonary fibrosis, a life-threatening condition.

Over the course of the following year, until May 2026, he remained detained in the same high-security wings under extreme conditions and lost 53 kilograms as a result of the mistreatment he endured and the lack of adequate medical care.

Despite a court decision issued months after his arrest granting Rudnev a certified official interpreter, the prison never properly involved any translator. Rudnev continued to be taken to doctors and examinations without translation.

The court ordered him to remain under house arrest, as he was scheduled to be admitted to the hospital on May 26, 2026, to undergo several emergency surgeries due to the deterioration of his health while in custody.

In addition to the numerous violations of his rights—including his inability to properly organize his defense in the absence of an interpreter and with only partial access to the criminal case file concerning him—the mistreatment he suffered constituted degrading treatment and acts of continued psychological pressure.

Even when he was granted house arrest for emergency surgery, Rudnev had to spend almost 24 hours sitting in a transport vehicle, on cold metal benches, despite all of his health problems. Rudnev was not allowed to travel by plane or ambulance, forcing him to make the journey in the most grueling way possible. This was done even though his wife had already made all the arrangements and the flight had been confirmed.

The reasons for this inhumane treatment can only be understood by viewing it within the context of a systematic strategy aimed at extracting confessions.

II. International Human Rights Rules

Rudnev's prolonged detention and ill treatment constitute, in several respects, a violation of international human rights standards.

His pre-trial detention was originally ordered until April 3, 2026, for one year, and was then extended for an additional year.

The Argentine Code of Criminal Procedure does allow an extension of pre-trial detention of up to three years in cases involving suspected organized or transnational crime, as is the case with the charges brought against Rudnev.

Article 334. Admissibility and procedure

In cases where the collection of evidence or the conduct of the trial proves complex due to the quantity or nature of the facts, the large number of defendants or victims, or because the case involves **organized or transnational crime**, the judge may, at the request of either party, duly authorize the application of the time limits provided for in this Title.

Article 335. Time limits

Once this procedure is authorized, it will produce the following effects:

- a. The maximum duration of the entire procedure will be extended to six (6) years;
- b. The maximum duration of the preliminary investigation will be extended to two (2) years, which may be extended only once for a period not exceeding one (1) year.

These provisions were applied in Rudnev's case to extend the preliminary investigation to April 3, 2027 (two years), with a possible extension of one additional year (three years of preliminary investigation in total).

These articles establish a specific legal framework for transnational crimes, requiring complex investigations across multiple countries and allowing detention for up to three years without trial. They should never have been applied to Rudnev, since no transnational organization was ever identified and no investigation was conducted in any other country. Rudnev was no longer the leader of a spiritual yoga group that the Russian government had accused of "brainwashing."

The application of these provisions to his case actually violates Argentina's international human rights obligations, in particular the UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), adopted by the General Assembly on December 14, 1990, which provide that:

6.1 Pre-trial detention shall be used as **a means of last resort** in criminal proceedings, with due regard for the investigation of the alleged offense and for the protection of society and the victim.

6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 6.1. It shall be administered **humanely** and with respect for the inherent dignity of human beings [emphasis added].

These rules were violated through the unduly prolonged detention and inhumane treatment of Konstantin Rudnev.

So were the UN Standard Minimum Rules for the Treatment of Prisoners, revised and unanimously adopted as the Nelson Mandela Rules by the General Assembly on December 17, 2015, to ensure safe, secure, and humane conditions for all detained individuals.

The UN General Assembly adopted these to update the outdated 1955 prison standards and honor Nelson Mandela's legacy and the 27 years he spent as a political prisoner.

They provide, in particular, core protections for pre-trial detainees designated as “untried prisoners” or “unconvicted prisoners”:

Presumption of Innocence: Rule 111 specifies that unconvicted (untried) prisoners must be dealt with in accordance with the presumption of innocence and treated differently from convicted persons.

Mandatory Separation: Rule 11 (and specifically Rule 11[b]) mandates that untried/pre-trial detainees must be kept strictly separate from convicted prisoners.

Single-Cell Accommodation: Rule 113 states that pre-trial detainees should ideally sleep alone in individual rooms, except where local climate or custom dictates otherwise.

The revision added absolute bans on torture, clear limits on solitary confinement, and guarantees for equal healthcare.

Ironically, Argentina actually supported these reforms. It played a central role in drafting and revising the Standard Minimum Rules for the Treatment of Prisoners, by hosting expert meetings and participating in the drafting of the consolidated text.

Argentina has, in particular, supported an absolute ban on torture and cruel, inhuman, or degrading treatment—a position contradicted by its implementation in practice, particularly in the case of Rudnev.

III. *Systemic Gaps and Domestic Violations*

While Argentina’s federal laws may reflect the Mandela Rules on paper, independent monitoring by the Procuración Penitenciaria de la Nación (PPN) reveals major implementation shortfalls, particularly regarding the widespread overuse of pre-trial detention (Kostenwein 2017, 2019, 2023).

The Mandela Rules emphasize that pre-trial detention should be a measure of last resort. However, in Argentina—particularly within the Buenos Aires provincial system—over 50% of the total incarcerated population consists of pre-trial detainees who have not yet received a sentence (Kostenwein 2015).

In particular, modern investigative and legal organizations like the Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP) point out that pre-trial detention is used as systemic, legal leverage to force “abbreviated proceedings” (*juicios abreviados*), which act as a form of institutional coercion to extract confessions (INECIP 2012). The mechanism functions through specific legal and systemic vulnerabilities. Pre-trial detention is primarily used to elicit confessions through procedural “blackmail,” by leveraging the possibility of a *juicio abreviado*.

In Argentina, defendants can be held in pre-trial detention for months or years due to structural judicial backlogs. They can also be held in pre-trial detention on suspicion of “organized or transnational crime,” as in Rudnev’s case.

Prosecutors utilize this prolonged deprivation of liberty as bargaining power. They offer a *juicio abreviado* where the defendant must formally confess to the crime in exchange for a significantly reduced sentence or immediate release based on time already served. For an innocent individual enduring squalid, overcrowded prison conditions, confessing to a crime they did not commit is often the fastest way to regain their liberty.

Independent research highlights that pre-trial detention in regions like the Province of Buenos Aires routinely operates as an “anticipation of punishment” (*pena anticipada*) rather than a precautionary measure (Kostenwein 2019).

Because defendants are treated as though they are already guilty, the psychological distress of indefinite incarceration breaks their resolve.

IV. Reasons Given for Rudnev's Continued Pre-Trial Detention

This is precisely the case of Konstantin Rudnev. In this case, there are no valid grounds for his continued detention.

The Prosecution continues to repeat the same arguments: that he is the leader of an international organization, that he has unlimited resources, that he has no roots in Argentina that would justify house arrest, and that he purchased two tickets at the airport, which they present as evidence that he tried to flee.

His attorney has long refuted these arguments, most recently during a hearing on September 28, 2026, regarding his continued house arrest.

No problems had arisen during his previous 125 days of house arrest, and Rudnev had complied with all of his obligations. Rudnev remaining in Argentina longer than his visa allowed demonstrates his desire to stay in the country, not his intention to flee. Nevertheless, the Prosecution continues challenging his house arrest and is trying to have him sent back to the high-security prison, despite his physical condition that requires constant specialized medical care and monitoring.

Even the doctors' opinion—that his health makes it impossible for him to return to prison, which would amount to a death sentence—is not enough to dissuade them from pursuing this course of action. They now want to send their own forensic experts to determine that his return to the high-security prison is possible and to ensure his re-incarceration by any means necessary.

Meanwhile, the Prosecution has not taken any significant investigative action. For the second year in a row, they are currently examining all the phones and computers. They are also trying to analyze the tablets and medications seized from various locations—this has already been going on for a year and a half. They examine them, find no drugs, examine them again, and then order a third expert analysis (Introvigne 2026). There are no new developments in this case; all the evidence shows that the charges are baseless.

Apparently, the Prosecution is more focused on doing everything possible to put Rudnev back in prison to exert pressure on him—so he sits there, and they can push him into signing an agreement. This is why all their efforts seem to be directed solely at securing his pre-trial detention. They are not actually investigating the case; they are not interviewing witnesses or performing any new investigative acts. Their only concern seems to be securing his detention to put pressure on him and force him into an agreement.

For a year and a half now, the Prosecution has been battling defense attorneys in dozens of legal proceedings to keep him in pre-trial detention. Prosecutors constantly offer Konstantin Rudnev a *juicio abreviado*. As he and his wife have learned, this is a very common scheme in Argentina: people are placed in preventive detention and then pressured to confess to crimes. Rudnev refused. He said he would not confess because he had committed no crimes.

In every conversation between the Prosecution and his lawyer, the Prosecution again proposes a deal and insists that Rudnev admit guilt. They apply pressure in every possible way. This is precisely why they want him in prison—to force him to confess to crimes he did not commit.

V. Conclusion

Rudnev's case is a textbook example of the tactics used by unscrupulous prosecutors to circumvent the judicial system and the human rights safeguards enshrined in the treaties.

Although the systemic over-reliance on pre-trial detention does not function as a tool for physical interrogation to extract raw confessions, as was common during historical military regimes, prosecutors utilize this prolonged deprivation of liberty as bargaining power.

His case is also a textbook example of the presumption of guilt that is systematically applied when a suspect is labeled as a “cult leader.” The suspect is presumed guilty, and then prosecutors look for evidence to support their “theory,” as in Rudnev's case, and, lacking such evidence, they put pressure to extract a confession.

How much longer are we going to tolerate so-called democracies resorting to pre-trial detention and mistreatment to extract confessions, thereby endangering the lives of “suspects”?

And how much longer are we going to tolerate members of religious or spiritual minorities being considered second-class citizens who cannot even benefit from the presumption of innocence?

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Criminal Justice in Argentina, Moral Panics, and the Rudnev Case: A Forum

ABSTRACT: This Forum is an ideal roundtable presenting different perspectives and opinions on the Rudnev case. Rosita Šorytė, a human rights and religious liberty activist and a former Lithuanian diplomat with 25 years of experience, describes the campaign against Rudnev by “professional skeptic” Mikhail Lidin, and how it is weaponized as part of Russia’s transnational attempt to influence the proceedings in Argentina. Argentine journalist Alejandro Agostinelli describes himself as a “repentant anti-cultist,” who was led by interaction with sociologists to critically reexamine his earlier articles against “cults.” He sees the same old biases at work in the Rudnev case. Liliana Eva Cucurullo, an official Public Defender in criminal and correctional matters for the Province of Buenos Aires, and a lecturer at the University of Buenos Aires, presents a cautious approach to the Rudnev case, which tries to understand the logic of both the prosecution and the defense. Yet, she asks decisive questions about how the prosecutors handled the position and testimony of the only person identified as a victim in the case, Elena Makarova, who contributes a text, already published in *Bitter Winter*, about her strange odyssey in Argentina. Alessandro Amicarelli, a London-based human rights attorney and the president of the European Federation for Freedom of Belief (FOB), discusses the violations of international law in Rudnev’s and others’ pre-trial detention cases, based on the principles established by the European Court of Human Rights. Michele Olzi, a political scientist and a researcher and lecturer at Italy’s University of Insubria, examines the violations of another international law principle, individual autonomy, in Prosecutor Fernando Arrigo’s actions related to Elena Makarova.

KEYWORDS: Konstantin Rudnev, Mikhail Lidin, Anti-cult Movement in Argentina, Pre-trial Detention in Argentina, Individual Autonomy in International Law.

Lidin, Rudnev, and the Blind Spots of Post-Soviet Skepticism

Rosita Šorytė

I grew up in Soviet-occupied Lithuania, in a world where religion and the supernatural were not only dismissed but mocked. The school curriculum presented the miraculous as a relic of primitive thinking, something to be laughed at rather than examined. Teachers repeated that science had demonstrated the non-existence of subtle or supernatural realities, and that any belief in them was a sign of backwardness. They did not persuade the population, but they expected everyone to conform. This created a psychologically distorted world: as a small girl, I lived in a family where religion was part of our life, but in the public space this should be denied. The veneration of communism and Lenin replaced religion as a new, mandatory form of belief.

Later in life, I discovered that several Soviet leaders privately consulted psychics, astrologers, and healers. The contradiction was striking. Official doctrine insisted the supernatural was impossible, yet those who enforced it often behaved otherwise. The Soviet system demanded public conformity to a narrow definition of science, while its own elites quietly sought answers in places the ideology forbade.

This early experience shaped my sensitivity to how science can be used as a political instrument. It also prepared me to recognize the same pattern when I encountered the international skeptical movement. Maybe the movement emerged with noble intentions. Sometimes, it exposed fraudulent seers and debunked staged miracles. Yet from these successes, some skeptics drew a sweeping conclusion. They declared that all mystical, spiritual, or paranormal phenomena were fraudulent. They insisted that science had proved this. They treated this insistence as scientific truth, though it rested on belief rather than evidence. The movement became a mirror image of the dogmatism it claimed to oppose. It replaced religious faith with a secular faith in the impossibility of the supernatural.

This dogmatic turn contributed to the decline of organized skepticism in the West. The movement had charismatic figures, including the late James Randi, who attracted large audiences. Yet surveys in Randi's own country show that most Americans ignore the skeptics and believe supernatural phenomena exist. The public did not follow the skeptics into their ideological corner. The movement's influence waned because its conclusions were not supported by the complexity of human experience, nor by the evolution of scientific research.

The twenty-first century brought a shift that surprised many. Scientists began exploring questions earlier generations dismissed. Research on consciousness, anomalous experiences, subtle energies, and the effects of prayer entered mainstream academic discussion. Jeff Kripal's work at Rice University, in collaboration with physicists, neuroscientists, and psychologists, is just one example of opening new paths for dialogue between science and spirituality.

These scholars do not argue that every claim of extraordinary experience is genuine. They refuse to exclude the possibility. They approach the subject with curiosity rather than contempt. Their work demonstrates that science itself had moved beyond narrow positivism. The old skeptical dogma no longer reflects the state of scientific inquiry, although some positivist scientists still exist and resist.

While skepticism declined in the West, it found fertile ground in Russia. A generation disillusioned with Soviet ideology embraced a new form of scientism that resembled the old one. They rejected the Soviet political system yet retained its outdated conception of science. Television programs dedicated to debunking paranormal claims became popular. Their tone echoed similar shows that had appeared decades earlier in North America and Europe—and long since disappeared. The Russian skeptical movement adopted the posture of scientific authority, although its methods often relied on theatrical demonstrations rather than on research. It became a cultural phenomenon rather than a scientific one.

In this environment, Mikhail Lidin emerged. He is not an isolated commentator. He is part of a structured skeptical milieu and collaborates with organizations such as “Scientists Against Myths” (Учёные против мифов), a prominent Russian science-popularization forum. Lidin is also publicly associated with the Houdini Prize, an award created to celebrate the exposure of alleged paranormal frauds. These affiliations place him squarely within the institutional skeptical movement. His videos combine jokes, performance, and simplified explanations. He reconstructs tricks, exposes illusions, and presents himself as a defender of rationality. He belongs to a community that values debunking as entertainment.

A narrow definition of truth shapes his worldview. For him, truth is measurable. Experience is unreliable unless it can be reproduced under controlled conditions. Symbolic meaning, spiritual practice, and metaphysical inquiry fall outside his view. He treats them as forms of deception. This approach is not scientific. It is a form of positivism that serious scientists abandoned decades ago.

Lidin’s method collapses religion, spirituality, and esotericism into a single category. He does not distinguish between symbolic rituals, cultural traditions, inner experiences, and manipulative practices. Everything becomes a claim to be tested. What cannot be tested becomes fraud. This reductionism closes his eyes to the complexity of human experience. It also ignores how charismatic authority functions in many cultures. Charisma is not inherently manipulative. It appears in religion, art, politics, and social movements. It cannot be reduced to tricks or illusions. Lidin’s worldview pathologizes entire categories of human leadership. It treats them as symptoms of irrationality rather than as expressions of human creativity.

One of Lidin's targets is Konstantin Rudnev and the teachings he imparted in Russia within a spiritual school known as Ashram Shambhala until he was arrested in 2010. Lidin produced several videos on this subject, including one five years ago (<https://bit.ly/3TAOIqG>) and another in 2026 (<https://bit.ly/4xO2Yuf>). Both videos present a dramatic narrative, yet the drama is not accidental. It is constructed through a sequence of lurid accusations, theatrical reconstructions, and emotionally charged anecdotes that create an atmosphere of horror rather than an environment for inquiry.

In the earlier video, Lidin opens with a catalog of sensational claims. He describes Ashram Shambhala as "Russia's craziest cult," a phrase repeated throughout the video as a refrain. He portrays Rudnev as a grotesque figure who presided over rituals in cramped Soviet apartments, surrounded by followers performing strange dances. He shows clips of amateur recordings from the 1990s and interprets them as evidence of systematic abuse. He repeats stories of starvation, beatings, and sexual rituals. He describes alleged "initiation rites" in which young women were forced into degrading acts. He recounts claims that followers were deprived of sleep, forced to perform physical exercises at night, and punished for questioning the teacher. He presents these elements as proof of a totalitarian structure, although he does not examine the claims' sources or verify their authenticity.

The video also includes accusations of animal cruelty, based on a fragment of a recording in which a cat appears. Lidin interprets this as evidence of sadistic practices, although the context of the recording is unclear and the provenance of the footage is dubious. He repeats stories of sexual abuse, although these claims rely on testimonies used in Rudnev's trial in Russia that changed over time and were contested in court. He describes alleged "astral karate" sessions in which followers believed Rudnev could strike them through invisible forces. He presents these beliefs as signs of manipulation, yet he does not consider the symbolic or performative dimensions of esoteric practice.

The 2026 video expands on this narrative. It incorporates new elements drawn from media reports and from the criminal case. Lidin describes disappearances of young women who allegedly left their families to join the Ashram. He mentions cases from Samara, Perm Krai, and Brazil. He mentions a woman who allegedly sold her house and vanished after attending a seminar. He describes another who left her children and took out loans before disappearing. He presents these cases as evidence of a global exploitation network. However, he does not examine

whether these disappearances are documented or whether they are connected to Rudnev (who was in jail in Argentina when some of the incidents occurred).

The video also includes claims that followers were driven into psychiatric disorders. Lidin cites cases of schizotypal personality disorder and paranoid schizophrenia. He presents these diagnoses as consequences of Rudnev's teachings. Still, he does not consider alternative explanations or the possibility that the ideological climate surrounding the case influenced them (assuming they are authentic). He repeats stories of followers abandoning their families, refusing to care for sick relatives, and withdrawing from society. He presents these stories as proof of psychological control, although he does not examine whether they are verified or whether they reflect individual circumstances rather than systemic patterns.

The 2026 video also describes Rudnev's female followers as devious priestesses who maintained control during his imprisonment. He describes their alleged manipulation of followers, their involvement in financial matters, and their participation in dangerous rituals. He does not consider, however, that while detained in Siberia, Rudnev had very limited opportunities to communicate with the world outside the prison. He certainly could not have managed a "movement" or been responsible for his former students' activities.

Lidin admits: "True, perhaps the case against him was partly fabricated. During a search, a packet of heroin was found on him. But my sources are unaware of Rudnev himself ever using anything of the sort." Lidin is surely aware that Russian police routinely plant either drugs or pornography in the homes of those who criticize the regime or do not praise it enough. However, after this honest statement, he continues to use, less honestly, material from the same fabricated Russian court case.

Even less honestly, once he realized the court documents would produce a narrative both implausible and dull, Lidin supplemented them with sensational media accounts and his own fantasies, turning a collection of disputed claims into a full-scale defamation designed to shock viewers.

The videos present a narrative in which every detail confirms the conclusion. They do not allow for ambiguity, complexity, or the possibility that the narrative itself is a product of moral panic. They create a closed world that invites the viewer to accept the story without question.

The videos also rely on old attacks by Russian media. These attacks follow a familiar script. They describe Rudnev as a monster, present sensational stories

without verification, and repeat stereotypes and platitudes about “cults” and “mind control.” They rely on apostate ex-members, some of whom may be sincere, while others may be invented or influenced by external pressures. They include innuendo and rumors without evidence, such as alleged disappearances that cannot be traced to Rudnev.

The language often degenerates from vitriolic criticism to plain insult. “Cults” are there to “steal your money, your youth, and your health.” Rudnev is “a coward sadist and a pathetic charlatan.” And so on.

The allegations and conclusions presented in Lidin’s videos about Rudnev are not supported by evidence. They are not facts. They are unverified claims drawn from biased judicial materials, sensational media reports, and narratives produced within the Russian anti-cult ideology. Lidin presents them as proven truths, yet they remain unsubstantiated accusations assembled into a horror story designed to shock viewers.

This construction serves a commercial purpose. Lidin is a professional blogger whose work depends on audience size, views, and engagement. The more frightening and lurid the narrative, the more attention it attracts and the more advertising revenue it generates. The demand for sensational content creates a market for stories that amplify fear and exaggeration. Rudnev’s case becomes raw material for a spectacle that rewards the creator with visibility and profit. This commercial incentive explains why the videos emphasize the most shocking elements, repeat unverified rumors, and present conjectures as fact. It also explains why the narrative is shaped not by evidence but by the logic of entertainment, where fear sells, and accuracy does not.

Mikhail Lidin’s videos also reflect the persistence of Soviet scientism in contemporary Russia and the limitations of a skeptical movement that has not kept pace with scientific research. Lidin’s old-fashioned positivist worldview shapes his interpretation. He sees fraud where others see symbolism, manipulation where others see charisma, deception where others see spiritual exploration, a “cult” where others see a spiritual movement.

His videos reflect the same dogmatic attitude that I encountered in Soviet schools. Everything that falls outside a somewhat primitive idea of science is treated as irrational, dangerous, and manipulative. They confirm the dangers of treating ideology as truth and the need for a more nuanced approach to spiritual diversity.

Truth requires more than performance, spectacle, or entertaining videos. It requires the courage to question the narratives that others accept without hesitation, the willingness to look beyond the surface, and the recognition that human experience is richer than any dogma, whether religious or secular.

The more interesting question, however, is why Lidin felt the need to devote an almost four-hour video to the Rudnev case in 2026, five years after the first one. One answer is in the video itself. He implies he is hoping to influence Rudnev's prosecution in Argentina. He claims that converting Rudnev's detention into house arrest was a form of excessive "leniency," despite his acknowledged medical problems. Happily, Lidin tells us, "the Argentine investigation into the human trafficking case is in full swing, and prosecutors did not agree to such leniency. In June, Argentina's Court of Cassation overturned the house-arrest decision. By law, Rudnev must return to federal prison."

There may be another answer, though. Lidin is not a "classical" Russian anti-cultist such as Alexander Dvorkin or Alexander Novopashin, who work for the Russian Orthodox Church and run campaigns against Rudnev as a competitor to their church, though he borrows from them the term "totalitarian cults." Lidin is a professional skeptic and approaches Rudnev as such.

At this point, it is obvious that there is a transnational campaign started in Russia to destroy Konstantin Rudnev by feeding false information to Argentine prosecutors and inciting them to ignore even the basic principles of humanity by sending back to jail a man with dramatic health problems. Those who started this campaign, with a viciousness whose motivations I do not totally understand, are probably aware that they cannot rely only on militant Orthodox heresy hunters such as Dvorkin or Novopashin. Their extreme positions are easily ridiculed outside of Russia. So, they diversify their campaign. Those who would not believe Dvorkin or Novopashin, who speak in the name of the Orthodox Church, would perhaps believe Lidin, who speaks in the name of "science." However, the lies about Rudnev are the same.

Lidin's 2026 video on Rudnev is heavily promoted and has more than one million views. It shapes public opinion, creates prejudice, and reinforces stereotypes. It contributes to the persecution of Rudnev and his followers—indeed, the author admits it is produced with that aim in mind. It becomes part of a chain of misinformation that influences journalists, activists, and officials who do not examine the underlying evidence. It creates an environment in which minority spiritual movements are treated

as threats. Ultimately, Lidin's videos strengthen those who use the label of "cult" to suppress dissent, both in Russia and Argentina.

Konstantin Rudnev's story is complex. It deserves careful study, independent investigation, and scholarly attention. It does not deserve to be reduced to a spectacle shaped by ideological bias.

In the end, the question is not whether one agrees with Rudnev's teachings. It is whether one agrees with the methods used to judge him, accepts narratives built on compromised sources, and allows skepticism to become dogma. An even more fundamental question is whether one recognizes the importance of protecting minority spiritual movements from prejudice and dissidents from transnational Russian campaigns aimed at silencing and destroying them even after they have left Russia.

These questions matter for the integrity of inquiry, for protecting human rights, for the future of religious and political freedom, and for the dignity of those who seek meaning outside conventional paths.

I learned this lesson in Soviet classrooms. I carry it with me when I examine the narratives that shape public opinion today. It reminds me that freedom of belief is fragile and must be defended against subtle defamation campaigns and all forms of prejudice, including those that claim the authority of science.

Cults, Moral Panic, and the Press: How to Construct a Perfect Enemy

Alejandro Agostinelli

The "common sense" that mobilizes those who label certain movements as "cults," the scarcely or entirely unaudited power of prosecutors' offices, the expansive use of criminal law provisions such as human trafficking laws, the media exposure of judicial investigations through leaks, and the way the media construct guilt before a verdict is handed down are essential both in a court case and in a piece of journalism. Even so, these issues remain practically invisible to mass audiences. Not because of a lack of specialists in scientific disciplines who could shed light in the darkness, but because it is easier, corporately advantageous, and even profitable to be part of this structure, a "culture of suspicion" rooted in

the mainstream. Understanding, exposing, and dismantling it will require far more energy, time, and resources.

The recent case of Konstantin Rudnev in Argentina is a textbook example of manufacturing a media-judicial moral panic. News coverage followed the same old sensationalist formula: “if it bleeds, it sells,” as Marco Respinti puts it (“‘If It Bleeds, It Sells’: How Western Media Reproduced Russian Propaganda Against Konstantin Rudnev,” *The Journal of CESNUR* 10[5], 2026:127–41). He adds something more uncomfortable: neutral journalists do not need to sympathize with so-called “cults” to recognize the serious abuse committed by their profession when it abandons its primary responsibility—to report without distorting the facts. Professional ethics alone should suffice. And this disproportion relative to the actual risk, together with law-enforcement operations focused on “rescuing” victims who deny being victims or simply do not exist, ends up causing more harm than the harm prosecutors, “anti-cultists,” or the media claim to prevent.

There is a basic point, which consists of identifying and becoming familiar with the group (official name, number of followers, etc.) and its historical trajectory, listening to representatives and members of the community, interviewing people who claim to have been harmed by its activities, seeking expert sources (sociologists, anthropologists, historians), lawyers for both sides, and, if the case is before the courts, obtaining testimony from the officials responsible for an ongoing investigation. But this ABC is rarely followed.

The Crimes Valentina Did Not Commit

In 1991, an Argentine morning newspaper published a two-page article titled “The Invaders,” under the kicker “The Flying-Saucer Cults.” The author framed the growing popularity of the “naïve” UFO myth alongside other social trends that, in his view, led those interested in them toward these “pseudoscientific cults.” He stated as a fact that this movement constituted “a risky challenge to the mental health of mystery enthusiasts... tempted by that flying-saucer-shaped bait.” I will comment only on the opening: dissecting the entire article would provide material for a complete thesis.

“Although it may seem like harmless entertainment or a hobby that does no harm, the irrational belief in extraterrestrials who will descend from the sky to save humankind from its self-destruction not only constitutes a petty means of escaping responsibility for one’s own free will, but also offers some enthusiasts a shorter

path to becoming **trapped in the networks of destructive cults**, so-called because they **dissolve the personalities** of those individuals into a body of dogmatic doctrines, **eliminate every trace of reflective thought**, and, sooner rather than later, completely **reform their belief systems**, for which they employ a **series of techniques** that **scholars of the cultic problem** do not exaggerate in calling **‘brainwashing’**” (*Página/12*, August 13, 1991).

The **boldface** is mine. And so is the text: I myself wrote the article 35 years ago.

Today, that article published in *Página/12* is a “pilot case” for understanding how the discourse of social agitation, moral panic, and the stigmatization of religious minorities was structured in Argentina in the late 1980s and early 1990s. It belongs to a pivotal moment when the debate surrounding “cults” was shifting from the “invasion” of the “electronic churches,” evangelical preachers to whom a role of “geopolitical and imperialist infiltration” was attributed (1985–1988), and the most stigmatized religious minorities (the Unification Church, Jehovah’s Witnesses, Pentecostals, Scientology, the Children of God, etc.), toward the advent of novel groups, such as those inhabiting UFO culture and other margins of religiosity. Well into the 1990s, the “social problem of cults” emerged as a threat, particularly after the arrival in the country of the North American and European model of “coercive persuasion” (see Alejandro Frigerio and Ari Pedro Oro, “‘Sectas satánicas’ en el Mercosur: Un estudio de la construcción de la desviación religiosa en los medios de comunicación de Argentina y Brasil,” *Horizontes Antropológicos* 4[8], 1998:114–50).

The very notion of “destructive cults that nullify the will of individuals,” which discredits the group by denying converts their autonomy, and even the authority the article grants to “scholars of the cultic problem [who] do not exaggerate in calling it ‘brainwashing,’” today, at least for me, makes my skin crawl. In my mind, those “scholars” were the specialized journalists Pepe Rodríguez, author of “The Power of Cults” (*El poder de las sectas*, 1989), and the Argentine Alfredo Silletta, author of titles such as “Cults Invade Argentina” (*Las sectas invaden la Argentina*, 1986), as well as the psychologist José María Baamonde, whose close relationship with the Catholic Church I did not regard as incompatible with a balanced judgment, perhaps because, not so long ago, priests and lay members of the Church were regarded as the “owners” of the religious field.

My *Página/12* article in August 1991 functioned not as a prophecy but as a catalyst for the “cult invasion” climate that erupted the following year. In July 1992, when the police chief of Paraná, Brazil, accused Valentina de Andrade, the leader of the group Lineamento Universal Superior (LUS), of an alleged ritual crime, I, acting as a co-creator of news with my colleague Silletta, rushed to steer public debate under the stigma of the “destructive cult.”

My responsibility was limited because I made clear that I knew nothing about the case, but the Brazilian leader had written in her book “The Truth About God” (*La verdad sobre Dios*, 1989) that “children born after 1981 have a harmful energy.” Guilt by association was thereby established.

The video in which Valentina’s husband, José Teruggi, supposedly said while in a trance, “Kill the little child I asked for” (*Maten la criancinha que yo pedí*) caused an uproar. The correspondent for an Argentine newspaper validated this translation, and the story exploded in our country. Months later, official expert examinations demonstrated that the phrase was “But there are little children who are experienced” (“Mas tem criancinhas que são experientes”).

A linguistic fantasy co-created by a journalist fed the spectacle. In September 1992, Valentina and Teruggi were acquitted. But the persecution of her and her group persisted. Between 1993 and 2003, she went through a lengthy judicial process. Because of her controversial history and her visits to Altamira, Brazil, de Andrade was accused of the kidnapping, mutilation, and murder of children between the late 1980s and early 1990s. She was acquitted in late 2003, when police arrested serial killer Francisco das Chagas Rodrigues de Brito, who confessed to committing the crimes.

Confessions of a Repentant Anti-Cultist

Today, I would be even more ashamed of my hasty activism were it not for the fact that three years later I wrote the article “The Fiasco of the Accusations Against Valentina” (*La Maga*, May 4, 1994). Not every journalist has the good fortune to become friends with a patient academic such as Dr. Alejandro Frigerio, who provided me with the readings that put me back on course.

In that article, I acknowledged that my earlier conclusions had served an anti-cult interpretive framework: “Far from being an objective description of the internal life of the groups, [that article was] an excellent X-ray of my prejudices, my fears, and my personal opinions.” I also wrote that brainwashing theory lacked

scientific support—a “cliché that allows people to wash their hands of responsibility”—a convenient label that allows former members to evade responsibility for their own actions or families to justify ruptures and departures from home. The systematic use of such labels, I added, “serves only to stigmatize and, through media and judicial persecution, to provoke the very isolation that one seeks to prevent.” Starting from such biases, “the outcome was predetermined before the process even began”: speaking of “cults” “has more to do with ideology than with sociology,” because these groups “are more religious than dangerous.” Under that logic, social scientists, former members without grudges, and journalists seeking neutrality become “accomplices,” “cover-up agents,” or outright victims of “coercive persuasion.”

To write my *Página/12* article, I could hardly have consulted more biased sources: I relied on testimony from former adherents or disillusioned former members. I visited the group carrying a burden of prejudice that blinded me to the obvious. That was where my “investigation” began (and ended), without taking into account that the accounts of militant apostates must be handled with extreme care, since they tend to follow the pattern of “atrocities tales.” Such accounts can exaggerate or fictionalize experiences, redefining the former group as intrinsically “evil” and mobilizing public resources against it. Often, the former member resorts to rhetoric that is more creative than neutral to absolve himself of his own responsibility and justify past decisions, embracing a deterministic mystique—the role of victim of “brainwashing” or “coercive persuasion”—that downplays his previous participation and relegates him to a passive, almost zombie-like condition.

This also has to do with the readjustment of those who decide to leave a marginalized group: because society offers few avenues for reintegration, the person seeks to assimilate into mainstream morality by adopting the legitimized role of the “apostate,” which at times requires a melodramatic renunciation of one’s past to gain attention from those close to them, if not for psychological relief and social recognition.

In *The Making of a Moonie* (Oxford: Blackwell, 1984), Eileen Barker, Professor of Sociology and Professor Emerita at the London School of Economics (LSE), demonstrated that dissidents who exaggerate their accounts or deploy a menu of false accusations constitute a minority that does not represent the experiences of most former members, whose experiences are rarely given attention. Yet this does not prevent apostasy from often becoming a career, one the sensationalist press readily exploits. Eventually, the individuals stage their repentance and denounce

the “perversity” of the group, transforming their status as former members into a specialty or profession—“consultants,” “expert witnesses,” or even “anti-cult influencers”—as a means of economic subsistence and social validation.

Sociologists Thomas Robbins and Alejandro Frigerio have explained how the media and anti-cult activism jointly manufacture public scandals. Robbins calls this bias “epistemological Manichaeism”: former members who make accusations are believed unquestioningly, while believers who remain in the group are dismissed or infantilized because “brainwashing”—it is claimed—has deprived them of decision-making capacity. Thus, anti-cult groups end up speaking on behalf of supposed victims without allowing them to speak for themselves, while validating the voice of the hostile former member without further scrutiny. To keep the flame alive, this activism resorts to what Joel Best calls “domain expansion”: it needs ever more former members willing to tell terrible stories and stretches the label of “dangerous cult” to include common practices such as yoga, biodance, or ufology. This constant expansion of the threat lets it justify its existence, gain prestige, and push for harsher laws, such as criminalizing the mere “capture of consciousness.”

My own 1991 article already contained the trap in miniature. It took for granted the idea that these groups “dissolve personality,” “eliminate every trace of reflective thought,” and “reform” the belief system of their adherents; if one of them declared that they joined of their own free will, that very happiness was interpreted as proof that the brainwashing had worked. The punitive labels still applied today to a heterogeneous set of groups are enough to confirm that journalistic and judicial treatment of the issue has not improved much since then.

Barker warned that, to determine whether abuses or manipulation occur within a group, the group must be defined independently of any prejudice: placing a diverse collection of groups into the same category precludes both neutrality and any genuine empirical finding. The guilt-by-association fallacy works the same way: if groups as different as peaceful mystery enthusiasts and controversial organizations are labeled under the same category—“flying-saucer cults”—the generalization casts suspicion on every leader, doctrine, and adherent of a non-traditional movement and strips them of their particular identity.

Under that same logic, my 1991 article preceded the description of every group or figure in the Argentine contactee movement with a “negative summary of facts.” On the basis of that “thematization,” I combined fascination with extraterrestrial life, certain commercial dynamics, and police cases without

judicial resolution: together, though none did so separately, they cast the shadow of an urgent social threat that justified public condemnation, state intervention, legislative reforms, and raid operations.

The Moral Panic That Came In from the Cold

The case keeping Konstantin Rudnev detained in Argentina repeats this pattern with almost millimeter-perfect precision. Prosecutor Fernando Arrigo—questioned for his careless handling of evidence and his “obsessive hostility” in other high-profile cases—pursued the accusation with a fervor that would have been admirable in a case grounded in evidence. Much of Rudnev’s public profile was built on Russian state propaganda from *RIA Novosti*, which described him as the “alien from Sirius” and claimed he had 30,000 followers. A caricatured biography was used to justify his eleven-year sentence in Russia. That portrait created the climate of suspicion he arrived in Bariloche to, although he was never convicted of any crime in Argentina.

The case, initiated in 2025, accuses him of aggravated human trafficking, reduction to servitude, unlawful deprivation of liberty, ideological falsification, and transportation of narcotics; the last charge collapsed when chemical tests revealed that the allegedly seized substances were sleeping pills and ordinary cooking mushrooms. The allegation of “ritual pornography,” for its part, relates to a raid on a rented house in Žabljak, Montenegro, in October 2024, with no connection whatsoever to Rudnev, and no one was prosecuted. Nevertheless, the Argentine media recycled that narrative from the Balkan sensationalist press, which insisted on linking Rudnev to the raid.

Inventing a Victim

The case file centers on one name: Elena Makarova, the sole “victim.” In her statement before a Gesell Chamber, she was unequivocal: she stated that she did not know Rudnev, moved freely around Bariloche, and had suffered neither coercion nor exploitation. After returning to Russia, she filed a criminal complaint against the prosecutors for forcing her into the status of victim.

As Argentine anthropologist María Vardé explains, this mechanism functions as a device of “guilt by association” that strips people of agency: if an independent adult woman denies having been exploited, PROTEX psychologists treat that

denial as “proof” that brainwashing worked (“Beyond the Leader: Guilt by Association and Stigma in New Religious Movements,” *The Journal of CESNUR* 10[3], 2026:55–92). It is the same logic as that of parlor sorcerers: if the spell “works,” the client comes back; if it does not work, the client still has to come back. The spell is too powerful. Magic—and prosecutors—never lose.

In April 2026, sociologist Massimo Introvigne and former diplomat and human rights expert Rosita Šorytė signed an expert opinion (available at <https://bit.ly/4xN3adj>) dismantling the case’s central pillars. In May of the same year, Rudnev’s defense sought Prosecutor Arrigo’s recusal for an “absolute lack of objectivity.” Two international NGOs with special consultative status with ECOSOC, CADD (Citoyens en action pour la démocratie et le développement) and CAP-LC (Coordination des associations et des particuliers pour la liberté de conscience), reported to the United Nations Human Rights Council in Geneva on the prosecutor’s persecution, his “special obsession” with the accused, and the case’s procedural irregularities. Since then, the case has become another “crime control theater,” to use the words that Canadian sociologist and Montreal’s Concordia University professor Susan Palmer applied to the issue of the Buenos Aires Yoga School (“From Cults to *Cobayes*: New Religions as ‘Guinea Pigs’ for Testing New Laws. The Case of the Buenos Aires Yoga School,” *The Journal of CESNUR* 7[4], 2023:3–24).

Despite his fragile health after surgery for an inguinal hernia, the Court of Criminal Cassation lifted Rudnev’s house arrest in June 2026, sending a seriously ill man back to Rawson prison (subject to an assessment of his health conditions) on the basis of Internet rumors and Russian propaganda.

Konstantin Rudnev remains in preventive detention, without a conviction.

Tension Between Intensive State Investigation, Safeguards for Individual Rights, and the Limitations of the System: Reflections on the Rudnev Case

Liliana Eva Cucurullo

Analyzing criminal proceedings from the perspective of procedural safeguards does not necessarily require identifying a violation. It also entails determining

when a restriction of rights has sufficient legal, evidentiary, and judicial grounds, and what limits it must observe in order to remain legitimate.

The proceedings brought in Argentina against Konstantin Rudnev and other individuals provide an opportunity to examine several particularly current tensions within criminal procedure: an investigation of transnational scope, a possible trafficking-in-persons hypothesis, predominantly circumstantial evidence, digital evidence, situations of vulnerability, coercive measures, and, most notably, a person identified by the state as a victim who subsequently denies that status.

This article does not seek to provide a comprehensive assessment of an investigation that remains ongoing, nor to anticipate any conclusion regarding the criminal responsibility of the persons involved. Nor have I had access to the entirety of the evidence produced in the case. The analysis is based on certain materials from the court record that I have been able to review, and its conclusions are necessarily limited accordingly.

My approach is not exclusively doctrinal. For almost three decades, I have carried out my professional work as a lecturer, legal practitioner, and public defender within the Public Defense Service of the Province of Buenos Aires, which has operated under an adversarial system since 1998. That experience necessarily brings a practical perspective to the analysis of the exercise and limits of the state's punitive power. Any interference with individual rights must have sufficient legal, evidentiary, and judicial grounds. *Controlling punitive power does not, however, mean presuming its illegitimacy.* It means determining when state intervention violates procedural safeguards and when, even if intensive, it rests on sufficient legal grounds.

1. The Complexity of the Case and the Limits of the Investigation

Argentina's Federal Criminal Procedure Code expressly provides for the possibility of applying a special regime when an investigation or adjudication presents objective complexity, among other reasons because of the characteristics of the facts, the number of persons involved, or the existence of organized or transnational crime. That regime permits longer time limits, but retains a fundamental requirement: its application may not undermine the rights and safeguards recognized by the Constitution and international human rights instruments.

Complexity does not constitute an exception to criminal procedure; it forms part of it. It may justify certain investigative tools and procedural time limits, but it does not suspend safeguards, nor does it make every prolongation of an investigation reasonable. From a criminal justice policy perspective, the challenge should lie precisely in providing the system with sufficient capacity to investigate complex phenomena thoroughly while, at the same time, bringing cases to trial within the shortest possible time.

Argentina's experience with adversarial systems further demonstrates that legislative reform is only one part of this process. Oral proceedings, immediacy, and speed require adequate human, technological, physical, and budgetary resources. The state's material limitations can never justify undue restrictions of rights or shift their consequences onto persons subjected to criminal proceedings; but neither does the existence of institutional difficulties automatically render state action illegitimate. The law may design an efficient system, but its effective operation requires the material conditions necessary to make that system work.

According to the court materials reviewed, the Rudnev case presents objective features that help explain its complexity. This complexity does not arise merely from the fact that those under investigation belong to a spiritual or minority group. Rather, the case involves cross-border travel and movement of persons, communications, electronic devices, documentary evidence, personal relationships spanning several countries, and a prosecutorial hypothesis that requires events occurring at different times and locations to be reconstructed.

Among the elements considered are migration records and communications related to the journey of the woman subsequently identified by the state as a victim, who was pregnant at the time; evidence obtained from electronic devices; references to certain disciplinary practices and food restrictions; circumstances related to her hospital care; and communications among various individuals under investigation. These elements are not irrelevant, but neither does their mere existence amount to proof of the crime of trafficking in persons. The distinction is essential: one question is whether there are sufficient objective grounds to initiate and continue an investigation; a very different question is whether the elements of the offense and the criminally relevant participation of each person under investigation have been established.

On the basis of the materials I have been able to examine, I do not find that the investigation was constructed exclusively upon a negative assessment of the

group's beliefs or way of life. There is an objective basis for investigation, but that finding does not yet answer the central question in criminal proceedings: what, specifically, does the evidence establish with respect to each alleged act, each person under investigation, and the woman identified as a victim by the prosecution?

Membership in a minority group does not constitute evidence of criminality. At the same time, such membership cannot become a category that precludes investigation where objective indicators of potentially criminal conduct exist. It is precisely at this point that procedural safeguards must operate.

2. The Trafficking Hypothesis, the Evidence, and Personal Autonomy

Investigations into trafficking in persons present particular evidentiary difficulties. The relevant events may unfold through prolonged relationships, international movement, economic or emotional dependencies, and situations of vulnerability that can rarely be reconstructed through a single item of direct evidence. Circumstantial evidence therefore assumes particular importance.

Nor can such an investigation dispense with a gender perspective. Within the Inter-American system, the Convention of Belém do Pará is the regional instrument protecting women against violence and requires states to exercise due diligence in preventing, investigating, and punishing such violence. In Europe, a corresponding role is performed by the Istanbul Convention. These instruments are complemented by the universal standards established under CEDAW, whose General Recommendation No. 38 specifically addresses trafficking in women and girls. These standards should guide the investigation and prevent stereotyped reasoning, without replacing evidence or diminishing the procedural safeguards afforded to persons subject to criminal proceedings.

Circumstantial evidence must not be confused with an accumulation of suspicions. The underlying facts from which an inference is drawn must themselves be established, and the inference leading from those facts to the hypothesis sought to be proven must be rational, capable of explanation, and open to adversarial challenge. Vulnerability, in turn, must be assessed concretely in relation to each individual, and hypotheses involving subjection require investigation and corroboration. Multiple pieces of circumstantial evidence may acquire probative force when they rationally converge, but no general

characterization can substitute for the specific identification of the relevant facts or the evidence relating to each person.

A general characterization of the functioning of the group under investigation may provide context and guide particular lines of inquiry, but it cannot substitute for the individualized identification of the conduct attributed to each person. Likewise, vulnerability cannot be established solely on the basis of general categories: it requires examination of each person's specific circumstances and determination of their relationship to the conduct under investigation. *Context may help explain evidence. It cannot replace it.* Nor can the volume of evidence substitute for its quality.

A criminal investigation necessarily requires the formulation of hypotheses. The existence of a strong prosecutorial hypothesis does not, in itself, constitute a departure from the duty of objectivity. Investigation entails formulating provisional explanations of what occurred and subjecting them to testing. Being persuaded of the plausibility of a hypothesis does not itself constitute bias; the problem begins when that hypothesis becomes immune to contrary evidence.

This tension arises with particular intensity in relation to the woman who was identified by the state as a victim but subsequently denied that status and, moreover, raised serious concerns regarding certain forms of state intervention. Her account matters and must be heard. An adult does not cease to be an autonomous rights-holder simply because the state regards her as a victim. Her explanations of what she experienced, her perception of the relationships she maintained, and her objections to state intervention must be given serious consideration in the evidentiary analysis.

There is, however, another legal dimension that likewise cannot be ignored. Argentine trafficking legislation provides that a victim's consent does not exempt those who participate in the offense from criminal responsibility. Accordingly, the fact that a person does not regard herself as a victim does not, by itself, negate the existence of trafficking as a matter of law. The state may continue to investigate, but that rule does not authorize an unlimited displacement of her autonomy, nor does it permit every denial of victim status to be transformed into confirmation of the prosecution's own hypothesis.

Her denial of that status does not establish that the offense did not occur. Yet possible fear, dependency, conditioning, or normalization of a situation of exploitation cannot simply be presumed in order to discredit her account. *If every statement inconsistent with the prosecutorial hypothesis were automatically interpreted as further*

evidence of the very condition of subjection under investigation, the hypothesis would become practically impossible to refute.

The case also presents a circumstance that prevents the matter from being resolved solely on the basis of that denial. The court materials examined contain communications that the prosecution interprets as instructions directed to her to deny knowing Rudnev, to state that she had traveled voluntarily, and to deny that she was a victim. Those communications are evidentially relevant, but relevance does not amount to a conclusion. Determining their actual significance requires establishing their authenticity and provenance, identifying their authors and recipients, reconstructing their chronology, and analyzing the context in which they were produced. Only then can their relationship to her subsequent statements be rationally assessed.

Where those statements coincide with explanations advanced by persons under investigation, that correspondence does not, by itself, establish external influence or the existence of a common strategy. Nor, however, should that correspondence be overlooked. It must be assessed against the remainder of the evidence. This also illustrates the distinction between a personal interview and a criminal investigation: an interview may be particularly valuable for understanding how a person interprets and narrates her own experience, whereas criminal proceedings must ask an additional question—whether that explanation is compatible with the entirety of the available evidence and what alternative hypotheses are supported by the remaining elements.

Her concerns regarding certain forms of state intervention, her hospital care, and the facilities in which she reportedly remained under protection must likewise be taken seriously. An allegation of institutional mistreatment cannot be dismissed simply because the person making it simultaneously challenges the prosecutorial hypothesis. At the same time, allegation and verification must be distinguished. To assess a possible interference with her autonomy, it is necessary to determine the nature of those facilities, the basis for her stay there, her actual ability to leave, the duration of her stay, and the specific restrictions imposed upon her.

The same applies to the claim that, in the hospital setting, she was allegedly required to provide information concerning the identity of her child's father. Argentine law does not make the registration of a birth outside marriage conditional upon the mother identifying the father. Accordingly, before attributing coercive significance to that episode, it is necessary to establish what

was actually asked, for what purpose, and in what context. Without that information, finding that a rights violation occurred would be as premature as ruling it out.

This is not a question of neutrality toward the evidence, but of rigor in its assessment. The function of procedural safeguards is precisely to prevent a belief—whether prosecutorial or defensive—from taking the place of proof of the facts.

3. Coercion, Judicial Oversight, and a Necessarily Provisional Assessment

The existence of sufficient grounds to investigate does not automatically resolve the question of liberty pending the proceedings. Coercive measures must be construed narrowly: pre-trial detention cannot operate as punishment in advance, and its continuation requires concrete and current procedural risks that remain subject to review.

In the decisions examined in the Rudnev case, the assessment of those risks does not appear to rest solely on the abstract seriousness of the charge. Factors relating to ties to the community, international movements, access to resources, and possible conduct aimed at obstructing the proceedings were taken into consideration. The existence of such factors does not, however, mean that the most restrictive measure must invariably remain in place. The matter must be reassessed throughout the proceedings: whether the relevant risks continue to exist, how serious they remain, and whether they can be adequately addressed through less restrictive measures.

A separate issue concerns the material conditions of detention. The fact that a coercive measure is legally justified does not legitimize conditions of confinement incompatible with dignity, personal integrity, or the right to health. Conversely, deficiencies in the detention facility do not, by themselves, establish that the procedural risks that justified the measure no longer exist. Both matters require oversight, but they should not be conflated.

On the basis of the court materials examined, I do not at this stage find sufficient grounds to characterize the investigation, in itself, as a violation of human rights. This assessment is necessarily provisional. It does not mean that every decision adopted in the course of the proceedings was correct, that any irregularity could be justified by the complexity of the case, or that the concerns raised by the person who denies being a victim should be dismissed. Still less does

it mean that the criminal responsibility of Rudnev or of the other persons under investigation has been established.

It means something more limited: objective elements exist that justify an investigation. From that point onward, a different and progressively more demanding evidentiary inquiry begins. What is sufficient to investigate may be insufficient to support a formal accusation and, a fortiori, insufficient to convict. The trafficking hypothesis must be established in relation to specific conduct and identified individuals; vulnerability must be assessed on an individual basis; communications must be authenticated and contextualized; accounts must be tested against external evidence; and alternative hypotheses must be seriously examined. The required evidentiary threshold rises as the proceedings advance.

Defending procedural safeguards does not require denying the existence of evidence where such evidence appears in the court record. It requires demanding that the evidence have been lawfully obtained, that it be open to adversarial challenge, that it be interpreted rationally, and, ultimately, that it be assessed in accordance with the applicable evidentiary standard.

The Rudnev case therefore reveals a tension that extends beyond its immediate protagonists. The state has a duty to seriously investigate conduct that may constitute criminal offenses while simultaneously respecting, with equal rigor, the rights of those subjected to investigation. In trafficking cases, a particularly delicate difficulty arises: protecting persons who may be experiencing exploitation without unnecessarily displacing their autonomy.

Complexity cannot become a permanent justification for the duration of criminal proceedings, nor may it lower the standard of procedural safeguards. Complex phenomena require institutions capable of investigating them thoroughly while also bringing proceedings to a conclusion within a reasonable time. Structural limitations of the justice system do not, by themselves, render a complex investigation illegitimate; but neither may their consequences be shifted onto persons subjected to criminal proceedings, nor may they justify restrictions for which sufficient grounds are lacking.

Between an ideal system and an illegitimate one lies a broad institutional reality that must be examined without naivety, but also without prejudice. Within that space, the legitimacy of criminal proceedings ultimately depends upon four requirements that no degree of complexity can displace: law, evidence, adversarial testing, and oversight.

[Note: Reference is made to the following legal sources:

- Argentina. 2008. Law 26,364. *Prevention and Punishment of Trafficking in Persons and Assistance to Victims*. Buenos Aires: Official Gazette.
- Argentina. 2008. Law 26,413. *Civil Registry and Legal Capacity of Persons*. Buenos Aires: Official Gazette.
- Argentina. 2012. Law 26,842. *Prevention and Punishment of Trafficking in Persons and Assistance to Victims*. Buenos Aires: Official Gazette.
- Argentina. 2014. *Federal Criminal Procedure Code*, Law 27,063, consolidated text as amended. Buenos Aires: Official Gazette.
- Argentina. 2017. Law 27,372. *Law on the Rights and Safeguards of Victims of Crime*. Buenos Aires: Official Gazette.
- Committee on the Elimination of Discrimination against Women. 2020. *General Recommendation No. 38 on Trafficking in Women and Girls in the Context of Global Migration*. CEDAW/C/GC/38.
- Council of Europe. 2011. *Convention on Preventing and Combating Violence against Women and Domestic Violence* (“Istanbul Convention”). Istanbul, May 11, 2011.
- Organization of American States. 1994. *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (“Convention of Belém do Pará”). Belém do Pará, June 9, 1994. Approved by the Argentine Republic through Law 24,632].

The Rudnev Case: The “Victim” Speaks Out

Elena Makarova

I, Elena Makarova, have been living in Russia with my wonderful baby, and my only desire is to live in peace and forget the traumatic experience I endured in Argentina. I returned home hoping that time, family, and motherhood would help me heal. Yet my name continues to be mentioned in the case against Konstantin Rudnev in Argentina, and the media has exposed it with little regard for my right to privacy. For this reason alone, I feel compelled to write an article to set the record straight, in my own words, without intermediaries, distortions, or mistranslations.

Before traveling to Argentina, I had no special interest in spirituality, esotericism, or anything like that. I had never heard of Konstantin Rudnev. Only after the incidents in Argentina did I become aware that Russian media had occasionally mentioned him in the past. Most of those articles, however, had been published when I was a child, and Rudnev was not a household name in Russia. I was never part of any group, movement, or “cult” associated with him.

My life before Argentina was ordinary, shaped by my pregnancy and by the difficult relationship with the father of my child, a man who drank, mistreated me, and made me fear for my safety. I became pregnant outside of marriage, without

support from this man or his family, and by October 2024 I had finally managed to separate from him. I was depressed, frightened, and in need of a safe place to give birth.

For readers who may find it unusual that I chose Argentina, let me explain why it is not. When I began considering giving birth there—following suggestions from friends and relatives—I learned that in one year more than 10,000 pregnant Russian women traveled to Argentina for childbirth. The reason is simple: any child born in Argentina can obtain an Argentine passport, and the mother becomes eligible for Argentine citizenship after a few years. In the current international situation, having a non-Russian passport from a Western country is highly desirable. I wanted safety, stability, and a future for my child. Argentina seemed to offer all of that.

When I decided to go, my mother learned that her friend Nadezhda Belyakova—known in Argentina as Angelina—was also planning to travel there. She asked Nadezhda to accompany me, because she was deeply worried about my pregnancy and the violence I had suffered. Nadezhda agreed, and we traveled together. She never mentioned Rudnev to me before we arrived in Argentina. I had no knowledge that they knew each other, and I doubt it.

When we arrived in Bariloche, Nadezhda and I discovered that the house where we had planned to stay was no longer available. Nadezhda then contacted Ksenia Tarakanova, who knew many in the Russian community in Bariloche. Nadezhda and I stayed in one of Tarakanova's properties. I later learned—since she had no reason to discuss the matter with me before the hospital incident—that Tarakanova was a friend of Rudnev's wife, and they had known each other since Russia.

In Argentina, my pregnancy continued normally. I fell in love with Bariloche—its calm, its landscapes, the walks with Nadezhda. I knitted clothes for my baby, bought what he needed, and prepared myself emotionally for childbirth. I didn't speak Spanish, so I relied on my interpreter, Svetlana Komkova, a fellow Russian I met in Bariloche. She translated my questions and the doctors' instructions during hospital visits. I repeatedly expressed my desire for a natural birth and my fear of a cesarean section.

Everything changed in mid-March. Hospital personnel insisted on obtaining documentation from the child's father, despite my clear request to register the baby under my surname and not to disclose the father's identity. The nurse later acknowledged that paternal documentation was not legally required for discharge,

but said she requested it to “obtain information about me.” Under pressure, and because the hospital insisted on paternal papers, Nadezhda produced a photocopy of Rudnev’s passport that she found among documents at the accommodation where we were staying, since Ksenia Tarakanova was assisting Rudnev and his wife with their immigration inquiries. I had never seen that passport before. I had never spoken with Rudnev. Yet that photocopy became the seed of a nightmare, as I started being investigated and pressured to admit I was a “victim” of Rudnev and his “cult.”

From the very beginning, I was subjected to extremely strong and constant pressure to make me admit that I was a victim. I was threatened and told that they could take my child away. I lived in constant fear that my son would be taken from me. I was told that if I refused to declare myself a victim and insisted on communicating with my mother, then my mother would also be made a defendant in the case and could be imprisoned as well. These threats were repeated so often that they became part of my daily reality, poisoning every moment of what should have been the happiest period of my life.

I was separated from the only people I trusted. I was subjected to obstetric violence: an unauthorized induction attempt, a cesarean section I did not consent to, and degrading treatment immediately after childbirth. I was forced to breastfeed in front of police officers, to shower under surveillance, to wash my baby’s clothes in a dirty sink, and to sleep in unsuitable conditions. My phone was confiscated. My documents were seized. I was interrogated repeatedly while still bleeding, unable to feel my legs, and barely conscious. I was told that I was a “victim,” yet treated as if I were a criminal. I was transferred to shelters where water ran out, mold stained the walls, food was insufficient, and communication with my family was restricted. They denied me access to a lawyer of my choosing for weeks. I was pressured to say that Rudnev was the father of my child, even though this was false, as DNA later proved. I was pressured to say that I had been “trafficked,” even though the idea that a woman in an advanced state of pregnancy was brought to Argentina for sexual or labor exploitation is both ludicrous and offensive.

Since all of this was untrue, I understood from the very beginning that the prosecutor’s office had an order or a task to accuse Konstantin Rudnev at any cost and to pin some terrible crime on him. I found this deeply unjust, but while I was still in Argentina, I was afraid to testify against the prosecutor’s office. Only after returning to Russia did I decide to tell the truth. I even started a YouTube

channel to share everything that had happened to me in Argentina, because silence would have meant accepting the false narrative imposed on me.

Later, my lawyer told me that a prosecutor named Fernando Arrigo played the key role in fabricating the case against Rudnev. It was he who gave all the orders to keep me in inhuman conditions. He ordered that I should be intimidated by any means necessary to extract statements against Rudnev from me. He organized this entire case. Subsequent events confirmed this. Arrigo even opened a criminal case against my lawyer and requested a search warrant and the seizure of his personal belongings and telephones. That is why I filed a complaint against him and the other prosecutors who committed all this lawlessness. I now want to challenge this falsified story.

I am aware that prosecutors insist they found in my seized cell phone one or more messages from a woman allegedly telling me to “lie” and deny I ever knew Rudnev or his “organization.” I have no idea what they mean. Either there is a problem with Russian translations—which would not be the first in my case—or I cannot explain how those messages landed on my phone. I live in a country where planting incriminating messages on phones is, unfortunately, a known police or intelligence strategy. I cannot rule out that something similar happened.

I am called a victim in the Argentine case, but I am not a victim of anybody except the Argentine prosecutors, against whom I have filed a complaint. They claim that if I deny being a victim, it is because I am “brainwashed” or under “coercive control” by Rudnev, who supposedly has been able to control me for several months from a high-security prison in Argentina while I am in Russia in my home with my child. This is absurd. It is also deeply disrespectful. Either I tell them what they want to hear—but it is not true—or I am treated as a “brainwashed zombie” or a criminal. I demand respect for my identity and agency as a free woman. I demand to be left alone to take care of my child.

I have contributed this text not because I want to relive the trauma, but because I want the truth to be known. I want my name to stop being used in narratives that have nothing to do with my life. I want to protect my son’s future. And above all, I want to reclaim my voice, which was taken from me in Argentina and which I now assert, clearly and unequivocally, from my home in Russia.

Preventive Detention: International Standards, European Practice, and the Argentine Drift

Alessandro Amicarelli

Preventive detention occupies a precise place in international law. It is conceived as an exceptional measure, justified only when strictly necessary, and surrounded by safeguards that protect the presumption of innocence. The International Covenant on Civil and Political Rights affirms that deprivation of liberty before trial must be used sparingly and only when alternatives are not available. The United Nations Human Rights Committee has repeatedly insisted that courts must examine whether less intrusive measures can achieve the same protective purpose.

Duration is central to this analysis. An exceptional measure cannot become prolonged without losing its character. Judicial control must be effective, and judges must verify whether the reasons prosecutors invoke remain valid over time. The presumption of innocence is not a decorative principle. It requires that the accused be treated as a person not convicted and that their liberty not be curtailed for extended periods without compelling justification.

I have examined the cases of Konstantin Rudnev and of the police officers accused of the murder of Franco Casco in Argentina. While I believe that Rudnev is innocent, I do not take a position on the Franco Casco murder, a complicated case I have not studied enough. However, I do take a position on pre-trial detention in the Franco Casco case. As with Rudnev, pre-trial detention seems to be applied in a way inconsistent with international law. To explain this point, I first need to outline how the legal principle of the exceptional character of pre-trial detention has been interpreted internationally. My method here is to rely on the case law of the European Court of Human Rights, whose decisions are increasingly cited outside Europe as well, as reliable interpretations of international principles.

The European Court of Human Rights has built a substantial body of case law on preventive detention, and its judgments offer a detailed map of the limits that democratic systems must respect. The Court has held that detention before trial must be time-limited and justified by concrete, individualized reasons. It has examined cases where prosecutors relied on generic formulas and found violations when courts failed to scrutinize them. The Court has also insisted that time changes the legal landscape. A reason that may justify detention at the beginning

of an investigation may lose weight as months pass. In several judgments, the Court has condemned prolonged detention when investigative steps were slow, or authorities did not act diligently. It has also examined cases where authorities did not consider alternatives to imprisonment, and it has found violations when courts did not explore measures such as bail, reporting obligations, or restrictions on movement.

In the landmark case *Letellier v. France* (June 26, 1991), the Court held that preventive detention must remain exceptional and cannot be justified by simply citing the gravity of the charges. Mrs. Letellier was accused of having paid two killers who murdered her husband. The charge was extremely serious. Yet, even in this case, the European Court held that pre-trial detention should be limited to a reasonable time and, when the defendant is detained, the investigation should proceed swiftly. France's arguments that it was necessary to prevent her from bringing pressure to bear on witnesses, that there was a risk of her absconding, that court supervision was insufficient, and that her release would gravely disturb public order were all dismissed.

The Letellier decision has been quoted in many subsequent cases because it establishes the principle that the prohibition against keeping defendants in pre-trial detention for a time that exceeds reasonable limits, particularly when the investigation does not proceed quickly enough, is absolute and cannot be derogated from because of the gravity of the crime or the risk that the defendant may influence witnesses.

The European Court of Human Rights established another important principle in *Clooth v. Belgium* (December 12, 1991). The Court ruled that pre-trial detention cannot be prolonged when investigative authorities fail to act with diligence. In this case too, the crime was of exceptional gravity, the murder of a young girl. In view of the circumstances, a longer-than-usual pre-trial detention might have been justified, the Court said. However, the European judges noted that the prosecution conducted its investigation in a cavalier and questionable way. This made the length of the pre-trial detention, even in a case of murder, unjustified.

Together with Letellier and Clooth as classic early cases, *Ilykov v. Bulgaria* (July 26, 2001) is often added because it includes a detailed explanation of another principle: whether pre-trial detention is allowed or prohibited also depends on the effectiveness, fairness, and easy availability of remedies and appeals for the defendant. This was lacking in Bulgaria.

We can thus conclude that early ECHR judgments, correctly applying international law, established three fundamental principles about pre-trial detention as a measure that should remain exceptional. It should not exceed reasonable time limits, even in the most serious cases. It should be accompanied by an effort to advance the investigation without undue delays. It should also be applied in a context where remedies such as appeals and recourse to a Supreme Court are easily available to the defendant, decided timely, and examined fairly.

These principles are now well established and repeated in dozens of ECHR decisions. However, I still want to quote two cases from this year because they concern Ukraine and reach opposite conclusions, which is precisely why they are interesting.

In *Kolesnyk and Smelnytskyy v. Ukraine* (July 23, 2026), the Court admitted an exception to the *Letellier* principle when a country is in a situation of war. In this case, when a defendant is investigated for crimes such as high treason and espionage, pre-trial detention that would otherwise be prohibited may become legitimate. But even in this special case, the principle that pre-trial detention is an exceptional remedy remains valid.

In another 2026 case, *Derevyanko and Tarasova v. Ukraine*, decided on the same day as *Kolesnyk*, the ECHR stated that even in cases of espionage in a situation of war, the state's interest justifying pre-trial detention should be balanced against the defendants' human rights. Unlike in *Kolesnyk*, the ECHR found against Ukraine, considering that the prosecutors' handling of the evidence and assessment of the risk of escape of the defendants in this case were not persuasive.

The ECHR's evaluation of pre-trial detention in war-torn Ukraine thus confirms that even exceptions to the general principles in cases of war and espionage are not absolute. What is absolute is the principle that pre-trial detention should be considered and treated as an exceptional remedy irrespective of the gravity of the crime.

Some European countries have incorporated these principles into their domestic systems with considerable precision. In Germany, preventive detention is subject to strict time limits, and courts must justify any extension with detailed reasoning. In France, pre-trial detention is capped at two years with very limited exceptions, and judges must review the measure at regular intervals. These systems differ in their details, yet they share a common foundation. Preventive detention is exceptional, and its use must be justified at every stage.

Argentina presents a different picture. Preventive detention is widely used, and its exceptional character has been eroded. The problem is not limited to isolated excesses. It has become an established working method. Preventive detention is frequently applied at the preliminary investigation stage, and detention periods are imposed that are difficult to regard as proportionate. Accused persons may remain in prison for years while inquiries continue. The Franco Casco case illustrates the scale of the problem. A police commissioner and several colleagues spent six years in preventive detention. A basic procedural question follows. What required six years of investigation? The file's complexity and the volume of investigative work do not explain such a timeframe.

Argentine national law itself points in a different direction. Article 210 of the Code of Criminal Procedure constructs a ladder of coercive measures and places prison-based preventive detention at the end. The Supreme Court has stated that preventive detention may not be applied arbitrarily or as routine. In practice, these constraints are not consistently observed. Official figures confirm the scale of the problem. At the end of 2024, 45,305 people were deprived of liberty without a final sentence, representing 37.3 percent of all prisoners. The source is the report of the National Committee for the Prevention of Torture. A share that large means an exceptional measure has become a working tool. In theory, its function is precautionary, but prolonged detention creates conditions in which pressure can be exerted on the accused to obtain confessions or negotiated admissions of guilt.

Prosecutorial practice contributes significantly to the problem. It is not limited to extending time limits. It also involves pressure on the accused through lengthy preventive detention and the prospect of years in custody before any judgment. Pressure is also exerted on complainants through intimidation and restrictions on the right to a defense.

The Konstantin Rudnev case illustrates the pace and quality of the investigation. After a year and a half, basic investigative steps have only recently begun. None of the accused has been interrogated. Testing of medicines seized at the time of arrest showed that they contained no narcotic substances. Investigators examined items and medicines seized in house searches more than a year after the investigation opened. Telephone examinations have proceeded extremely slowly. The contents of seized bags consist mainly of clothing, shoes, personal effects, and food. No accounting, financial, or other documentation explains such prolonged expert examination. The question arises. What has been under examination for a year and a half?

In both the Rudnev and the Franco Casco cases, handled by the same prosecutor, Fernando Arrigo, the three tests of the European Court of Human Rights would lead to the conclusion that a long pre-trial detention is not justified. The *Letellier* test: pre-trial detention is too long. The *Clooth* test: the prosecutor and his team are exceptionally slow in advancing the investigation. And the *Ilykov* test: remedies such as appeals and recourses do not seem to be easily available and decided in a timely and fair manner.

The conclusion must be carefully formulated. If the present regime of preventive detention remains in force, it is difficult to say that Argentina meets the standards of a democratic and humane criminal process. The presumption of innocence, human rights, and the declared humanitarian character of the procedure exist formally, but they lose their meaning when a person spends years in prison before any sentence. The suggestion that follows is modest and legal rather than political. Argentina should align the application of preventive detention with international law and with its own constitutional principles.

I would add that humanitarian factors in pre-trial detention should also be considered. Konstantin Rudnev's health situation has been made much worse by detention. As a moving video in the Casco case (available at <https://bit.ly/4rE7YQV>) shows, years of uncertainty, distance, and institutional hostility reshaped the daily lives of the defendants' families in ways no legal system should ignore. Children who once expected their parents to return from work began to associate the word "visit" with metal detectors, searches, and the fear of being separated again. Several minors developed bronchospasm, vomiting, diarrhea, and regressions in their development. Doctors explained that these symptoms were emotional. The children were stripped during security checks, asked to remove their shoes, and subjected to procedures they could not understand. They traveled long distances only to return home sick and silent. Some stopped speaking, others wet the bed, others lost the ability to walk and reverted to crawling. A child with developmental delays began to regress after each visit, and another, who could not express himself verbally, reacted with fever and vomiting whenever he realized that a trip to the prison was approaching. These experiences leave marks that endure long after the legal case has ended.

The adults carried their own burdens. Wives traveled hundreds of kilometers to see their husbands for a few hours, endured invasive searches, and tried to remain calm so that the visit would not be interrupted. One woman was undergoing cancer treatment while raising her children alone. Another lost the vision in one eye and later required heart surgery, conditions that doctors linked

to prolonged emotional stress. Families described how they had to adapt to the routines of the penal system, how food brought from home was pierced with knives used moments earlier to open bags of detergent, how infants had their diapers removed during inspections, and how every departure from the visiting room was a moment of anguish. Older siblings became de facto guardians, left school to care for younger children, and tried to shield them from the truth. A ten-year-old girl explained that she had learned to suppress tears during visits so she would not upset her mother. Another child was bullied at school because classmates said he had no parents.

These accounts confirm that preventive detention is not a neutral procedural measure. It is a force that reshapes entire families, imposes suffering that no judicial decision can repair, and creates a legacy of trauma that persists long after the courts have spoken.

Preventive detention must be exceptional. When it becomes routine, it ceases to be lawful. The Argentine system has reached a stage where this measure is used in ways that contradict international standards and diverge from the example set by the European Court of Human Rights. The accused, their families, and the credibility of the justice system bear the consequences. What is needed is reform that restores the exceptional character of preventive detention, strengthens the rule of law, and aligns Argentina with the principles it has undertaken to respect.

***Quis Custodiet Ipsos Custodes?* The Impunity of Prosecutors in Argentina**

Michele Olzi

“*Quis custodiet ipsos custodes?*” “Who watches the watchmen?” Roman poet Juvenal’s question, carried intact across two thousand years, tends to surface when institutions begin to move with the certainty of actors who no longer expect to be challenged. It drifts through history and settles in moments when public officers behave as though oversight were ceremonial. I invoke it here because it speaks directly to the impunity of prosecutors in Argentina who violate the principle of individual autonomy, as revealed in the case of Konstantin Rudnev and his alleged “victim,” Elena Makarova.

In one of his most enduring reflections, political philosopher John Stuart Mill describes the innermost nature of individual autonomy: “Over himself, over his own body and mind, the individual is sovereign.” Mill identifies three essential features of autonomy. The first is absolute independence, the condition in which a person enjoys full freedom over actions and thoughts. The second is self-ownership, the recognition that each citizen is the sovereign of their own body. The third is the harm principle, the rule that society or authority may restrict individual freedom only to prevent harm to others.

These ideas, born in Mill’s nineteenth-century essay *On Liberty*, continue to shape the understanding of individual autonomy in the domestic law of democratic countries. Yet the concept of individual autonomy is not explicitly recognized in international law. Neither the Universal Declaration of Human Rights nor the International Covenant on Civil and Political Rights (ICCPR) mentions individual or collective autonomy in any article. Still, autonomy is present indirectly in these documents, woven into a constellation of rights that form its implicit architecture.

Some articles protect privacy, dignity, integrity, security, and freedom of expression. Others safeguard freedom from arbitrary detention, protection from inhuman and degrading treatment, and the right to a fair trial. Through these provisions, individual autonomy is affirmed indirectly, though no single article names it. International law thus acknowledges autonomy without pronouncing it, and domestic law prohibits its violation explicitly in most democratic countries.

The legal definition of such a violation is an illegal interference with the sphere of individual autonomy. The United Nations Human Rights Committee, entrusted with the authoritative interpretation of the ICCPR, has produced a substantial body of documents explaining when state interference becomes illegal. Any interference must comply with the requirements of legality, necessity, reasonableness, and proportionality.

One consequence is that the state’s duty to protect an individual cannot, by itself, justify disregarding that individual’s expressed will, beliefs, or account of her own experience. Protective intervention must remain compatible with the person’s dignity and agency. Otherwise, protection becomes a mechanism through which the state determines the individual’s identity, convictions, or status against her expressed wishes.

I have examined the case of Konstantin Rudnev in Argentina. In light of the recent reconstruction of circumstances, witnesses, and events by international scholars and experts, I believe Rudnev is innocent. Elena Makarova's statements and the article she published in *Bitter Winter* in August 2026 ("The Rudnev Case: The 'Victim' Speaks Out," August 25, <https://bit.ly/4hh20BY>) illuminate the case further.

One aspect of the case is that pre-trial detention appears to have been applied to Rudnev in a manner inconsistent with international law, as demonstrated in the study by leading international human rights attorney Alessandro Amicarelli included in this Forum. Another aspect, which I discuss here, is the Argentine prosecutors' arbitrary designation of Makarova as an alleged victim of Rudnev's "organization." This designation also appears inconsistent with international law.

To explain why international law has been violated in the case of Makarova and Rudnev, I must first emphasize the defining features of individual autonomy and the specific dynamics of its violation. My considerations rely on the ICCPR and on decisions of the European Court of Human Rights, whose interpretation plays a significant role in the application of international norms and laws, which is acknowledged even outside Europe.

Article 17 of the ICCPR states: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation." This provision becomes particularly relevant when considering the case of Konstantin Rudnev and the role of the woman identified by Argentine authorities as the sole victim in the proceedings. In her *Bitter Winter* article, Makarova challenged this characterization and offered an account of events that differed substantially from the authorities' version. She denied having been trafficked, abused, or coerced by Rudnev and even stated that she had never met him.

She further maintained that she had been pressured to recognize herself as a victim and that her refusal was interpreted by authorities as evidence of alleged "brainwashing" or "coercive control." Her account raises a specific problem concerning the relationship between institutional protection and individual autonomy. What happens when the state defines an individual as a victim against that individual's explicit denial of such a status?

This question acquires particular significance in light of the Human Rights Committee's General Comment No. 16 on Article 17. The Committee

emphasizes that the protection afforded by Article 17 extends to interferences with individual autonomy originating from state authorities as well as from natural or legal persons. More importantly, the Committee distinguishes between “unlawful” and “arbitrary” interference. Both are prohibited by international law.

An interference is unlawful when it lacks a basis in law. However, interference may be arbitrary without being unlawful. An arbitrary but lawful interference is still prohibited by international law. A lawful interference may nevertheless be arbitrary. According to the Committee, arbitrariness means that even interference provided for by law may be inconsistent with the provisions, aims, and objectives of the ICCPR and unreasonable in the particular circumstances. The mere existence of a legal basis does not remove an interference from the scope of Article 17. It may still be prohibited as arbitrary.

This distinction is particularly relevant to the Rudnev case. The state possesses legal authority to intervene to protect a person it considers a victim of coercion or exploitation. However, the existence of such authority cannot settle the question of whether the resulting interference with that person’s private life is compatible with Article 17. The relevant question concerns the manner in which that authority is exercised, the factual basis upon which the intervention rests, and whether the interference is reasonable in the particular circumstances. The Human Rights Committee has repeatedly affirmed that reasonableness requires interference with privacy to be necessary and proportionate to the legitimate end pursued.

The issue is not simply whether the state has a legitimate duty to protect individuals from violence, exploitation, or coercion. It also concerns the limits of protective intervention when the state’s interpretation of an individual’s experience prevails over the individual’s own account. If a person is defined as a victim despite explicitly rejecting that definition, and if that rejection is itself interpreted as evidence of coercion or manipulation, a circular form of reasoning emerges. The denial of victimhood becomes evidence of victimization. In such circumstances, the individual’s disagreement ceases to function as a challenge to the institutional interpretation, because the disagreement itself is absorbed into the explanation of the alleged coercion.

The issue can thus be framed not as a conflict between protection and the absence of protection, but as a question concerning the limits of protective intervention within a framework of individual autonomy. Article 17 does not establish a general right to define one’s own experience or identity. Nevertheless,

its protection against arbitrary interference with privacy and against unlawful attacks on honour and reputation, together with the Committee's clarification that legally authorized interference may still be arbitrary, provides a relevant normative framework for examining situations in which public authorities impose an interpretation of an individual's private experience.

In Rudnev's case, Prosecutor Fernando Arrigo and his team insist that the measures taken to protect Makarova from suspected exploitation were consistent with the powers conferred upon them by law. Whether this is true is a matter for experts in Argentina's domestic law. From the point of view of international law, however, even if one accepts that the prosecutors' treatment of Makarova was not unlawful, a doubtful conclusion, it remains difficult to escape the finding that it was arbitrary. As noted earlier, the Human Rights Committee has clarified that interference in the sphere of individual autonomy need not be both unlawful and arbitrary to be prohibited. If it is arbitrary, it is prohibited even if lawful.

There is little doubt that Arrigo's interference in Elena Makarova's sphere of individual autonomy has been arbitrary. Her autonomy was grossly denied when her own reconstruction of her experience in Argentina was summarily dismissed as irrelevant or attributed to "coercive control." Yet she emerges from interviews with scholars, from her YouTube channel, and from her article as an intelligent and articulate woman whose autonomy should be respected and protected.

From this perspective, the Rudnev case raises a broader question concerning the relationship between legal protection and self-determination: can the state protect a person against her will to such an extent that it denies her capacity to define her own experience and to affirm that she does not consider herself a victim? More specifically, where the state's intervention is legally authorized but the individual contests both the factual premises and the characterization upon which that intervention is based, the question under Article 17 is whether such interference remains reasonable, necessary, and compatible with the aims and objectives of the ICCPR, or whether legal protection may itself become a form of arbitrary interference with the individual's private sphere.

In the case of Makarova, Prosecutor Arrigo's handling of her situation appears as a textbook example of arbitrary interference with a woman's protected sphere of individual autonomy, violating both her rights and Rudnev's under the ICCPR.