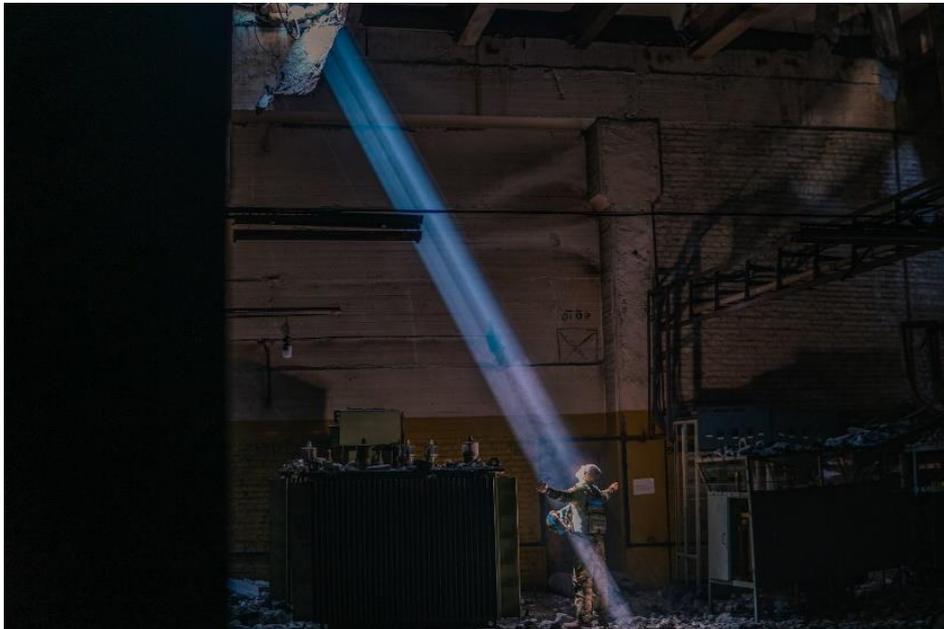


## **God is on leave, tell us when he is back: walking through Ukrainian and Russian treatment patterns towards prisoners of war**

In the era of post-truth, information oversaturation, and various manipulative methods of working with data, information hygiene remains a top priority for both internal and external consumption. This article will attend to:

- Treatment of the Ukrainian prisoners of war on the end of the Russian side.
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- Comparative analysis of POWs treatment by both sides in accordance with the core humanitarian law doctrines.
- Reservations of the international community regarding the treatment of prisoners of war in Russian captivity.
- Groundless concerns regarding the persecution of militants by the Ukrainian authorities.

It should be stated from the beginning, unlike the Ukrainian side, which without any obstacles granted access to international experts to check out the places of Russian prisoners of war detention, Russia continues to reject any requests regarding the admission of independent representatives to the places of detention of Ukrainian prisoners of war. This points out the validity of serious reservations towards Russia concerning the compliance of their conditions with international standards and the lack of readiness to adhere to the principles of transparency, openness, and accountability on the part of the Kremlin.



*Ukrainian military man at Azovstal Steel Plant, Mariupol, May 16, 2022. Photo: Dmytro Kozatskyi*

### **Ukrainian prisoners of war in Russian captivity**

According to the data collected by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Russian side continues to violate international humanitarian law on a permanent basis, starting from the moment of capturing Ukrainian servicemen and ending with the process of their repatriation. The Office of the UN High Commissioner for Human Rights has documented serious violations by the Russian armed forces during the capture of Ukrainian servicemen, in particular, the report of the OHCHR repeatedly mentions the deliberate killing of potential prisoners of war by representatives of the Russian private military company Wagner, which has close links to President Putin and is also known as his private army. According to the testimony provided to the OHCHR, the Wagner fighters, dressed in the uniform of the Ukrainian Armed Forces, used two Ukrainian prisoners of war to ambush Ukrainian positions in the Bakhmut direction, which definitely contradicts the norms of international humanitarian law, in particular, Articles 12-16 regarding the responsibility placed on the state that holds prisoners of war and takes self-obligation to treat them in accordance with their status, Article 23 regarding ensuring the safety of prisoners of war, as conforming to the testimony, two Ukrainian prisoners of war were killed together with the Wagner fighters; and finally, Articles 49-57, of the III Geneva Convention (GCIII), which clearly define the limits of the voluntary involvement of prisoners of war in the relevant type of activity, but not actually in military service or participation in false flag operations.

Another case touches upon the deliberate killing by the Wagner fighters one of the Ukrainian prisoners of war during interrogation, when he admitted that he had joined the Armed Forces of Ukraine after the start of the full-scale invasion. Such bloody measures taken by the Russians blatantly violate Articles 3, 17 and 87 of the III Geneva Convention

Outrightly violating Articles 12-15 of GCIII regarding responsibility for the humane treatment of Ukrainian prisoners of war, the Russians forced two wounded Ukrainians to crawl for about half a kilometer with broken legs, without providing them with appropriate medical care (violation of Articles 29-32 of GCIII) and without arranging proper transportation to the camp (violation of articles 19-22 of GCIII). Moreover, the Russian military filmed the suffering of wounded Ukrainian prisoners of war on the video to spread degrading posts on social networks, which indicates a violation of Articles 3, 13, 20 of the aforementioned GCIII.

In an exclusive interview conducted during the preparation of this material, Dmytro Lubinets, Ukrainian Parliament Commissioner for Human Rights since July 2022, also points out extreme violations by the Russian side: *"All evidence is studied and collected by the police, SSU [Security Service of Ukraine], and other responsible state structures. I saw with my own eyes torture chambers in the liberated Ukrainian settlements in the Kherson and Kharkiv regions. I know first-hand what happened there, what the Russian military did to the Ukrainian people. For example, in the Kherson region, there was a cell where teenagers were kept, they slept on the cold floor laying down on the cardboard. Men and women were kept in one common cell for 24 hours per day. Video surveillance was also conducted in those torture chambers."*

Such conditions of detention of prisoners of war indicate a violation of Articles 25-28 of GCIII, in particular the provisions on the need to provide separate premises for men and women, the provision of securing basic needs such as housing, food, and compliance with relevant sanitary standards.

*"Those Ukrainians who managed to return from the Russian captivity talk about the bad conditions. They all come back very thin. This indicates that they were poorly fed. In captivity, they did not receive normal food and proper medical care as it deems necessary in accordance with the Geneva Conventions. Our people are treated differently compared to how we treat Russian prisoners of war. Many Ukrainians who returned from captivity did not even see representatives of the International Committee of the Red Cross in the places of detention,"* says Dmytro Lubinets.

Bearing this in mind, the return of the Azovstal defenders from Russian captivity deserves special attention. The senior sergeant of the 36th marine brigade, Mykhaylo Dianov, was seriously wounded when standing the ground against the Russian forces at the metallurgical plant, his arm was completely shattered, and bullet wounds were observed on both legs. Bags under the eyes indicate a long period of dehydration, a swollen stomach - a long-term hunger. Mykhaylo lost about one-third of his body weight. Not only did the Russian side not provide any medical aid to Mykhailo, but the Russians also made his suffering worse. During the defense of the metallurgical plant, Ukrainian medics installed Ilizarov's apparatus on Mykhaylo's wounded hand, but in Russian captivity, this apparatus was cut out with dirty instruments without any anesthesia, and no further medical assistance was provided to his condition.





"It is impressive and at the same time infuriating that there are wounded servicemen in captivity who need operations and urgent medical treatment. After all, the necessary help is not provided. The soldiers, who managed to be returned, have "running" wounds. You saw how Mariupol defender Mykhailo Dianov came back. His injured arm is missing 4 cm of bone. It's hard to imagine the pain he endured," the Ukrainian Ombudsman notes.

OHCHR has also recorded a lethal case of a Ukrainian prisoner of war who died due to the lack of medical care that should have been provided in line with the provisions of GCIII. For the same reason, several more seriously wounded died on the way to the transit camp in Sartana (Donetsk oblast) in April. The conditions of transportation of Ukrainian servicemen are also of deep concern, given that they were transported in overcrowded trucks and buses not intended for accommodating people, with complete denial of access to toilets and water. The prisoners' faces were tied with duct tape, which left many open wounds bleeding for days afterward. Places of detention are located both in the territory of Russia and in the Ukrainian territory occupied by Russia. The places themselves are not equipped to hold POWs, do not have adequate outdoor facilities for POWs and are in dire need of basic amenities.



Mykhaylo Vershynin (on the left), head of the patrol police of the city of Mariupol, and police officer Sviatoslav Yermolaiev (on the right) returned from captivity with significant weight loss, as evidenced by photos of Ukrainian prisoners of war before and after Russian camps.

The testimonies of Ukrainian soldiers who returned from captivity are confirmed by foreign volunteers who also had to survive Russian camps. Thus, the British paramedic John Harding, who was at the Azovstal metallurgical plant and was also captured, confirmed that **torture**, using **electric current** during interrogations, **stab wounds** and constant **beatings are regular practices** of the Russians when keeping prisoners. According to the recollections of the British, tiny rooms were distributed to several prisoners, the Russians exerted constant psychological pressure, forcing them to record farewell videos for the family, which enormously violates Articles 69-70 of the GCIII regarding maintaining the connection of prisoners of war with the exterior world, according to which the detaining party must in every possible way enable communication between prisoners and their relatives, but not at gunpoint, and even more so not in the format of deathbed speeches. According to John, he witnessed the murder of another British citizen, Paul Urey, by the Russians. Many traces of torture were found on the body of the deceased, despite the false statements of the Russian side about the predestined medical condition.



Ukrainian female soldiers had their hair cut off in Russian captivity

Among such infamous places of the internment of Ukrainian prisoners of war, it is worth paying attention to the penal colony in **Olenivka**, where on 29 July 2022, **Russia allegedly launched another terrorist attack, blowing up 50 Ukrainian prisoners of war** in order to hide the bloody traces of torture, physical, sexual and moral violence carried out on in relation to interned Ukrainians.



A photo of a barracks in Olenivka prison destroyed by an explosion on July 29, 2022. At least 50 POWs, many of whom were defenders of Azovstal steelworks evacuated after surrendering to Russia under the guarantees of the UN and ICRC, died on site.

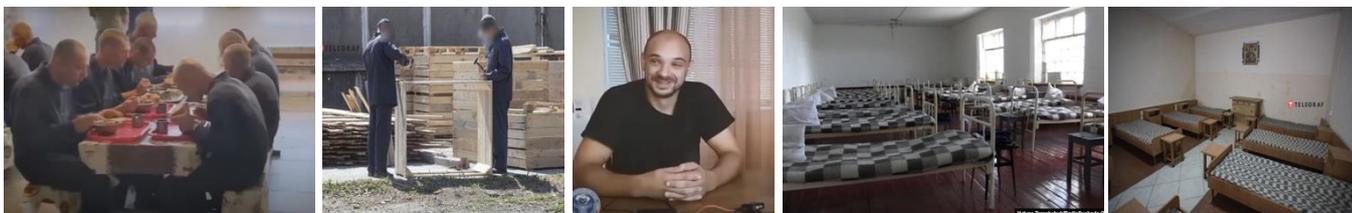
Furthermore, according to the Ukrainian Parliament Commissioner for Human Rights, Dmytro Lubinets, Russia also intern the civilian population, which is an outrageous violation of Article 4 of the GCIII: "*The Geneva Conventions, the main purpose of which is the protection of persons who do not take part in the armed conflict, that is, the civilian population, does not provide at all that a civilian can be taken as a prisoner. However, we are at war with Russia, and many of our citizens are in captivity in the Russian Federation. This is the most cynical violation!*"

On top of all these atrocities perpetrated by Russia, for the time being, the international community is not aware of any criminal proceedings on the part of the Russian side regarding the punishment of persons who took a direct part in triggering such inhumane practices against the Ukrainian prisoners of war.

Gross violations of international humanitarian law once again testify to the lack of space for negotiations with the terrorist state, which continues to bring nothing less but eternal suffering, committing genocide and crimes against humanity.

### Russian prisoners of war in Ukrainian captivity

Ukraine is currently in possession of 50 specialized facilities for the detention of prisoners of war. These facilities are secured with a decent level of safety measures (as far as it remains possible under the conditions of mass attacks by Russian ballistic missiles and Iranian drones) and meet all necessities enshrined in the international law conventions. A startling example of such facilities might be the camp called "West-1", where Russian prisoners of war are provided not only with basic needs but also with the opportunity to maintain both a physical and intellectual level of self-development, which, for example, is not even a matter of discussion in Russian captivity. Moreover, Russian prisoners of war have access to medical care, moderate employment, and a variety of leisure activities. And unlike Ukrainians in Russian captivity, Russian prisoners are provided with opportunities for constant communication with their relatives and friends.



Ukrainian camp for Russian prisoners of war, Source: Telegram

The Ukrainian side recognizes that in very rare cases, prisoners of war may be held in pre-trial detention centers, however, there they remain provided with all the necessary household items and spend there no more time than the circumstances might require. The Ukrainian side regularly hosts representatives of the UN, the International Committee of the Red Cross (ICRC), foreign journalists, and experts in order to impartially cover the events, while Russia continues to block any attempts to gain access to the places of the internment of Ukrainian prisoners of war, especially after the terrorist attack in Olenivka carried out by the occupation authorities.

For the sake of visual comparison, one can only look at the photos of the exchanges (Russian on the left; Ukrainian - on the right) of prisoners of war returning home. It does not take a while to notice how exhausted, with weight loss and traces of torture the Ukrainian defenders are, while the Russian prisoners of war look quite healthy, in appropriate physical shape.



*Exchange of Russian (on the left) and Ukrainian (on the right) prisoners of war*

"The Ministry of Justice announced that one prisoner of war needs 3,000 hryvnias (approx. 77 euros, 82 dollars) for 1 month for food, clothing, hygiene products, and utility bills. Additional expenses include expenses for medical equipment, medicines, and staff salaries. But such expenses are justified because the conditions of detention of prisoners of war must comply with the Geneva Convention, and alive and healthy Russian prisoners are a **necessary exchange material** for getting captured Ukrainians back," the Ukrainian Parliament Commissioner for Human Rights notes.

Nevertheless, despite the above-mentioned facts, the Ukrainian side has repeatedly received accusations of ill-fitting treatment of Russian POWs. According to the same report provided by the OHCHR, the Ukrainian side is suspected of using torture practices and illegal persecution of the Russia-affiliated groups' (LPR, DPR) militants. However, the report also contains information that the Ukrainian side reacted rather quickly to such accusations and immediately launched criminal proceedings against persons who could be involved in such practices. The information mentioned in the OHCHR report is currently being verified. As the Ukrainian Ombudsman noted above, all facts of violations are recorded by Ukrainian law enforcement agencies and will certainly be verified in order to find and punish those, charged guilty. In the case of Russia, there are no criminal proceedings against persons who grossly violate the Geneva Conventions. Moreover, the Russian side jumps at every opportunity to discredit the Ukrainian authorities, especially when it comes to POWs treatment. In doing so, the well-oiled machinery of Russian propaganda tries to blur the difference between the victim and the aggressor, victimizing the persons who, on the order of the Kremlin, keep taking part in aggressive actions, and shift the focus to the Ukrainian side, completely ignoring gross violations on their own [Russian] end.

Moreover, the ill-judged accusations leveled at the Ukrainian government regarding the allegedly illegal persecution of Ukrainian citizens who joined the Russian armed forces should be scrupulously reviewed. These allegations were voiced by OHCHR in the closing remarks of their report. OHCHR expressed concern about these practices of justice carried out by the Ukrainian government, appealing to the alleged immunity of combatants under the provisions of international humanitarian law. However, in fact, pursuant to Article 87 of the Third Geneva Convention, prisoner-of-war immunity applies to prisoners who are not nationals of the detaining state. Thus, the prerogative in resolving this legal collusion should be given to the theory of citizenship, which is clearly outlined in the framework of Ukrainian national legislation, developed in strict compliance with international standards. In this context, we are talking about opting for citizenship in the case of the transfer of territory under the jurisdiction of another state, provided that this territory is delimited and demarcated in accordance with the norms of internationally recognized conventions. This mechanism provides several ways to settle the issue of citizenship of residents of such a territory:

1. automatic deprivation of citizenship of the state that transfers the territory, and acquisition of citizenship of the state that receives the given territory;
2. preserving the right of choice for citizens.

Notwithstanding, the situation with Russia's illegal occupation of Ukrainian territories cannot be regulated based on the above-mentioned considerations, at least because Russia is an aggressor state and attempts to forcibly annex Ukrainian territories without any international legal basis for this. That is the reason why, in accordance with the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine", Ukraine continues to consider Ukrainian citizens living in the occupied territory who have received Russian citizenship in this capacity, without depriving them of the status of a citizen of the state of Ukraine. In turn, this also involves bringing individuals to justice on charges of state treason, if it was the case for a certain person. Thus, numerous accusations against the Ukrainian government

for criminal proceedings against Ukrainians who sided with Russia are completely justified from a legal standpoint and cannot be challenged by appealing to the norms of international humanitarian law.

Overall, looking behind the curtain at how the Ukrainian side treats prisoners of war, barely any questions grow as to why the majority of Russian soldiers voluntarily surrendered to Ukraine. For Russians, this remains one of the few ways to save their lives, and for some, to get the opportunity to get a grasp of basic living standards. For Ukrainian prisoners of war, the experience of being in Russian captivity is in many ways reminiscent of eerie memories from the concentration camps organized by the Third Reich in the last century. It is genuinely frightening to picture how many more stories will come to the light along our way to and after victory.

Given the significant difference in the conditions of detention of prisoners of war by the Ukrainian and Russian sides, Ukraine has every right to appeal to the provisions contained in Articles 109-114 of the GCIII, which relate to the repatriation of Ukrainian prisoners of war to a third neutral country that would be able to take care of the ontological safety of servicemen. Kyiv repeatedly appealed to representatives of the Russian government, but in return received only constant blocking of any initiatives. The latest contained the proposal to include Switzerland as a third neutral patron country. However, the Kremlin's numerous accusations of Switzerland's dropping neutrality due to joining the sanctions imposed on Russia did not bring anything constructive, only conserved the procrastination and inaction in this direction, extremely common for Russia.

For the time being, the Ukrainian side aims to jump at any opportunity to reach appropriate agreements with the Holy See as one of the potential guarantors of the safety of Ukrainian prisoners of war. Any efforts in this direction are only encouraged, as are any kind of endeavor primed to bring Ukraine's victory closer and put an end to the Russian imperialist ambitions.

**Anastasiia Vozovych**