

# TREATMENT OF PRISONERS OF WAR AND PERSONS HORS DE COMBAT IN THE CONTEXT OF THE ARMED ATTACK BY THE RUSSIAN FEDERATION AGAINST UKRAINE

24 FEBRUARY 2022 – 23 FEBRUARY 2023

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UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

*Ukraine*



**REPORT ON THE  
TREATMENT OF PRISONERS OF WAR  
AND PERSONS *HORS DE COMBAT* IN  
THE CONTEXT OF THE ARMED ATTACK  
BY THE RUSSIAN FEDERATION  
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## I. EXECUTIVE SUMMARY

1. This report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) focuses on the treatment of prisoners of war (POWs) by the parties to the international armed conflict since the large-scale armed attack by the Russian Federation against Ukraine commencing on 24 February 2022. The report covers the period from 24 February 2022 to 23 February 2023 and is based on the findings of the Human Rights Monitoring Mission in Ukraine.<sup>1</sup> It examines international humanitarian law (IHL) and international human rights law (IHRL) violations in relation to the treatment of POWs during all stages of captivity – from their capture through to their internment and repatriation. The report also describes IHRL and IHL concerns in relation to the criminal prosecution of POWs. By providing recommendations to both Ukraine and the Russian Federation, OHCHR seeks enhanced protection for POWs and improvement of their conditions of internment, regardless of their affiliation, and for all perpetrators responsible for violations of the rights of POWs to face due accountability.
2. The ongoing armed attack by the Russian Federation against Ukraine, in breach of the UN Charter and international law, has led to a wide range of IHL and IHRL violations. Since 24 February 2022, a large number of members of the armed forces and other combatants have been captured by the parties to the international armed conflict. Through documenting and cross-checking individual cases, OHCHR identified patterns of IHL and IHRL violations in relation to the treatment of POWs by the Russian Federation<sup>2</sup> and Ukraine.<sup>3</sup> Many of the documented violations amount to gross violations of IHRL, as well as to serious violations of IHL and thus may constitute war crimes.
3. The Government of Ukraine provided OHCHR with full and confidential access to POWs in official places of internment, which OHCHR acknowledges with great appreciation. Further, the State Penitentiary Service and the Office of the Prosecutor General have actively engaged with OHCHR in relation to concerns raised regarding the treatment of POWs. OHCHR has not been granted access to POWs interned by the Russian Federation despite repeated requests. On one occasion, on 19 August 2022, OHCHR was allowed to meet a group of 13 Ukrainian men POWs interned in a pre-trial detention facility (SIZO) in Luhansk. However, OHCHR was not allowed to conduct confidential interviews.
4. The report is based on these specific cases that OHCHR has been in a position to document. The number of cases and range of violations is influenced in substantial measure by the level and kind of access to detention facilities and POWs. The respective portions of this report and the numbers and details of cases should not be compared against each other.
5. In relation to the treatment of POWs in the power of the Russian Federation, OHCHR documented gross violations of IHRL, and serious violations of IHL that may constitute war crimes upon capture and immediately

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<sup>1</sup> HRMMU was deployed on 14 March 2014, at the request of the Government of Ukraine, to monitor and report on the human rights situation throughout the country and propose recommendations to the Government and other actors to address human rights violations and concerns.

<sup>2</sup> OHCHR refers to Russian armed forces as comprising all actors fighting on behalf of the Russian Federation, including the Armed Forces and National Guard Forces of the Russian Federation, as well as affiliated armed groups of the former self-proclaimed ‘republics’ and Wagner Group military and security contractors, who are under the overall control of the Russian Federation. In some instances, OHCHR names the specific actors fighting on behalf of the Russian Federation to either identify those responsible for the violations or highlight differences in treatment of POWs. The same way, OHCHR refers to Russian POWs in relation to all individuals from the above-mentioned forces that fell into the hands of the belligerent party, regardless of their nationality.

<sup>3</sup> OHCHR refers to Ukrainian armed forces as comprising all actors fighting on behalf of Ukraine, namely the Armed Forces of Ukraine (including units of the Territorial Defense), National Guard of Ukraine and State Border Guard Service of Ukraine, both under the authority of the Ministry of Interior, some units of the Security Service of Ukraine (SBU), National Police and other law-enforcement agencies directly engaged in hostilities, as well as members of organized resistance movements. In some instances, OHCHR names the specific actors fighting on behalf of Ukraine to either identify those responsible for the violations or highlight differences in treatment of POWs. OHCHR refers to Ukrainian POWs in relation to all individuals from the above-mentioned forces that fell in the hands of the belligerent party, regardless of their nationality.

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thereafter. They include the summary executions of 15 POWs, the use of POWs as human shields, the deaths of two wounded men POWs due to a lack of medical care, and torture or other ill-treatment to extract information. OHCHR also documented a widespread practice of pillage of belongings of POWs and evacuation in inhuman conditions, such as in overcrowded vehicles with hands tied and eyes covered, without access to water or toilets.

6. Of 203 Ukrainian POWs interviewed by OHCHR, 136 had fallen into the hands of the Russian Federation after their surrender was negotiated between the belligerent forces. OHCHR did not document significant violations of IHL or IHRL during the capture of Ukrainian servicepersons whose surrender was negotiated. Senior officers, and on one occasion international observers, were present during negotiated surrenders of large groups of Ukrainian servicepersons, notably in Mariupol. This contributed to the on-site protection of the POWs and put them at lower risk of being tortured or otherwise ill-treated upon capture.
7. OHCHR identified 48 places of internment of POWs both in the Russian Federation and in Russian-occupied territory of Ukraine. More than 75 per cent of POWs interviewed by OHCHR were interned temporarily or for the full period of captivity in penitentiary facilities, in violation of the IHL obligation that they cannot be held in close confinement. Violations of IHL and IHRL documented in 32 of these places related to dire conditions of internment (quarters, food, hygiene and medical attention), denial of communications with the outside world impacting both POWs and their relatives, torture or other ill-treatment, forced labour in violation of IHL rules, and a lack of access of independent monitors. In the majority of places of internment, violations were widespread and persistent. OHCHR documented five cases where men POWs died after being tortured or otherwise ill-treated, and four cases where POWs died due to a lack of medical attention during internment.
8. Through individual interviews with 24 women POWs, OHCHR found that women POWs in the hands of the Russian Federation were treated differently than men POWs. Women were interned separately from men and generally subjected to less physical violence, especially the most severe forms, and enjoyed better conditions during evacuations and transfers between places of internment. However, in 17 cases, women POWs interned in pre-trial detention and penitentiary facilities in Donetsk or in the Russian Federation were subjected to beatings, electrocution, forced nudity, cavity searches and threats of sexual violence. Women POWs interviewed by OHCHR were also not provided with access to sexual and reproductive health services.
9. In the Russian-occupied territory of Donetsk, OHCHR documented eleven cases of criminal prosecution of Ukrainian POWs for mere participation in hostilities. OHCHR also documented the use of torture or other ill-treatment to extract confessions and testimony; denial of the right to trial by a regularly constituted, independent and impartial court; and violations of the right to have legal counsel of one's own choosing.
10. In relation to the treatment of POWs in the power of Ukraine, OHCHR also documented cases of summary executions of at least 25 Russian POWs upon capture through information gathered from open sources, *in situ* visits and interviews with witnesses. Such cases amount to gross violations of IHRL and serious violations of IHL that may constitute war crimes.
11. OHCHR also documented cases of torture or other forms of ill-treatment against 113 POWs, many of them involving beatings, kicking or, to a lesser extent, stabbing. These took place at various stages of captivity, but mainly during capture, first interrogations or evacuation to places of internment. Many POWs reported poor and often humiliating conditions during their evacuation to transit camps and permanent places of internment, notably being packed into overcrowded vehicles, often half-naked, with hands tied behind their backs.
12. OHCHR documented cases of inadequate conditions of internment in 8 out of 31 transit and permanent facilities run by the Government of Ukraine. It also documented cases of torture and ill-treatment, including so-called 'welcome beatings' in a penal colony in Dnipro from March to May 2022.
13. OHCHR welcomes the establishment by Ukraine of a POW camp in Lviv region as required under IHL rules on the places and conditions of internment and the security of POWs. However, OHCHR has concerns

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regarding the lack of food, cold temperatures in living quarters and humiliating treatment. OHCHR also notes that a significant number of POWs remain interned in penitentiary facilities, in violation of the IHL obligation that they cannot be held in close confinement.

14. OHCHR identified patterns of violations related to criminal proceedings carried out by Ukrainian authorities against POWs from Russian-affiliated armed groups. They include prosecution for conduct amounting to mere participation in hostilities, as well as violations of the right to fair trial, notably of the guarantees to prepare one's defence and have counsel of one's own choosing, use of confessions obtained with a promise of swift release during POW exchanges and rushed trials by courts that may lack impartiality.

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## II. METHODOLOGY

15. This report is based on information gathered by OHCHR through 50 site visits, and interviews with 432 POWs (407 men and 25 women), their relatives and civilians who were detained in the same location as POWs. OHCHR was provided confidential access to POWs interned by Ukraine and was able to conduct interviews in places of internment. No confidential access was provided to POWs in the hands of the Russian Federation.<sup>4</sup> OHCHR interviewed Ukrainian POWs upon their release and return to Government-controlled territory.
16. Information obtained through interviews was cross-checked and corroborated by on-site observations in places of internment, geographic data, official records, open-source information, court documents, and other relevant material assessed as credible and reliable. Where OHCHR was not able to corroborate information through witnesses or other sources, it reached conclusions by comparing the information with sets of similar allegations giving rise to substantiated patterns of consistent conduct.
17. Findings are included in the report where they meet the “reasonable grounds to believe” standard, namely where, based on a body of verified information, an ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described, and where legal conclusions are drawn, that these facts meet all the elements of a violation.
18. Information in this report is used with the full and informed consent of all sources as to its use. At all stages, OHCHR strictly adhered to the “do no harm” principle and took all appropriate measures to prevent re-traumatization and protect individuals who remain in captivity.
19. OHCHR shared the draft report with the concerned States for factual comments, as per usual practice.

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<sup>4</sup> On one occasion, OHCHR was granted access to a place of internment in Luhansk city and met with a group of POWs together with local occupation officials. However, OHCHR was not able to carry out confidential interviews.



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### III. CONTEXT AND LEGAL FRAMEWORK

20. On 24 February 2022, the Russian Federation launched a large-scale armed attack against Ukraine, with air strikes across the country and land invasion in ten regions: Kyiv, Chernihiv, Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv, Sumy, Zaporizhzhia and Zhytomyr.<sup>5</sup> The attack was supported by Russian-affiliated armed groups.<sup>6</sup> The incursion marked a destructive new chapter in the conflict in Ukraine, ongoing since 2014, and resulted in a sharp increase in civilian casualties and destruction of civilian objects. Both the United Nations General Assembly and the Secretary-General deplored Russia's aggression against Ukraine, in breach of the United Nations Charter and international law.<sup>7</sup>
21. The armed attack and hostilities have led to a grave deterioration in the human rights situation across the country. The international armed conflict has resulted in a wide range of human rights violations of both civilians and combatants, including the rights to life, liberty and security of persons. Intense hostilities also created a deterioration in a range of economic and social rights of the civilian population, in particular on their rights to an adequate standard of living, education, health and housing.
22. Both Ukraine and the Russian Federation are bound by treaty and customary IHL, including the four Geneva Conventions of 1949, the 1977 Additional Protocol I to the Geneva Conventions, and the 1907 Hague Convention IV with its annexed Regulations concerning the Laws and Customs of War on Land (Hague Regulations).
23. In addition, IHRL continues to apply concurrently during armed conflict, and the human rights obligations of States apply extraterritorially in all circumstances where they exercise jurisdiction or effective control. This includes non-derogable rights, even in times of emergency, such as the rights not to be subjected to arbitrary deprivation of life,<sup>8</sup> to torture or other cruel, inhuman or degrading treatment or punishment,<sup>9</sup> fundamental guarantees of fair trial,<sup>10</sup> and obligations to provide adequate access to justice and remedies to victims.<sup>11</sup>
24. In line with IHL, members of the regular armed forces of Ukraine and the Russian Federation, as well as members of other formations being part of such armed forces, who have fallen into the power of a belligerent party are considered POWs in this report.<sup>12</sup> The treatment of POWs is specifically regulated by the Third Geneva Convention relative to the treatment of POWs and applicable customary IHL, which is binding on both Ukraine and the Russian Federation. States have a fundamental obligation to treat all POWs in their power humanely at all times, from the moment of their capture until their release and repatriation.

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<sup>5</sup> For details on the context of the armed attack, see OHCHR, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation*, 29 June 2022, available at: [www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation](http://www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation); OHCHR, *Killings of Civilians: Summary Executions and Attacks on Individual Civilians in Kyiv, Chernihiv, and Sumy Regions in the Context of the Russian Federation Armed Attack Against Ukraine*, December 2022, available at: [www.ohchr.org/en/documents/country-reports/killings-civilians-summary-executions-and-attacks-individual-civilians](http://www.ohchr.org/en/documents/country-reports/killings-civilians-summary-executions-and-attacks-individual-civilians), paras. 19-23.

<sup>6</sup> Armed groups of the (former) self-proclaimed 'Donetsk people's republic' and the (former) self-proclaimed 'Luhansk people's republic'.

<sup>7</sup> See, for example, General Assembly resolutions A/RES/ES-11/1; A/RES/ES-11/4 and A/RES/ES-11/5, and Statement of the Secretary-General of 24 February 2022, available at: <https://www.un.org/sg/en/content/sg/statement/2022-02-24/statement-the-secretary-general-%E2%80%93-ukraine>

<sup>8</sup> Universal Declaration of Human Rights, art. 3; International Covenant on Civil and Political Rights (ICCPR), art. 6(1); Human Rights Committee, General Comment No. 36 (2018). See also the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), art. 2 which prohibits intentional deprivation of life save for a narrow set of circumstances. On 16 September 2022, the Russian Federation ceased to be a party to the ECHR.

<sup>9</sup> ICCPR, art. 7.

<sup>10</sup> ICCPR, art. 14.

<sup>11</sup> United Nations General Assembly, Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law, A/RES/60/147.

<sup>12</sup> Article 4 of the Third Geneva Convention as completed by articles 43 and 44 of Additional Protocol I lists the categories of persons who shall be considered as POWs if certain conditions are fulfilled.

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25. Certain violations of the rules applicable to the treatment of POWs are considered to be grave breaches of the Geneva Convention<sup>13</sup> and war crimes under the Rome Statute of the International Criminal Court (ICC).<sup>14</sup> These include wilful killings, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, sexual violence, compelling a POW to serve in the forces of the hostile Power, or wilfully depriving a POW of the rights of fair and regular trial.

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<sup>13</sup> Article 130 of the Third Geneva Convention; article 85(4)(b) of Additional Protocol I.

<sup>14</sup> Articles 8(2)(a)(i) and 8(2)(b)(xxii) of the Rome Statute. While neither Ukraine nor the Russian Federation are parties to the Rome Statute, Ukraine has accepted the Court's jurisdiction over alleged crimes under the Statute occurring on its territory, pursuant to art. 12(3). Furthermore, on 2 March 2022, the Prosecutor of the ICC announced having opened an investigation into the situation in Ukraine on the basis of referrals received. The scope of the situation encompasses allegations of war crimes, crimes against humanity or genocide committed in Ukraine from 21 November 2013 onwards (see <https://www.icc-cpi.int/ukraine>).

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## IV. TREATMENT OF PRISONERS OF WAR IN THE HANDS OF THE RUSSIAN FEDERATION

26. OHCHR recalls that the Russian Federation refused it access to relevant facilities. The following analysis therefore reflects only cases and details that could be verified through other means. The analysis of the available information discloses patterns that are deeply worrying.

### A. CAPTURE AND EVACUATION

27. Through interviews with 203 Ukrainian POWs (179 men and 24 women) who were released, OHCHR documented the following violations of IHL and IHRL by Russian armed forces upon their capture and during evacuation: summary executions, torture or other ill-treatment, evacuation in inhumane conditions, denial of medical attention (sometimes leading to death), denial of access to food and water, and pillage of belongings.
28. Of those interviewed, 136 Ukrainian POWs (118 men and 18 women) fell into the hands of the Russian Federation after their surrender was negotiated by commanders of the belligerent forces.<sup>15</sup> They stated that Russian soldiers mostly treated them with respect at the time of surrender, with officers protecting them from attempts to humiliate, threaten or beat them. Those in need of medical care reported that it was provided on site by Russian or Ukrainian medical personnel who were allowed to do so. Yet, nine POWs reported verbal humiliation and intimidation.

#### Summary executions

29. Through interviews with witnesses, OHCHR documented the summary executions of 14 Ukrainian men POWs shortly after their capture by members of the Russian armed forces and Wagner Group military and security contractors. Attacking persons *hors de combat* or wilfully killing POWs are considered grave breaches of the Third Geneva Convention and Additional Protocol I.<sup>16</sup> For example, in early April in Mariupol, Russian servicemen tortured and then executed an officer of the National Guard of Ukraine when he refused to provide the password to a radio station used by the Ukrainian armed forces. On 26 June, Wager Group military and security contractors captured six Ukrainian servicemen and brought them to the Myronivskyi power station in Donetsk region for questioning. One military and security contractor shot dead a prisoner after he stated having voluntarily joined the Ukrainian armed forces after the start of the Russian armed attack against Ukraine. On 11 September 2022, about 20 Wagner Group military and security contractors captured two wounded Ukrainian servicemen from the 24th Separate Assault Battalion "Aidar" near Mykolaivka village in the south of Bakhmut, Donetsk region. Shortly after, one of the Wagner Group military and security contractors executed one of those POWs because he was moaning in pain from his wounds. He shot him three times in his chest and once in his head.
30. In addition, OHCHR analysed videos widely disseminated via social media on 28 July 2022, which appear to show a member of the Russian armed forces kicking the head of a man wearing a uniform of the Ukrainian armed forces, cutting off his testicles with a utility knife and shooting him dead. Although OHCHR was not able to establish the identity of the victim, the incident does not appear staged and would manifestly amount to torture, including sexual violence, and wilful killing.

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<sup>15</sup> These POWs include members of the National Guard who laid down their arms at the Chernobyl Nuclear Power Plant on 24 February 2022, and servicepersons defending Mariupol who laid down their arms at the Illich Steel and Iron Works plant between 11 and 12 April 2022 and at the Azovstal Steel and Iron Works plant on 16-20 May 2022.

<sup>16</sup> Third Geneva Convention, art. 130; Additional Protocol I, arts. 41 and 85.

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31. Summary executions and attacks against POWs and persons *hors de combat* are prohibited under international law and, where deliberate, constitute war crimes. State parties to the conflict should take all available measures to prevent and punish such acts and ensure that all responsible actors are brought to account.

### Torture or other forms of ill-treatment

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***“If you scream, I will shoot you down.”***

- A man POW recalling how Wagner group military and security contractors threatened him and other POWs before starting to beat them.

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32. Fifty-five Ukrainian POWs (52 men and 3 women) reported various forms of torture or other ill-treatment,<sup>17</sup> including sexual violence, upon their capture.<sup>18</sup> Most of them fell into the hands of the Russian Federation during battle and were not seriously wounded. POWs were tortured and ill-treated to extract information of military relevance or as a form of punishment. They reported being beaten with fists, tactical gloves with knuckles, rifle butts, shovels, batons or sticks; kicked; stabbed, subjected to mock executions with the use of firearms; subjected to electric shocks; strangled; held in cold temperature without clothes and threatened with mutilation. Some of them lost their teeth or fingers, had their ribs, fingers or noses broken, or suffered from pain for extended periods of times.
33. OHCHR documented six cases of torture of Ukrainian POWs at the Melitopol Air Base, where Russian armed forces were stationed. Several POWs held in the building of a pilot school were subjected to prolonged beatings and electrocution with a TA-57 military telephone by servicepersons of the armed forces of the Russian Federation. On 9 May 2022, the POWs heard another Ukrainian POW being tortured and saw signs of beatings on his body after he was brought to the room where they were held. He died shortly after, due to the injuries sustained.
34. OHCHR is particularly concerned about the use of two Ukrainian POWs in a military operation. On 7 July 2022, Wagner Group military and security contractors dressed in Ukrainian uniforms used two POWs to approach and attack Ukrainian positions near Bakhmut, Donetsk region. Those who reported the case to OHCHR believe that the POWs and private military contractors were killed during the attack. Such action constitutes a violation of article 23 of the Third Geneva Convention and article 39 of Additional Protocol I, and may amount to a war crime.<sup>19</sup>

### Pillage of belongings

35. Of the 203 Ukrainian POWs interviewed by OHCHR, 122 (103 men and 19 women) reported the pillage of their belongings by Russian armed forces at various stages from the moment of their capture to their arrival at places of internment. Most often, money, wristwatches, jewellery (including wedding rings and religious symbols), toiletries and medicine for personal use were taken in violation of article 18 of the Third Geneva

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<sup>17</sup> The prohibition of torture and ill-treatment is a fundamental principle of IHL and IHRL, both *jus cogens* and treaty-based. It is laid down in articles 13 and 130 of the Third Geneva Convention and described as a grave breach of IHL.

<sup>18</sup> See para. 28 above. POWs whose surrender was negotiated by the parties enjoyed a higher level of protection upon capture.

<sup>19</sup> Article 23 states that “[n]o prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations”. In addition, article 13 prohibits and regards as a serious breach of the Convention any unlawful act or omission causing death or seriously endangering the health of a prisoner of war. Article 8(2)(b)(xxiii) of the Rome Statute defines as a war crime the act of utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations.

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Convention.<sup>20</sup> POWs reported the pillage of their military clothing, which left some POWs suffering from cold temperatures or lack of proper footwear. OHCHR also documented seven cases where members of Russian armed forces seized POWs' bank cards and withdrew money from their bank accounts.<sup>21</sup>

### Exposure to public curiosity

36. OHCHR notes with concern the abundance of videos publicly available online exposing Ukrainian POWs to intimidation, humiliation and public curiosity in violation of IHL.<sup>22</sup> POWs appear in these videos as partially naked or visibly in pain, and in need of medical assistance or receiving medical assistance. In some videos, the POWs are verbally abused, threatened and compelled to apologise, disparage their command, glorify the Russian armed forces, shout slogans or congratulatory words to specific military units or individuals, or make statements about their adequate treatment in captivity. Some videos were later broadcasted on Russian television.
37. In one case, a commander who surrendered with his son to the Russian armed forces was compelled to make a statement on video disparaging their command and describing their treatment as adequate, under threats of shooting his son. In another case, several Russian servicemen forced two wounded Ukrainian POWs with broken legs to crawl about 500-700 meters to the closest Russian military position. The Russian servicemen mocked the POWs and filmed the scene, which was later posted online.

### Conditions of evacuation

38. OHCHR documented 19 cases of Ukrainian POWs evacuated in a manner and under conditions contravening the Third Geneva Convention, which prescribes that the evacuation of POWs be carried out humanely and in conditions similar to those for the forces of the Detaining Power during their change of station.<sup>23</sup> The POWs reported being transferred with their hands tied and eyes covered in overcrowded cargo trucks or "paddy wagons" lacking fresh air. Moreover, several POWs reported that they were neither allowed to use a toilet nor provided with food or water during evacuations which lasted for a day or two. This raises concerns regarding respect of the obligation to treat POWs humanely and the prohibition of humiliating or degrading treatment.
39. OHCHR has identified 21 places in the territory of Ukraine occupied by the Russian Federation, and two in the Republic of Belarus, where Russian armed forces held Ukrainian POWs for up to one week before their evacuation to formal places of internment. Such places include old and abandoned barns, farm buildings, garages, car repair shops, private houses, industrial buildings, also used as frontline bases by Russian armed forces, and occupied premises of Ukrainian law-enforcement bodies. 28 POWs who were held in these places reported that they suffered from overcrowding and a lack of fresh air, proper bedding or access to a toilet.<sup>24</sup> 14 POWs also complained about the lack of water and food. In one case from late May 2022, up

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<sup>20</sup> Article 18(1) of the Third Geneva Convention specifies that effects and articles of personal use may not be taken from POWs. This includes toiletries, glasses, jewellery, wristwatches, books, wallets, keys, pens and paper, medicine for personal use and items of religious significance. See also Commentary of 2020.

<sup>21</sup> Members of Russian armed forces either forced POWs to provide the security codes for their bank cards or used payment terminals in shops to withdraw small amounts of money. In one documented case, Russian servicemen contacted a POW's relatives and coerced them into transferring money from the POW's bank card under threats of torturing the POW.

<sup>22</sup> Article 13 (2) of the Third Geneva Convention states that "prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity". In modern conflicts, the prohibited acts include the disclosure of photographic and video images, recordings of interrogations or private conversations, personal correspondence or any other private data, irrespective of the public communication channel used. See also Commentary of 2020, paras. 1623-1624.

<sup>23</sup> Third Geneva Convention, art. 20.

<sup>24</sup> In such places, POWs were provided with buckets that served as toilets. In one case that occurred in April, women POWs had to use the buckets while being interned for one week with men POWs in abandoned barns in the village of Sartana, Donetsk region.

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to a dozen Ukrainian POWs were held overnight in a pit dug in a forest near a garage used as a base by Russian armed forces.

40. OHCHR has received credible allegations that at least two wounded Ukrainian men POWs from Mariupol died on 16 April 2022 while being transferred from a barn in Sartana village, Donetsk region, to a hospital in Donetsk.<sup>25</sup> Witnesses told OHCHR that the two victims were transferred in a civilian truck and without proper medical attention while on the move.<sup>26</sup> 23 men POWs interviewed by OHCHR stated that Russian armed forces provided them with due medical assistance during the early stages of captivity.
41. OHCHR notes the treatment of 168 servicemen of the National Guard of Ukraine who were guarding the Chernobyl Nuclear Power Plant (CNPP). They surrendered to the Russian armed forces on 24 February and were held at the CNPP until 31 March 2022.<sup>27</sup> During that period, many of them continued to perform their duties at the CNPP, but without weapons and ammunition. Eight men POWs interviewed by OHCHR complained that they were held in the so-called 'dirty zone' of the CNPP, where there are much higher levels of radioactive pollution.

## B. INTERNMENT OF POWS

42. OHCHR identified 48 places of internment located in Russian-occupied territory of Ukraine and the Russian Federation. These include 28 pre-trial detention facilities and penal colonies, four places of temporary detention and cells in buildings of Ukrainian law enforcement bodies, tent camps and makeshift places of internment<sup>28</sup> usually located in industrial buildings. Men and women POWs were held separately from each other, and POWs were held separately from persons detained under criminal laws.
43. Through the accounts of POWs who spent time in these places of internment, OHCHR documented consistent patterns of torture and ill-treatment, poor quartering conditions, and lack of food, water and proper medical attention. In some cases, OHCHR was able to identify the persons allegedly responsible for such violations. See infographic providing detailed information about these places below.

### Conditions of internment

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***"I was hungry all the time. You eat but you don't feel like you have eaten. I weighed 106 kg, and now my weight is 75 kg."***

– A man POW about conditions in a pre-trial detention facility in the Russian Federation.

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44. OHCHR documented IHL and IHRL violations in relation to the conditions of internment in 32 of the identified places, including in relation to POWs' quarters, food, water, hygiene and medical attention.

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<sup>25</sup> Medical attention entails attending to wounds and injuries incurred on the battlefield and during capture or captivity, including the treatment of fractures, orthopaedic surgery and the supply of medicines. See Third Geneva Convention, art. 15; Commentary of 2020, para. 1728.

<sup>26</sup> OHCHR notes that wounded Ukrainian POWs who laid down arms in the Azovstal Iron and Steel Works plant in Mariupol on 16 May 2022 were almost immediately transferred to a hospital in the town of Novoazovsk, Donetsk region.

<sup>27</sup> On 31 March 2022, they were transferred through Belarus to the SIZO in the town of Novozybkov, in the Briansk region of the Russian Federation.

<sup>28</sup> For the purposes of this report, OHCHR identifies premises that were not designed for these purposes and where POWs were held for up to several days as makeshift places of internment (e.g. warehouses, basements); pre-trial and penitentiary facilities or hospitals as transit camps; and the POW camp as a permanent internment facility (camp). In some instances, pre-trial detention facilities were used as permanent transit camps where POWs stayed for longer periods.



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46. One hundred and thirty-seven of the interviewed Ukrainian POWs (24 women and 113 men) reported overcrowded cells which lacked beds,<sup>29</sup> fresh air and adequate sanitation and cold temperatures during early spring, autumn and winter in 18 places of internment. For example, POWs told OHCHR that toilets in their cells or barracks were either unavailable or usually clogged, sanitary water was absent or delivered irregularly, and cells were covered extensively with mold and fungus. Nor were these POWs provided with any items to clean their cells. One hundred and twenty POWs also complained that items for personal hygiene were not provided, or were provided in insufficient quantities.<sup>30</sup>
  47. OHCHR also documented poor hygiene and sanitation with regard to the provision of food, risking spread of infection or disease. For example, in pre-trial detention facilities in the Russian Federation, POWs shared dishes, which were passed from one another, but which could not be cleaned in between use, as no detergent was provided. As a result, POWs sometimes received food served on dirty and unsanitary dishes. Moreover, POWs observed guard dogs licking their dishes and rats sitting on them while being stored in a food cart in the corridor.
  48. Of the 203 Ukrainian POWs interviewed by OHCHR, 157 POWs (139 men and 18 women) reported poor quality of food or lack of food in 20 places of internment. POWs told OHCHR that their food was undercooked, rotten, or contained sand or small rocks. Those POWs who complained about the inadequate quantity of food reported being given only three or four spoonfuls of porridge and a small piece of bread per meal, which they felt was enough only to keep them alive.<sup>31</sup> Twenty two POWs released from four places of internment described being forced to consume their food in a harmful or humiliating manner. For example, the guards gave POWs only 45 seconds to 2 minutes to eat, including very hot food which burned their mouths and throats.<sup>32</sup>
  49. Through interviews with 77 POWs, OHCHR identified four places of internment where POWs suffered from lack of or poor quality of water. In such places, POWs received only limited amounts of drinking water or dirty water with insects.<sup>33</sup> This issue was particularly acute in a penal colony near Olenivka and the SIZO in Donetsk.
  50. Thirty-four per cent of interviewed POWs complained about the lack of medical attention during their internment in penitentiary facilities. Nineteen POWs complained that no medical care was provided despite requests. Many POWs informed OHCHR that the absence of adequate medical care for gastro-intestinal infections, which was common due to poor food, water, hygiene and sanitation, was a major issue. Ten POWs reported that guards beat them or other POWs when they requested medical assistance. Twenty-one POWs also complained that medical personnel in penitentiary institutions only treated and bandaged their wounds to prevent sepsis, but did not provide any medication.
  51. Of deep concern, OHCHR documented the death of four wounded or sick POWs due to lack of proper medical attention. In summer 2022, a man POW died in a penal colony near Olenivka due to lack of treatment for hepatitis. On 10 July 2022, a wounded POW died in a makeshift place of internment in Pervomaisk, Luhansk region, after Wagner Group military and security contractors refused to provide him with antibiotics and a catheter, despite several requests from other POWs.

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<sup>29</sup> OHCHR documented that up to 50 POWs and civilian detainees were held in one cell designed for 6 people.

<sup>30</sup> Article 29 of the Third Geneva Convention obliges the Detaining power to take measures to ensure the cleanliness and healthiness of places of internment and to provide POWs with the necessary items for self-hygiene and laundry.

<sup>31</sup> These practices not only contravene article 26 of the Third Geneva Convention on food quantity, quality and variety, but they also constitute degrading and humiliating treatment.

<sup>32</sup> POWs knew that they would be punished with physical exercise or beatings if they failed to comply with the guards' orders.

<sup>33</sup> Prisoners must have access to clean, drinkable (filtered and disinfected, if required) water all day long in sufficient quantities ranging from 2.5 and 3 litres per person, or more in hot climates or when POWs carry out physical labour. See Third Geneva Convention, art. 26; Commentary of 2020, paras. 2128-2129.



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52. The conditions described above led 171 POWs (21 women and 150 men) to lose a significant amount of body weight. Many lost up to a quarter of their total weight, and several lost one third.
  53. Severely wounded Ukrainian POWs were also interned in hospitals located in Russian-occupied territory of Ukraine or in the Russian Federation itself. Most of these POWs had no complaints about living conditions, food or medical services, but several reported that medical staff and guards threatened them with violence.
  54. The majority of Ukrainian POWs interviewed by OHCHR were not required to perform work while interned. However, OHCHR documented the case of eight POWs who were forced to load artillery ammunition in Alchevsk city, in violation of IHL norms on the appropriate labour of POWs. OHCHR also received reports that a group of Ukrainian POWs from a penal colony near Olenivka had to collect and load dead bodies in Mariupol in May and June 2022. The Third Geneva Convention allows a Detaining Power to utilize the labour of POWs, but only under certain conditions and for work that is not dangerous, humiliating, or military in nature.<sup>34</sup>
  55. Violations of the right to maintain contacts with the outside world affected both POWs and their relatives. Only 10 Ukrainian POWs, with whom OHCHR spoke, were allowed to call or text their relatives,<sup>35</sup> and 18 POWs were allowed to send letters. Only 11 out of 203 POWs interviewed by OHCHR were visited by international monitors.<sup>36</sup> Numerous relatives of POWs who believed their missing ones had been captured approached OHCHR in despair due to the lack of information about, or contact with them, and the pain of uncertainty that they live through. IHL specifically requires that POWs be allowed to contact their relatives immediately upon capture or within a week of their arrival at a camp. It is of paramount importance for POWs to maintain their connection with the outside world and for their loved ones to know their fate. IHL requires States to ensure this communication on a regular basis.<sup>37</sup>
  56. OHCHR also received reports that Russian armed forces placed and used artillery near at least two places of internment, which endangered POWs by exposing them to the risk of return artillery fire in violation of the rules of the Third Geneva Convention.<sup>38</sup>
  57. Based on information from interviews, OHCHR identified only two places of internment for Ukrainian POWs which appeared to comply with IHL requirements on internment conditions: a tent camp in Belgorod region and a former naval school in Sevastopol. POWs also reported generally satisfactory conditions and treatment in the temporary detention center in Donetsk.

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<sup>34</sup> Article 49.

<sup>35</sup> This was rather an exception, usually made possible by investigators interrogating POWs or medical staff in hospitals.

<sup>36</sup> However, nine out of eleven said that they were visited by international monitors during their internment in a naval school in Sevastopol.

<sup>37</sup> Third Geneva Convention, arts. 70-71.

<sup>38</sup> Article 23 of the Third Geneva Convention states: "No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations".

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## Torture or other forms of ill-treatment, including sexual violence, during internment

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***“They did not just beat us, they broke us. They used their fists, legs, batons, tasers. There were POWs who had their arms or legs broken.”***

– A man POW describing ‘admission’ in a pre-trial detention facility in the Russian Federation

***“Once I did 2,000 squats. We were brought to a canteen for lunch and ordered to sit down. I asked a guard whether we could start eating and that was my punishment.”***

– A man POW describing how POWs were forced to do physical exercises in penitentiary facilities in the Russian Federation

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58. One hundred seventy-three Ukrainian POWs (153 men and 20 women) interviewed were subjected to torture or other forms of ill-treatment while interned by the Russian Federation, in breach of article 13 of the Third Geneva Convention. Their accounts revealed widespread use of torture or other ill-treatment both to extract military information or testimony for tribunals in occupied territory, and to intimidate and humiliate POWs. POWs with pro-Ukrainian tattoos, members of specific military formations such as artillery and tank crews, snipers and sappers, and those who took part in the military operations in eastern Ukraine prior to 2022, were at higher risk of the most violent forms of torture or ill-treatment.
59. The most widespread forms of torture or ill-treatment were beatings by hand (usually with tactical gloves), batons, wooden hammers or other objects,<sup>39</sup> and kicks to various parts of the body, but usually avoiding the head and other vital areas. Electric shocks were also used, both with tasers and TA-57 military telephones. Other common forms of torture or ill-treatment reported to OHCHR included stabbing, strangling, suffocation with a bag, applying pressure, hitting or stepping on wounded limbs, attacks or threats of attacks by dogs, threats with weapons, mock executions, placement in a hotbox or stress position, hanging by hands or legs, burns with cigarettes or lighters, exposure to cold temperatures, twisting or breaking of joints or bones, applying a tourniquet to cause pain, with the POW fearing loss of limb due to constriction of blood circulation, and threats of mutilation with pressing sharp objects against POW’s body parts.<sup>40</sup> Five POWs (all men) said that the perpetrators threatened to kill and torture relatives who were also interned in the same facility.
60. The most common method of torture was the so-called ‘admission’ or ‘welcome beatings’, which the majority of POWs (83 men and 9 women) interviewed by OHCHR experienced upon their arrival at the place of internment. This involved prolonged beatings, threats, dog attacks, tasing, stripping and use of stress positions. OHCHR found that members of the Russian Federal Penitentiary Services (FSIN) systematically engaged in this practice against POWs in pre-trial detention facilities in the Russian Federation. OHCHR documented the same systematic type of mistreatment in the Donetsk pre-trial detention facility and 23 other locations in the territory of Ukraine occupied by the Russian Federation.

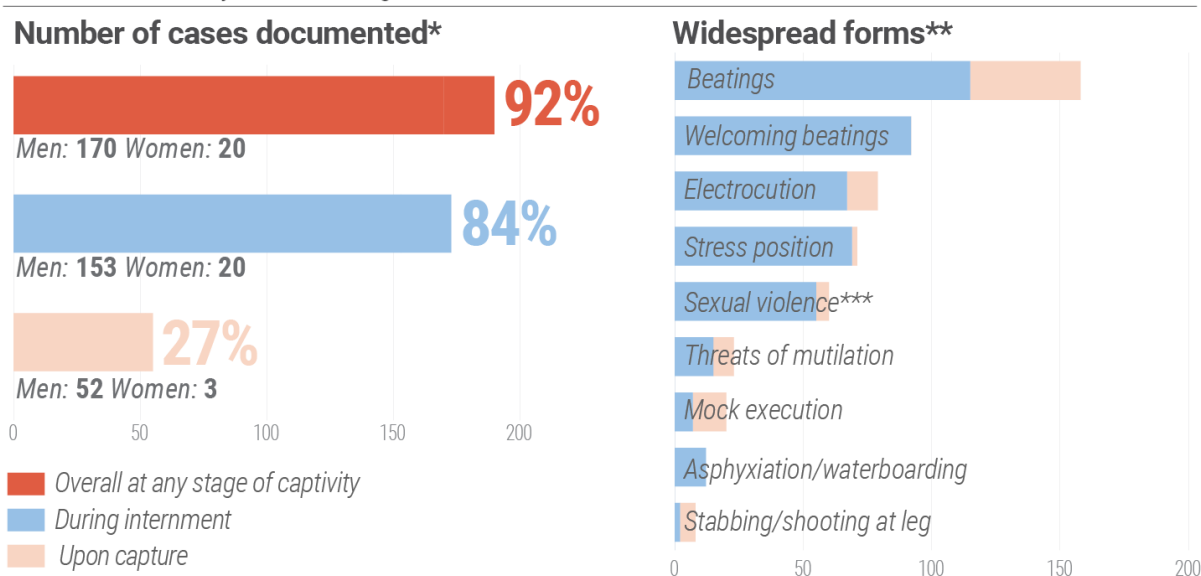
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<sup>39</sup> POWs were also beaten with plastic pipes, hoses, books, sticks, rifle butts, a pistol hilt and in one case the antenna from a military vehicle.

<sup>40</sup> In one case, perpetrators pressed a screw to the POW’s ear and eye.

61. OHCHR was told repeatedly about the so-called 'tiny train' form of torture, which was used in the Donetsk SIZO as well as two other places. POWs were forced to line up, one bent over another to form a 'train' and beaten by guards while the 'train' moved along.
62. Fifty-four POWs provided accounts of various forms of sexual violence, including forced nudity. In 27 cases (against men), perpetrators targeted the victim's genitalia during beatings or with electric shocks from a taser, or pulled men POWs by a rope tied around their genitalia. 17 POWs (11 men and six women) were subjected to unnecessary and humiliating cavity searches.<sup>41</sup> 31 POWs (18 men and 13 women) were threatened with rape or other sexual violence in circumstances that made them believe such threats would be executed.<sup>42</sup>

## TORTURE AND ILL-TREATMENT OF POWs IN THE HANDS OF THE RUSSIAN FEDERATION cases documented by OHCHR through individual interviews



Creation Date: 21 March 2023  
 Source: OHCHR HRMMU

\* Out of all POWs interviewed by OHCHR  
 \*\* Represents POWs subjected to a particular form of torture or ill-treatment  
 \*\*\* Including threats of sexual violence and inappropriate strip searches

63. Even though perpetrators did not usually target vital areas of the body, OHCHR documented five cases at two facilities where men POWs died after being tortured. For example, seven POWs told OHCHR that a servicemember from the Azov Regiment of the National Guard Unit 3057 was beaten to death by guards from the Russian-affiliated armed groups in a disciplinary isolation ward of the penal colony near Olenivka. Women POWs interned in the facility saw his body being carried out of the building on 3 or 4 July 2022.
64. In 28 places of internment, POWs were subjected daily to painful acts of torture and ill-treatment. POWs told OHCHR they were forced to stay in stress positions, such as in squat or 'star' positions (leaning on a wall with arms and legs widely spread), or to perform exhaustive physical exercise (repeated squatting, push ups, pull ups, etc.) as intimidation or punishment for alleged misconduct. During such exercises, the guards frequently beat POWs with batons or kicked them.
65. One hundred and twenty-three Ukrainian POWs informed OHCHR about humiliating practices widely used in places of internment, such as forcing POWs to sing Russian patriotic or children's songs or to shout slogans. Those who refused or who made mistakes were beaten. POWs also told OHCHR that guards verbally

<sup>41</sup> POWs reported weekly cavity searches while in close confinement in their cells and without contact with the outside world.

<sup>42</sup> In some cases, victims had been beaten and believed that the perpetrators could employ sexual violence. In other cases, perpetrators made threats of sexual violence while the victims were naked or while trying to undress them by force.

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abused them and forced them to dance with each other, imitate animals, scenes from movies or video games, slap each other, and write songs or jokes to entertain guards.<sup>43</sup> Guards often spread false news and told POWs they had no country to return to and no chance for release. In four cases, guards taunted POWs by staging transfer for repatriation.<sup>44</sup> Such practices amount to a violation of the moral integrity of POWs.<sup>45</sup>

### **Penal colony near Olenivka, Donetsk region<sup>46</sup>**

66. In April 2022, this penal colony became a major place of internment for POWs from Mariupol and other parts of southern and eastern Ukraine, as well as for civilians detained in the course of so-called 'filtration' processes.<sup>47</sup> POWs were held in ten barracks (located in five two-story buildings) and in overcrowded cells of the disciplinary isolation ward (DIZO). In addition, for two days 193 men POWs were held in a building in the industrial zone of the colony, where explosions during the night of 28–29 July 2022 killed at least 50 POWs and injured many others. OHCHR assesses that the maximum number of POWs and detained civilians held simultaneously in the colony may have reached about 4,000.
67. Two large groups of Ukrainian POWs who surrendered in Mariupol were transferred to the penal colony between 14 and 17 April and between 16 and 21 May 2022, respectively. Men POWs from the first group reported that they were transferred in overcrowded 'paddy' wagons and trucks, and subjected to violent 'welcome beatings' by penitentiary guards from Russian-affiliated armed groups. POWs from the second group were mostly guarded by FSIN servicepersons and were not subjected to ill-treatment upon their arrival.
68. POWs interned in the colony suffered from poor quality of food and drinking water, poor hygiene and sanitation conditions, irregular food distribution, a lack of beds in the barracks, as well as inadequate medical services and a lack of medication to treat infectious diseases. Most POWs reported significant weight loss due to these dire conditions.
69. With monthly shift changes, the FSIN guards became more violent, frequently insulting or beating POWs, forcing them to do physical exercises and stay in stress positions. Some POWs were also beaten by guards before or during interrogations conducted by the Federal Security Service (FSB) and the Investigative Committee of the Russian Federation.
70. Penitentiary guards from Russian-affiliated armed groups subjected men POWs to violent beatings, electrocution, strangulation, sexual violence and torture by fire. Women POWs were interned in cells of the DIZO, which was also used as a place of temporary confinement for men POWs accused of disciplinary offences.
71. In mid-July 2022, the Russian Federation began to transfer POWs to other penitentiary facilities. OHCHR received reports that the last POWs left the colony in January 2023.

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<sup>43</sup> The general obligation to treat POWs humanely involves protecting them from any physical or psychological abuse or threat thereof, and encompasses a prohibition on humiliating them, in particular by way of insults. See Third Geneva Convention, art. 13; Commentary of 2020, para. 1563.

<sup>44</sup> POWs were put in a bus and told they would be transferred for a POW exchange. They were then brought back to the facilities and told that the Government of Ukraine refused to have them back.

<sup>45</sup> Third Geneva Convention, art. 14.

<sup>46</sup> This detention facility is located in Molodizhne village, near the town of Olenivka in the Volnovaskyi district of Donetsk region. According to Ukrainian legislation, the official name of the facility before it fell under the control of the Russian-affiliated armed groups is Volnovaska penal colony No. 120. Russian-affiliated armed groups continued to refer to it as Volnovaska penal colony.

<sup>47</sup> For more details on the process of 'filtration', see OHCHR, *Report on the human rights situation in Ukraine, 1 February – 31 July 2022*, paras. 78-80.

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## Killing and injuring of POWs at the penal colony near Olenivka

72. During the night of 28–29 July 2022, at least 50 Ukrainian POWs were killed and many more injured after explosive weapons reportedly hit a barrack with 193 Ukrainian POWs (all members of the “Azov” regiment) in the penal colony No. 120, located approximately 5 km east of the town of Olenivka (part of Donetsk region occupied by the Russian Federation).
73. OHCHR collected and analyzed publicly available information on the incident, including over 20 statements by officials of the Russian Federation and representatives of the (former) self-proclaimed ‘Donetsk people’s republic’; over 70 videos and photographs related to the incident, including from inside and outside the barracks; satellite imagery of the barracks and the colony before and after the incident; and other relevant contextual information. Additionally, from September 2022 to January 2023, OHCHR interviewed 55 Ukrainian POWs who were in the colony on the night of the attack and the next day, including eight survivors from the affected barracks, and several POWs who took part in bringing out dead bodies from the barracks on the next day.
74. OHCHR documented that the 193 POWs were transferred on 27 July to this barrack, which was refurbished from an industrial shed that stood separately from the other barracks in the colony. That same day, the colony management ordered that the guard post be moved further from the barrack and that a fortified trench be dug for the guards, which was not done for other barracks. On 28 July, the guards of the barrack wore bullet-proof vests and helmets, which they had not done before and unlike other colony personnel who rarely wore them. POWs interned in different barracks reported that an “Grad” rocket system, which had been placed close to their barracks and near the colony’s fence just before the incident, was firing in a westerly direction away from the colony and covered the sounds of the explosions that killed and injured the POWs. A Ukrainian civilian detainee who acted as a liaison for the administration ordered the POWs who cleared debris and removed dead bodies on 29 July to keep silent about what they saw.
75. In the immediate aftermath of the incident, both Governments of Ukraine and the Russian Federation traded accusations that the other had deliberately targeted the barracks.<sup>48</sup>
76. OHCHR will continue to gather and analyse information on this incident. OHCHR found that the number of POWs who died from the attack could have been considerably lower if those heavily injured by the explosions had been provided with prompt medical care. The survivors had numerous injuries, including serious burns and wounds from fragments of projectiles and the barrack. However, medical assistance was not provided by personnel of the colony, and survivors had to do what they could to try to help stop each other’s bleeding without proper medical equipment. OHCHR documented that multiple injured POWs died on the ground near the entrance to the colony, reportedly due to massive blood loss. Survivors were taken to hospitals in Donetsk only 5-7 hours after the attack, in overcrowded trucks that drove over bumpy roads, causing additional suffering to the injured POWs. The POWs who survived with light injuries were placed in a so-called disciplinary isolation ward for one month, where they were effectively isolated from communicating with other POWs in the colony.

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<sup>48</sup> The Russian Federation and representatives of (former) self-proclaimed ‘Donetsk people’s republic’ claimed that Ukrainian armed forces deliberately struck the barrack with HIMARS rockets to silence Ukrainian POWs. The Ukrainian Government refuted such allegations, insisting instead that Russian armed forces had targeted the barracks.

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## Torture or other ill-treatment, including sexual violence, against women POWs in internment

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***“At some point, I was transferred to Cell No. 1 designed for 6 people. There were 27 women already there. Before that, the number was even larger, exceeding 40 persons.”***

– A woman POW about her conditions of internment in a penal colony near Olenivka

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77. OHCHR interviewed 24 women POWs upon their release from internment in facilities near Olenivka, in Donetsk and in the Russian Federation.
78. Fifty-four per cent of the women in facilities located in the Russian Federation were subjected to cavity or naked searches<sup>49</sup> during the ‘admission procedures’ in the presence of men guards and to ‘welcome beatings’<sup>50</sup>. Women POWs were also beaten by FSIN members in their legs and buttocks during daily checks or forced to remain in stress positions for extended periods of time.
79. In SIZOs in Donetsk (Russian-occupied territory of Ukraine) and in Taganrog (Russian Federation), women POWs were forced to undress, walk naked from one room to another, and shower in the presence of men guards, which they found humiliating.<sup>51</sup> They were also frequently forced to walk in a stress position (half-bent) through the hall while being beaten by guards with batons. Every month in Taganrog SIZO, a new shift of the Special Forces of FSIN forced POWs to run from the canteen to their cell within ten seconds, and from their cell to the toilet within six seconds, or be shocked with a taser. They also forced them to move imitating ducks under threat of beatings or taser shocks.
80. Seventy per cent of the women POWs interviewed who were held in pre-trial detention facilities in the Russian Federation and Donetsk region reported being subjected to beatings and electric shocks and threatened with sexual violence during interrogations.
81. Women POWs also suffered from dire conditions of internment. They were held in close confinement in overcrowded cells and permitted walks outside their cells on rare occasions. Up to 30 persons could be held in a six-bed cell. They lacked mattresses, bed linen and hygiene items, and generally suffered from constant digestive problems and extreme weight loss as a result of the poor quality and quantity of food and water. Most women POWs reported issues with their sexual and reproductive health while in captivity, notably termination of their menstruation, due to stress and the conditions of internment. All women POWs interviewed by OHCHR, except one,<sup>52</sup> reported that the administration of internment facilities did not offer them specialized medical assistance, check-ups by medical professionals or access to sexual and reproductive health treatment.

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<sup>49</sup> Taganrog SIZO, Kursk SIZO, Novozybkov SIZO in Bryansk region, penal colony in Valuiki, Belgorod region.

<sup>50</sup> Penal colony in Malaya Loknya, Kursk region, Taganrog SIZO.

<sup>51</sup> Sexual violence is not limited to physical invasion of the human body. Forced stripping and public nudity under coercive circumstances are considered sexual violence qualifying as international criminal crimes under “other inhumane acts” and “outrages upon personal dignity”. See International Criminal Tribunal for Rwanda, *Akayesu*, Judgment, 1998, paras. 688 and 693; International Criminal Tribunal for the Former Yugoslavia, *Kunarac*, Judgment, 2001, paras. 766–774.

<sup>52</sup> One woman POW was transferred to Donetsk hospital in acute condition and received medical assistance.

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## C. TRIALS OF POWS

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***“If you think we will get tired – you are wrong!”***

– A man POW describing a torture session by so-called ‘investigators’ from Russian-affiliated armed groups to extract confession of war crimes

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82. OHCHR interviewed eleven Ukrainian POWs who faced criminal prosecution for conduct amounting to mere participation in the hostilities. Furthermore, 68 interviewed POWs were tortured to provide testimonies against other servicepersons in violation of Article 17 of the Third Geneva Convention, which prohibits physical or mental torture, or any other form of coercion, to secure information of any kind.
83. OHCHR interviewed 10 men and 1 woman POWs who were indicted, tried and/or sentenced in Donetsk by so-called ‘courts’ of Russian-affiliated armed groups for conduct that amounted to mere participation in hostilities.<sup>53</sup> Under international law, combatants enjoy combatant immunity and cannot be prosecuted for mere participation in hostilities, or for lawful acts of war committed in the course of the armed conflict, even if such acts would otherwise constitute an offense under domestic law.
84. All the POWs interviewed reported being tortured or otherwise ill-treated before or during interrogations by so-called ‘prosecutors’ of Russian-affiliated armed groups, either to compel them to confess or to sign records of interrogations which included statements they had not made. Five of them were compelled to waive their rights to legal counsel during investigation, because no lawyers were available.<sup>54</sup>
85. Three POWs interviewed by OHCHR were tried *in camera*<sup>55</sup> by a so-called ‘court’ which lacked essential guarantees of lawfulness, independence and impartiality.<sup>56</sup> One of the POWs was not brought for hearings in his ‘trial’ and was sentenced to death. POWs tried in Donetsk complained that the ‘judges’ were blatantly biased against them, cherry-picking parts of their testimony in order to find them guilty. Moreover, four POWs complained that their lawyers did not provide any legal assistance and only advised them to plead guilty. One POW also reported that his legal aid lawyer contacted his relatives and demanded USD 5,000 for filing an appeal against a death sentence imposed against him. Another POW who did not speak Russian well was provided with the text of his indictment in Russian, although he requested its translation into English. Under IHL rules, POWs can be validly sentenced only if the provisions on judicial proceedings of the Third Geneva Convention are respected,<sup>57</sup> which includes the prohibition on exerting moral or physical coercion to induce admission of guilt, the right to defence by a qualified advocate or counsel of one’s own choice and the obligation to communicate charges and documents to the accused in a language he or she understands.<sup>58</sup> OHCHR is concerned that the POWs were not validly sentenced according to IHL, particularly where they confessed under duress and their rights to a defence were violated. OHCHR recalls

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<sup>53</sup> Seven indicted individuals were released during ‘POWs exchanges’ before their ‘trials’ started. Two had stood ‘trial’, but were released before proceedings ended. Two were sentenced to death. POWs were groundlessly charged or tried for terrorism, mercenarism, and attempted overthrow of the ‘constitutional order’ in the self-proclaimed ‘Donetsk people’s republic’.

<sup>54</sup> No POW may be convicted without having had an opportunity to present their defence and with the assistance of a qualified advocate or counsel. Third Geneva Convention, art. 99.

<sup>55</sup> On 9 June 2022, OHCHR attempted to observe a ‘hearing’ in a ‘criminal case’ against three Ukrainian POWs in Donetsk but was denied access to the courtroom of the so-called ‘supreme court’.

<sup>56</sup> OHCHR found similar violations and explained why such ‘courts’ cannot be seen as regularly constituted, independent and impartial in the *Human Rights in the Administration of Justice in Conflict-Related Criminal Cases in Ukraine from April 2014-April 2020*, available at: <https://www.ohchr.org/en/documents/country-reports/human-rights-administration-justice-conflict-related-criminal-cases>.

<sup>57</sup> Third Geneva Convention, art. 102.

<sup>58</sup> Third Geneva Convention, art. 105.

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that wilfully depriving a POW of the rights to a fair and regular trial constitutes a grave breach of the Third Geneva Convention.<sup>59</sup>

## D. CONDITIONS OF RELEASE AND REPATRIATION

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***“It was the most terrifying episode. They told us nothing. I thought we were brought out to be executed.”***

– A man POW about treatment during a transfer for an exchange of POWs

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86. OHCHR is concerned that Ukrainian POWs being released and exchanged were repatriated in inhumane conditions and subjected to ill-treatment, in breach of article 119 of the Third Geneva Convention.<sup>60</sup> Most cases documented by OHCHR took place during a POW exchange on 21 September 2022. POWs were transferred in overcrowded cargo trucks, with their hands tied and eyes covered tightly with duct tape. Many showed OHCHR scars and wounds on their hands and faces caused by plastic strips and duct tape. Men were also made to sit in a stressful herring pattern in the trucks.<sup>61</sup> During the transfer, POWs interviewed by OHCHR reported hearing many others fainting due to the lack of space and air. Those who asked for water or assistance were hit or tasered by guards. POWs also reported that a guard threw an open vial with ammonia inside one truck after several POWs fainted, which caused the others to feel burning pain in their eyes and noses and to struggle to breathe. The POWs were brought to airfields, boarded military multipurpose planes and were flown to Belarus before being transferred to Chernihiv region. During the transfer, guards hit them and tasered them. In total, POWs spent almost two full days tied and blindfolded, without food, water, or access to a toilet. This raises concerns regarding respect of the obligation to treat POWs humanely and the prohibition of humiliating or degrading treatment. Only women POWs were allowed to relieve themselves in an open field, but in the presence of men guards. They were also provided with water when brought to the airfields.
87. OHCHR documented similar conditions and mistreatment during the transfers of other POWs in more than 12 cases. Of concern, OHCHR documented cases of three men POWs who spent about 12 hours in wet clothes during winter, because the guards of a penitentiary facility in the Russian Federation deliberately made them wash their clothes just before their transfer to an exchange.

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<sup>59</sup> Third Geneva Convention, art. 130.

<sup>60</sup> Article 119 of the Third Geneva Convention stipulates that repatriation shall be effected in conditions similar to those laid down in Articles 46 and 48 of the convention for the transfer of prisoners of war. Article 46 provides that the transfer of POWs shall always be effected humanely and in conditions not less familiar than those under which the forces of the Detaining Power are transferred. During transfer, the Detaining Power shall supply POWs with sufficient food and drinking water, necessary clothing, shelter and medical attention. The Detaining Power shall take adequate precautions to ensure their safety and shall draw up a complete list of all transferred POWs before their departure.

<sup>61</sup> They sat on the floor with their legs widely spread and their tied hands over the head of the man sitting in front.



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## V. TREATMENT OF PRISONERS OF WAR IN THE HANDS OF UKRAINE

88. Since 30 March 2022, OHCHR has conducted confidential interviews with 229 POWs<sup>62</sup> from Russian armed forces (228 men and 1 woman), mainly in places of internment where the Government of Ukraine had granted OHCHR full and unimpeded access to POWs. These include interviews with three POWs from Russian-affiliated armed groups after they were exchanged and returned to the parts of Luhansk region occupied by the Russian Federation; however, these interviews were not confidential.<sup>63</sup>
89. Of the 229 POWs interviewed, 113 reported torture or other ill-treatment at different stages of their captivity.

### A. CAPTURE AND EVACUATION

#### Summary executions

90. Through open source material and confidential interviews, OHCHR documented incidents where Ukrainian servicemen killed at least 25 Russian POWs and persons who were wounded and considered *hors de combat*. In one case that occurred in March in Luhansk region, Ukrainian armed forces surrounded members of Russian affiliated armed groups lying on the ground after an artillery attack, some of whom were possibly dead or injured, and told them to explicitly pronounce their intent to surrender. Only a few POWs did so. Those interviewed by OHCHR then heard several shots and one Ukrainian serviceman saying, “they would suffer more otherwise”. At the time of the interviews, the surviving POWs had not since seen the other members of their group.
91. OHCHR also analysed videos published online on 22-23 November, depicting what appears to be summary executions of Russian POWs and persons *hors de combat* by Ukrainian armed forces at different locations and times. The analysis of these videos indicates that they are highly likely authentic.
92. In one video, at least eleven Russian soldiers are seen exiting a basement, laying down their arms and lying on the ground in front of at least three Ukrainian servicemen in Makiivka, Luhansk region. The last soldier exiting the building is seen opening fire, then sounds of shooting can be heard. Later, another video shot from a drone shows what appears to be the same group of Russian soldiers, all lying dead on the ground, seemingly in the same positions in which they were instructed to lie down during their surrender. OHCHR notes that soldiers who have fallen into the power<sup>64</sup> of Ukraine are to be granted the full spectrum of protection guarantees, therefore their killing, if deliberate, would constitute a war crime.
93. A series of videos recorded in Nova Basan, Chernihiv region, in March 2022, show seven Russian POWs who have been killed. In the first video, Ukrainian armed forces unload three Russian POWs from the back of a pick-up truck, who have their hands tied and eyes covered. A second video from the same site show the bodies of six Russian POWs, including the three from the first video, lying on the ground in positions and with

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<sup>62</sup> This included 102 POWs from the Armed Forces of the Russian Federation, 126 from affiliated armed groups (87 from armed groups of former self-proclaimed ‘Donetsk people’s republic’ and 39 from armed groups of former self-proclaimed ‘Luhansk people’s republic’) and 1 member of the Wagner Group military and security contractors. Almost all POWs from affiliated armed groups were Ukrainian nationals, and OHCHR has reasonable grounds to believe that the majority thereof had been subjected to forced conscription.

<sup>63</sup> They were conducted via teleconference with interviewees who were physically present in the office of the so-called ‘ombudsperson’ of former self-proclaimed ‘Luhansk people’s republic’ and, on another occasion, in person in the same office.

<sup>64</sup> Article 41 of Additional Protocol 1 states that a person is *hors de combat* if he is in the power of an adverse party or if he clearly expresses an intention to surrender. See also Commentary of 2020 to article 4A of the Third Geneva Convention, which explains that the terms “fallen into the power of the enemy” imply that “the Detaining Power exercises some level of physical control or restraint over the person, and that the person is no longer willing or able to participate in hostilities or defend themselves. It would thus not include persons who merely reside or operate in a territory controlled by a belligerent Party”.

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wounds and traces of blood that are consistent with execution by firearms. There is a seventh body lying separately, off to the side. The third video shows an attempt to bury the seventh victim nearby; part of his head is missing. During its field visits to Nova Basan, OHCHR was able to corroborate the killings of at least these seven Russian POWs.

94. OHCHR welcomes the stated commitment of the General Prosecutor's Office of Ukraine to investigate all allegations of mistreatment of POWs, and acknowledges that criminal investigations into five episodes, involving 22 victims, have been launched. However, OHCHR regrets lack of significant developments in these investigations to date, and that no such cases have yet been brought before the courts.

### **Torture or other forms of ill-treatment**

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***"Before questioning, they showed me an axe handle covered in blood as a warning. The questioning lasted for about an hour and they used electricity six times, whenever they thought I was lying."***

- A Russian POW on torture and psychological pressure during interrogations by Ukrainian armed forces

***"At night the Ukrainian armed forces forced me to pray. I was also taken out and told to run away; this was done on purpose because anyone who tried to run away would be shot and killed"***

- A Russian POW on mock execution during initial stages of captivity

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95. One hundred and one of interviewed POWs were subjected to different forms of torture or other ill-treatment<sup>65</sup> upon capture by Ukrainian armed forces. In the majority of documented cases of torture, POWs were beaten, sometimes for prolonged periods, leading to severe pain and injuries.
96. OHCHR documented three cases where members of the Ukrainian armed forces shot POWs in the legs immediately after their capture or during initial interrogation.
97. Three interviewees reported that members of the Ukrainian armed forces connected wires from a TA-57 military telephone (widely known as 'TAPik') to their feet and put electrical current through their bodies. The interrogations and physical violence lasted for several hours. In one of these cases perpetrators sprayed a product on his back that he believed amplified the conductivity of electricity. Overall, OHCHR documented five cases of electrocution of POWs by the Ukrainian armed forces as a form of torture.
98. In 27 cases, POWs were subjected to specific forms of torture or ill-treatment that inflicted psychological pain or suffering, such as death threats, mock executions or threats of sexual violence carried out in circumstances which were perceived by POWs as real. In one case, members of the Ukrainian armed forces interrogated a group of three POWs separately. After one POW heard gunshots, the soldiers told him they had killed the other two POWs and that he would be executed next.

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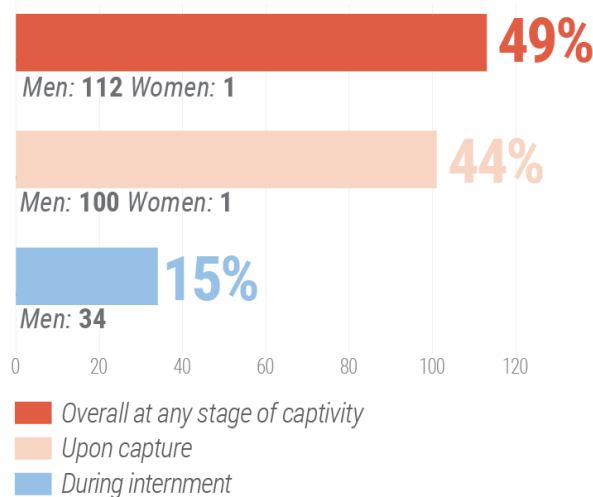
<sup>65</sup> These included severe beatings, electrocution with military phone, suffocation, shots to limbs, stabbing limbs, punches in the faces, kicking and hitting the body, including with hard objects, exposure to cold temperatures, cigarette burns, cutting with a knife, stress positions, mock execution, death threats, threats to physical integrity, threats of sexual violence and verbal abuse.

99. OHCHR analysed publicly available videos that appear to be authentic, depicting torture of Russian POWs by the Ukrainian armed forces. OHCHR has previously reported about one case, in which videos depicted members of Ukrainian armed forces shooting the legs of three captured Russian soldiers and kicking wounded Russian soldiers lying on the ground, threatening them with execution and pointing guns at them, in Kharkiv region.<sup>66</sup>
100. After their capture, POWs were taken from the front line to makeshift temporary places of internment, such as military headquarters located in various buildings, including police departments, to be interrogated by the Armed Forces of Ukraine, the SBU, intelligence or police officers. Sixty-six POWs stated that their interrogators, mostly servicepersons, tortured and ill-treated them to extract information, punish, humiliate and intimidate them, and, in several cases, get access to their bank details. Sometimes, beatings accompanied every question asked. The majority of tortured and ill-treated POWs complained of beatings with rifle butts, wooden bats, sticks and fists on their faces, torsos and legs, cigarette burns and being forced to kneel for hours while being questioned.
101. In several cases, beatings by Ukrainian servicepersons, notably in the aftermath of battle, appeared purely retaliatory in nature.<sup>67</sup> For example, in some cases, officers beat POWs saying “This is for Bucha” or words to similar effect. OHCHR documented one case where an officer of the Ukrainian armed forces attacked a group of 11 men Russian POWs who had been brought to an area near Sloviansk in June 2022. He stabbed at least three of them in their shoulders or legs. In another case, soldiers of the Ukrainian armed forces brought a POW to a lake and forced his head underwater until he lost consciousness. The next day, they beat him and carved a 'smile' with a knife on his left shoulder, which was still visible at the time of the interview.

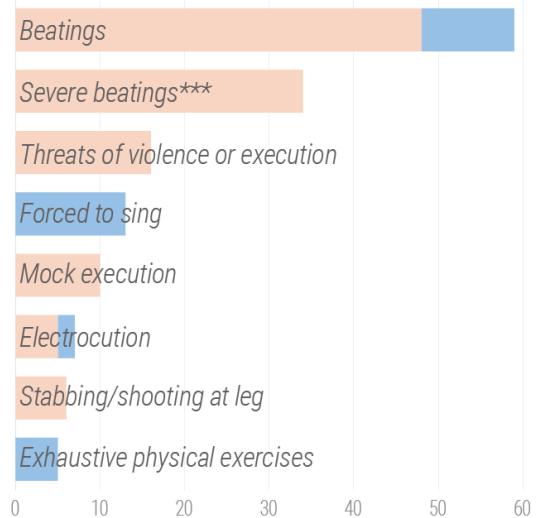
## TORTURE AND ILL-TREATMENT OF POWs IN THE HANDS OF UKRAINE

cases documented by OHCHR through individual interviews

### Number of cases documented\*



### Widespread forms\*\*



Creation Date: 21 March 2023  
 Source: OHCHR HRMMU

\* Out of all POWs interviewed by OHCHR

\*\* Represents POWs subjected to a particular form of torture or ill-treatment

\*\*\*Prolonged beatings causing severe pain and/or resulting in loss of teeth or broken bones

<sup>66</sup> See OHCHR, *Situation of human rights in Ukraine in the context of the armed attack by the Russian Federation*, 24 February – 15 May 2022, June 2022 para. 105.

<sup>67</sup> Article 13 of the Third Geneva Convention prohibits measures of reprisals against POWs.

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102. OHCHR observed a pattern of torture and ill-treatment against men POWs upon their arrival to transit camps, distant from the frontline, in the beginning of the armed attack in March – May 2022, with peaks after the killings of civilians in Bucha became public. In particular, OHCHR documented six cases of torture and ill-treatment in penal colony No. 89 in Dnipro. Upon arrival to this transit camp, men POWs went through ‘welcome beatings’. Guards also used beatings as a means of discipline and made POWs kneel for several hours, beating them or shocking them with tasers if they moved.

### Pillage of belongings

103. Nine POWs reported the pillage of their belongings, mostly money, wedding rings and religious symbols, either at the site of surrender, in makeshift places of internment, or upon arrival to transit camps in violation of article 18 of the Third Geneva Convention. Several POWs reported the pillage of their military clothing, notably their jackets and boots, which left some of them suffering from the cold or lack of proper footwear during initial stages of internment. In two cases, members of the Ukrainian armed forces seized POWs’ bank cards and forced them to disclose passwords. OHCHR also documented two cases where servicepersons of the Ukrainian armed forces contacted relatives of two men POWs from the armed forces of the Russian Federation and attempted to extort money under threats of torture and execution.

### Exposure to public curiosity

104. OHCHR notes with concern that the Ukrainian armed forces ordered some POWs to condemn the war on camera and call on their fellow soldiers to lay down arms. OHCHR observed a widespread pattern of filming and publishing videos of Russian POWs forced to sing songs, shout slogans, glorify or swear at specific military units or persons, or subjected to various other forms of humiliation. The Ukrainian armed forces recorded videos of the ill-treatment and humiliation of POWs during their evacuation and disseminated them through social media. IHL forbids exposing POWs to public curiosity or humiliating them, including by posting videos of them in situations that can be reasonably perceived as humiliating.

### Conditions of evacuation

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***"On the way to a transit place of internment in Kharkiv, some Ukrainian soldiers said – ‘Let’s have fun because they will be taken soon’ and started beating us heavily."***

- A POW on ill-treatment during evacuation.

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105. OHCHR documented 19 cases of Russian POWs evacuated in a manner and under conditions contravening the Third Geneva Convention, which prescribes that the evacuation of POWs be carried out humanely and in conditions similar to those for the forces of the Detaining Power during their change of station. POWs reported humiliating treatment during their evacuation to transit camps and permanent internment facilities. POWs were frequently transported half-dressed, packed in minivans or trucks in stress positions with their hands bound behind their backs. These accounts were also corroborated through numerous videos recorded by members of Ukrainian armed forces.
106. Sixteen POWs reported beatings during their evacuation, either by soldiers who transported them or at checkpoints. Several men POWs mentioned that the soldiers guarding them offered soldiers stationed at each checkpoint the opportunity to beat them. Four men POWs also reported being pushed or kicked by members of the National Guard, while being transported between pre-trial facilities or to the POW camp.
107. The majority of POWs spent brief periods of time in one to three makeshift places of internment before being moved to permanent internment facilities. Such places included private houses, police stations, warehouses,

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garages, schools or factories occupied or used by Ukrainian armed forces. In one instance, several dozen POWs were interned for a few days in three shipping containers located in industrial storage areas of Kharkiv region. In most cases, POWs in makeshift places of internment were kept with their hands tied and eyes covered for several hours to several days, raising serious concerns regarding respect of the obligation to treat POWs humanely and the prohibition of humiliating or degrading treatment. Several POWs complained that they did not receive adequate food or water while interned in such places.

108. OHCHR notes that, at this stage of internment, Ukrainian armed forces provided many POWs with an opportunity to contact their relatives. However, in 14 cases, POWs were not able to contact their relatives for more than a month after their capture. As mentioned above, IHL requires that POWs be allowed to contact their relatives immediately or within a week of their evacuation or transit to a place of internment, and to maintain communication with the outside world on a regular basis.<sup>68</sup>

## **B. INTERNMENT OF POWS**

109. OHCHR conducted 48 visits to official places of internment of POWs, namely to SIZOs in Dnipro, Kharkiv, Kyiv, Kryvyi Rih, Odesa, Poltava and Zaporizhzhia and to the POW camp in Lviv. Although the majority of men POWs (228 interviewees) had no complaints, 40 men reported ill-treatment and inadequate conditions of internment in several places. During individual interviews, 11 POWs complained of having been beaten by the military police or guards in Kharkiv SIZO, Dnipro SIZO, Dnipro penal colony No. 89 and Vinnytsia SIZO between March and April 2022.<sup>69</sup>
110. OHCHR also received credible information about the existence of an unofficial place of internment in Kyiv where a number of POWs, including 40 interviewed by OHCHR, were interned for extended periods of time. As of the date of this report, Ukrainian authorities have not responded to OHCHR regarding the existence of this place. All POWs must be officially recorded,<sup>70</sup> and independent monitors should have access to them.<sup>71</sup>
111. While the Government of Ukraine has established one POW camp as required by IHL, considerable numbers of POWs remain interned in special wards of pre-trial detention and penitentiary facilities in violation of the rule that POWs shall not be interned in close confinement, except in particular cases justified by the interest of the POWs or when and while necessary to safeguard their health.<sup>72</sup>
112. The majority of POWs (198 out of 229 interviewed POWs) did not raise complaints regarding their living conditions, food, water, hygiene and access to medical assistance. The majority could communicate with relatives, but not regularly, as required by IHL.<sup>73</sup> OHCHR observed that POWs were accommodated separately from criminal detainees, and had running water in their cells and access to books, radio and television.
113. Several men POWs reported widespread practices of verbal abuse by guards in the places of internment visited by OHCHR.<sup>74</sup>

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<sup>68</sup> Third Geneva Convention, arts. 70-71.

<sup>69</sup> OHCHR notes that the State Penitentiary Service of Ukraine has been receptive to the concerns raised and recommendations made by OHCHR, including through receiving trainings for penitentiary staff on IHL standards regarding the treatment of POWs.

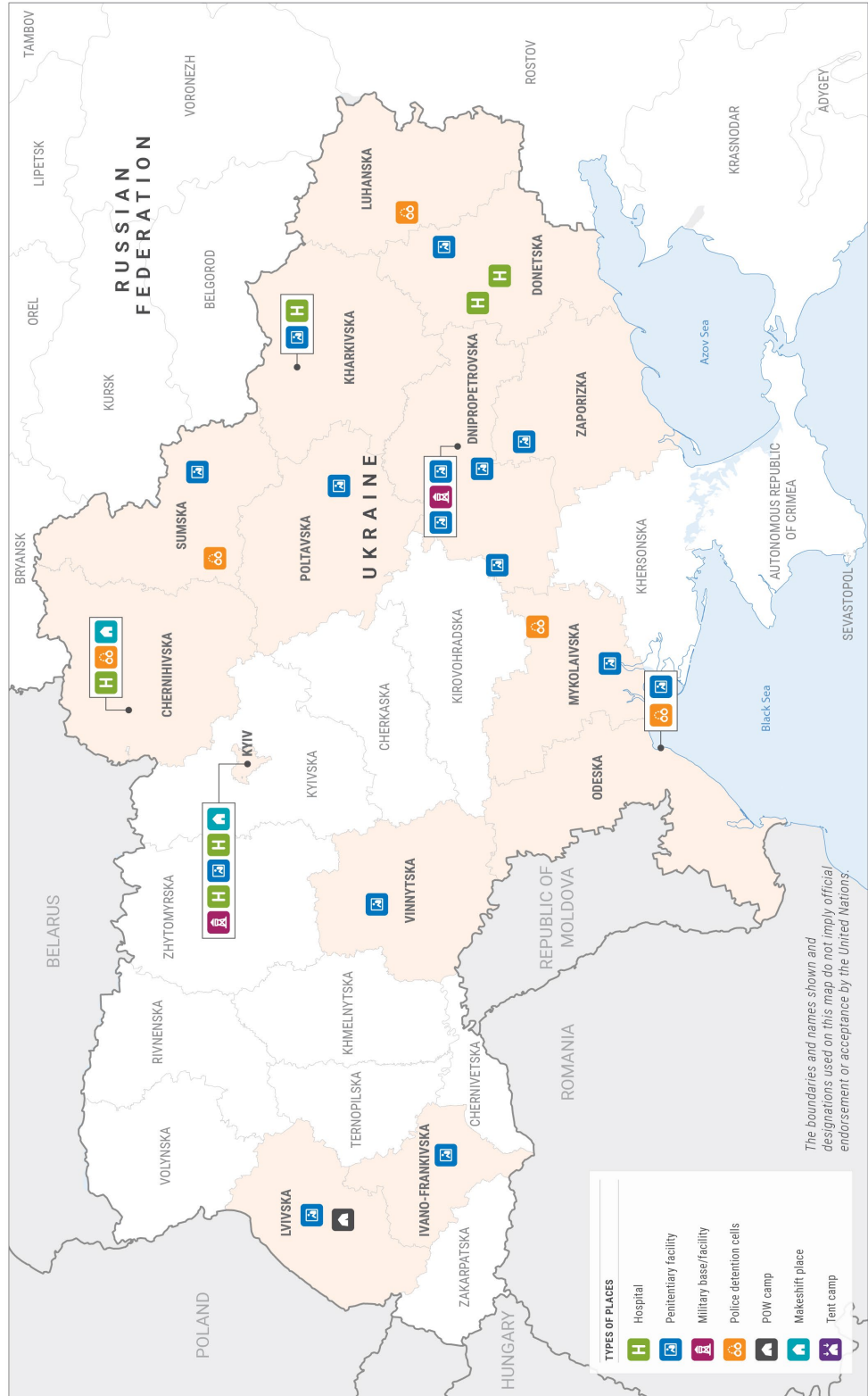
<sup>70</sup> Third Geneva Convention, art. 122.

<sup>71</sup> Third Geneva Convention, art. 126; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/Res/43/173), principle 29.

<sup>72</sup> Articles 21, 22 of the Third Geneva Convention. Subject to rare exceptions, POWs may not be held in close confinement or interned in penitentiaries.

<sup>73</sup> Article 71 of the Third Geneva Convention states that POWs are entitled to send at least two letters and four cards per month.

<sup>74</sup> See Third Geneva Convention, art. 13; Commentary of 2020, para. 1563.



Creation Date: 21 March 2023 Author: IMDA/ERS/FOTCD Source: HRMMU, HDX, OSM Contact: ohchr-imsupport@un.org

114. Several POWs also reported humiliating practices such as being forced to sing the Ukrainian national anthem and other patriotic songs, or to do squats, push-ups and other physical exercise as punishment for disciplinary misconduct. Such disciplinary measures amount to a violation of the moral integrity of POWs.<sup>75</sup> Furthermore,

<sup>75</sup> Third Geneva Convention, art. 14.

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while IHL allows fatigue duties as disciplinary sanctions, they should consist of extra-duty chores rather than physical exercise.<sup>76</sup>

115. Several POWs complained about bed bugs in the Kharkiv SIZO, low temperature in cells of the Kyiv SIZO and POW camp, and a lack of hygiene items in the Dnipro SIZO in early March 2022.<sup>77</sup>
116. The Government of Ukraine facilitated communication between POWs and their loved ones via letters and provided POWs with modern means of communication in addition to those required by the Third Geneva Convention. In autumn 2022, the Government introduced an IP-telephone service for POWs in permanent transit camps and the Lviv POW camp. However, POWs in pre-trial facilities interviewed by OHCHR were unaware of this service and the administrations of the facilities reported technical challenges with its use.
117. In permanent places of internment, POWs were provided with basic medical assistance such as daily doctor's rounds, X-ray checks, generic medication and dental care. Medical care was provided on admission, regularly or upon request. POWs requiring medical supervision were placed in medical wards of permanent transit places or the POW camp, or were admitted to hospitals where they received urgent or specialized treatment.

### POW camp in Lviv region

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***“It is very cold in the barracks. Some POWs sleep fully dressed in their work uniform.”***

- A POW on conditions in the camp during winter.
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118. The POW camp in Lviv region was established in mid-April 2022 on the premises of a former penitentiary facility. POWs are accommodated far from the frontline and escorted to a shelter during air alerts. They live in barracks that ensure sufficient space per person, are provided with bedding, hygiene items and three meals a day, and have access to recreation and study facilities. Since autumn 2022, POWs have been allowed to call their relatives once or twice a month via IP-telephone, in addition to sending and receiving parcels.
119. OHCHR visited the POW camp in Lviv region in June and December 2022. During its second visit, OHCHR received complaints about conditions of internment. In most cases, POWs complained about low temperatures in the barracks during autumn and winter, the lack of warm clothes up until mid-October, and insufficient amounts of food. They explained that all POWs, except for those in the infirmary, were engaged in everyday physical work and therefore required additional and more nutritious food rations. Several POWs reported feeling constantly hungry and losing between 10 and 30 kg during their period of captivity. Items for purchase at the canteen furthermore did not correspond to the needs of the POWs.

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<sup>76</sup> Third Geneva Convention, art. 89; Commentary of 2020, para. 3751.

<sup>77</sup> Third Geneva Convention, art. 29.

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## C. TRIALS OF POWS

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***"I don't think having a lawyer makes any difference. The prosecutor says the only way to be exchanged is to admit guilt, so I chose to do that."***

- A Russian POW

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120. OHCHR monitored several proceedings and analysed more than 100 verdicts in criminal proceedings against Russian POWs<sup>78</sup> before the Ukrainian judiciary. It identified patterns of fair trial violations with regard to the right not to be compelled to testify against oneself or confess one's guilt and the right to prepare a defence.
121. POWs from Russian-affiliated armed groups captured after 24 February 2022 were sentenced to prison terms, in the majority of cases, ranging between 12 and 15 years for trespass against territorial integrity, state treason, membership in a terrorist organisation, membership in an unlawful armed formation and unlawful possession of firearms. IHL does not explicitly prohibit the prosecution for state treason of combatants who defected. However, sentencing members of the Russian-affiliated armed groups for conduct amounting to mere participation in hostilities under the above-listed crimes is inconsistent with the principle of combatant immunity.<sup>79</sup> OHCHR has not identified a single case where judges referred to the international norms and standards on combatant immunity to acquit an individual charged with respect to such conduct.
122. In addition to the preceding point of principle, OHCHR notes with concern that in these criminal proceedings, Ukrainian courts did not take into consideration the forced recruitment of numerous members of Russian-affiliated armed groups.<sup>80</sup> OHCHR has grounds to believe that 98 POWs of those 126 interviewed were forcibly recruited. Since February 2022, self-proclaimed 'authorities' of the 'Donetsk people's republic' and 'Luhansk people's republic' introduced general mobilization for men of conscription age and women health professionals. As documented by OHCHR, throughout the reporting period, employers, military 'commissariats' or university administrations demanded that persons report to designated assembly points for enlistment. Refusal to be conscripted led to 'criminal prosecution'.<sup>81</sup> OHCHR notes that compelling Ukrainian nationals who reside in the occupied territory of Ukraine to serve in the armed forces of a hostile power is a grave breach of IHL and may constitute a war crime.<sup>82</sup>
123. On 28 July 2022, the Ukrainian Parliament made changes to the legal procedures on exchange of POWs, including those who are suspected, accused or convicted of crimes. These changes have made it easier for Ukrainian authorities to pressure POWs to plead guilty.<sup>83</sup> Thirteen POWs reported that prosecutors or SBU officers pressured them to plead guilty as the only way to be released through a POW exchange, in violation of IHRL and IHL.<sup>84</sup> Although all the defendants were assigned free legal aid lawyers, in a number of cases,

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<sup>78</sup> Ukrainian nationals prosecuted for membership in Russian affiliated armed groups and participation in armed hostilities.

<sup>79</sup> See <https://casebook.icrc.org/glossary/immunities>.

<sup>80</sup> OHCHR notes that combatant immunity applies regardless of whether the POWs volunteered or were forcibly recruited.

<sup>81</sup> Article 406 of the 'criminal code' of self-proclaimed 'Luhansk people's republic' and article 388 of the 'criminal code' of self-proclaimed 'Donetsk people's republic'.

<sup>82</sup> Fourth Geneva Convention, arts. 51(1) and 147. In addition, according to Rule 95 of the ICRC's study on customary IHL, compelling nationals of a warring party to serve in the armed forces of the country with which their own country of nationality is at war is "a specific type of forced labour that is prohibited in international armed conflicts".

<sup>83</sup> Law of Ukraine "On amending Criminal Code, Criminal Procedure Code and other legislative acts concerning legal procedure of exchanges of prisoners of war" No. 2472-IX of 28 July 2022.

<sup>84</sup> Article 99 of the Third Geneva Convention states that no moral coercion may be exerted on a POW in order to induce him to admit guilt. The right not to be compelled to testify against oneself or to confess guilt must be understood in terms of the absence of any undue psychological pressure from the investigating authorities with a view to obtaining a confession. See CCPR/C/GC/32, para. 41.



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they could only meet them for the first time or consequently during court hearings, which often took place via teleconference. These defendants were thus deprived of the right to speak confidentially with their lawyers before the hearings and the right to prepare a defence. Moreover, some interviewees claimed their lawyers sided with the prosecutors, advising them to plead guilty for a swifter release as part of an exchange. POWs were told by prosecutors, SBU officers, and sometimes their lawyers, that if they did not plead guilty, the investigations and court proceedings in their case would last for years with little prospects of release upon exchange.

124. OHCHR also documented a pattern of proceedings where courts delivered guilty verdicts the same day or the day after the preliminary hearing. In those cases, defendants attended their trial via videoconference, and courts delivered verdicts based mostly on admissions of guilt made during the trial, without consideration of the factual details of the case. Under IHL, POWs can be validly sentenced only if the provisions on judicial proceedings of the Third Geneva Convention are respected,<sup>85</sup> which include the prohibition to exert moral coercion to induce admission of guilt, the right to a qualified advocate or counsel of one's own choice and the requirement for this counsel to have at least two weeks before the opening of the trial to prepare the defence.<sup>86</sup> OHCHR is concerned that such POWs were not validly sentenced according to IHL, particularly where they confessed under duress and their rights to a defence were violated. OHCHR recalls that wilfully depriving a POW of the rights to a fair and regular trial constitutes a grave breach of the Third Geneva Convention.<sup>87</sup>

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<sup>85</sup> Third Geneva Convention, art. 102.

<sup>86</sup> Third Geneva Convention, art. 105.

<sup>87</sup> Third Geneva Convention, art. 130.

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## VI. CONCLUSIONS AND RECOMMENDATIONS

125. Since the start of the armed attack by the Russian Federation against Ukraine on 24 February 2022, both parties to the international armed conflict have captured high numbers of POWs. States have the obligation to treat all POWs in their power humanely at all times, from the moment of their capture until their release and repatriation. Both Ukraine and the Russian Federation are parties to the Third Geneva Convention relative to the treatment of prisoners of war and Additional Protocol I which also includes provisions on the treatment of POWs. The Convention provides that POWs are in the hands of the enemy Power, rather than at the mercy of those particular individuals or military units who have in fact captured them. Irrespective of the individual responsibilities that may exist, it is each Detaining Power which is responsible for the treatment of POWs.
126. Cases analysed in the report reveal strong patterns of violations against POWs. The Russian Federation has failed to ensure the humane treatment of POWs – upon their capture, during their internment and even during transfers prior to their release. OHCHR has documented regular practices of torture and ill-treatment in places of internment, poor internment conditions, and POWs being denied communications with the outside world. OHCHR and other independent monitors' lack of full, unimpeded and confidential access to the places of internment, as well as the impossibility for POWs to communicate with the outside world, deprive POWs in the hands of the Russian Federation of protections afforded to them by international law.
127. In the cases analysed, the humane treatment of POWs by Ukraine was not ensured, particularly upon capture and during initial interrogations. OHCHR documented summary executions, torture and ill-treatment of POWs upon their capture and during evacuations by members of Ukrainian armed forces, as well as instances of torture or other ill-treatment during internment. While the Ukrainian authorities have opened at least three investigations into allegations of summary executions and torture, no perpetrators have yet been held to account. OHCHR observed that, in overall terms, POWs in the hands of Ukraine were treated in better fashion, once held in transit and permanent places of internments. In this regard, OHCHR notes that the Government of Ukraine gave OHCHR access to the places of internment and provided POWs with means to communicate with their relatives, including digital means of communication, although a number of POWs were not offered to contact their relatives for weeks and months of internment.
128. Willful killing, torture and inhuman treatment, and willful deprivation of the right to a fair trial constitute grave breaches of the Third Geneva Convention and Additional Protocol I and amount to war crimes. To bring justice to the victims and prevent further violations, parties to the conflict are under the obligation to investigate these crimes and prosecute the perpetrators.
129. OHCHR urges the immediate implementation of the recommendations listed below:
130. To all parties:
- a) Respect and ensure respect for, at all times and in all circumstances, for the provisions of the Third Geneva Convention and Additional Protocol I relative to the treatment of POWs;**
  - b) Ensure that all violations of IHL committed against POWs are promptly and thoroughly investigated, and as appropriate prosecuted, tried in accordance with international standards, and punished with sentences commensurate to the seriousness of the conduct in question; formal measures to ensure non-recurrence of such violations should be promptly put in place by the relevant authorities;**
  - c) Ensure that all POWs are held in places of internment that fully comply with the requirements of the Third Geneva Convention;**

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- d) In line with the Third Geneva Convention, ensure direct repatriation of seriously wounded and sick POWs, after providing adequate medical care until they are fit to travel;**
  - e) Develop detailed guidelines on the treatment of POWs and allocate sufficient human, financial and logistical resources to ensure the practical implementation of the obligations under the Third Geneva Convention;**
  - f) Provide training and clear instructions to their armed forces on the basic principles of IHL in relation to the treatment of POWs;**
  - g) Support programs of medical, financial and legal assistance for the victims of torture and ill-treatment and their families, including programs or rehabilitation and reintegration, and ensure that existing programs of assistance for victims of sexual violence are adapted to the needs of both men and women;**
  - h) Cease practices of exposing POWs to public curiosity through recording and publishing videos of them, and take measures to prevent the pillaging of the belongings of POWs;**
  - i) Ensure strict compliance with fair trial guarantees in all prosecutions against POWs, including a fair hearing before an independent and impartial court, access to competent and independent legal counsel of one's choosing, services of an interpreter, and opportunity to prepare one's defence;**
  - j) Cease the practice of prosecuting POWs for conduct which is in substance mere participation in the hostilities;**

131. To the Russian Federation:

- k) Provide independent monitors, including OHCHR, with regular, unimpeded and confidential access to all places of internment of POWs;**
- l) Conduct thorough investigation into all alleged cases of mistreatment of POWs; address serious allegations of systemic mistreatment of prisoners and detained persons within the FSIN;**
- m) Ensure that all POWs are interned in official places of internment that fully comply with the requirements of the Third Geneva Convention and duly registered and recorded, and that information about them is transferred to the national information bureau set up in accordance to the Third Geneva Convention;**
- n) Ensure that relatives of POWs are provided with information regarding their loved ones, including information about their place of internment and health status, and that POWs are able to communicate with the outside world, in line with the requirements of the Detaining power under the Third Geneva Convention and IHRL;**
- o) Facilitate the hand over of the remains of the deceased;**
- p) Take appropriate measures to prevent sexual violence against POWs, including the adoption of a zero tolerance policy and the issuance of clear orders prohibiting any form of sexual violence;**
- q) Cease the practice of compelling Ukrainian nationals from occupied areas of Ukraine to serve in the armed forces of the Russian Federation;**

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132. To the Ministry of Justice of Ukraine:

- r) Ensure that all POWs are held in places of internment that fully comply with the requirements of the Third Geneva Convention;**

133. To the Ministry of Defence of Ukraine:

- s) Eliminate the practice of extended internment in transit or unofficial places of internment;**

134. To the international community:

- t) Urge the parties to respect IHRL and IHL, and work collectively to ensure accountability and prevent future violations;**
- u) Ensure that any type of military assistance or training provided to the armed forces of any party to the conflict includes clear instructions on the basic principles of IHL in relation to the treatment of POWs;**
- v) Third States must implement their own obligations under Common Article 1 of the Geneva Conventions by doing everything in their power to prevent and bring violations to an end;**
- w) Support efforts at the national and international level to investigate and prosecute grave breaches of IHL and gross violations of IHRL perpetrated against POWs and persons *hors de combat*;**
- x) Continue to request the access of independent monitors to POWs in the hands of the Russian Federation.**



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*Ukraine*

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