

# Prisoners and war



**what happens inside Russian and Ukrainian prisons while the whole world is not watching**



The war in Ukraine has kept everyone's attention for over eight months now. Many were horrified by the atrocities that accompany war efforts and are ongoing. We see dead soldiers, tortured civilians, sad faces of those who found their relatives killed and happy cries of locals on de-occupied territories. However, not much is known about one of the most marginalised and invisible groups of the population – the prisoners. This text will give you an overview of how prisoners are treated and used in war by both the Ukrainian and Russian state. We are not going to cover the topic of war prisoners (soldiers who were captured by the enemy and placed in special prison) as their conditions of imprisonment and prospects of release depends in many ways on diplomatic relations.

## **PRISONERS INSIDE UKRAINE**

According to the Ukrainian Ministry of Justice, as of 2021, there were 49,823 prisoners in Ukraine who were held in 160 penitentiary institutions. Just before the war, the Association of Ukrainian Human Rights Monitors on Law Enforcement UMDPL urged the Ukrainian government to take measures to protect the prison population and prepare the emergency guidelines for the prison staff in case of war.

Several months into the war, most of the staff still did not know what to do should emergency evacuations be needed. The provision of transport for prisoners remains the responsibility of local authorities, who – as is understandable – would be primarily concerned with the protection and evacuation of state employees and their families, followed by the rest of the civilian population. The evacuation of places of detention simply did not happen, as was the case in 2014-2015 in the Donbas.

And it is not just the lack of guidelines for evacuation. The national authorities also failed to provide instructions on how to deal with the situation when a prison comes under bomb attack.

One thing that could be done to improve the situation is early release of some prisoners, especially those held in social rehabilitation units who can go out to work during the day and come back in the evening. However, they are needed as workforce. Many prisoners are also applying for conditional release, but the current situation and the problems of corruption prevent the courts from functioning normally. Everything takes much longer. No other mechanism for unloading places of imprisonment, for example, through a simplified procedure for changing the pre-trial restrictions (from custody to house arrest or bail) or suspension of sentence, was proposed.

As for the evacuation, it happened with great delay, if at all. Different officials reported from 40 (in April) to 10 (in May) facilities that have been evacuated. The Minister of Justice explained that the delay was due to the difficulty of knowing which regions would be attacked, which is not true because at least prisons next to the Russian border could be transferred, especially taking into account there are a lot of temporary abandoned correction facilities that closed some time before the war. Mostly the facilities were evacuated within the same region or to neighboring regions. A regulation on evacuations and transfers is difficult to implement because it should be done by railway. This has been an issue even before the war. The railway network goes through certain pre-trial detention centres, and it is very difficult to coordinate. It would be different with buses for example.

Also, according to the Ukrainian Unity Alliance, prisoners faced repression during their transfer to other institutions. An incident occurred during the evacuation of Prison No. 88 in Tokmak, in the Zaporizhzhia region. Prisoners were taken to another prison in the Kirovohrad region, where they were beaten massively upon arrival, which caused a scandal. Prisoners who complained were

forced to withdraw their claims, and those who did not were transferred to the region closest to the hostilities, in the Mykolaiv region.

What happens with facilities in Ukrainian-controlled territory next to the frontline? Prisoners regularly remain without water or power during blackouts and damage to the water systems caused by shelling. Prisoners are also reported to participate in the war effort. For example, female prisoners are sewing uniforms, others making camouflage nets and fight against Russian propaganda by commenting online articles in Russian news and calling Russian citizens to inform them about the war.

According to data provided by the Ministry of Justice in April, the Mensk Correctional Facility No. 91 in the Chernihiv region, where former law enforcement officers are serving their sentences, was actually abandoned by the guards. It is clear that their relation to the Ukrainian security forces put these prisoners in a particularly vulnerable position.

Some facilities were hit by the bombings which resulted in damages of prison buildings and walls. A few people escaped after such an attack through a hole in the wall. However, some prisoners were reported wounded or dead after the shellings. The Ministry of Justice claims that the personnel of the institutions are allegedly transferring prisoners to shelters in the hostilities zone. However, representatives of the Kharkiv human rights group upended this information.

There are prisoners who stay in open social rehabilitation units and are allowed to go out to work and need to return to the unit at night. If they do not return, even if there is a bombing going on, this is considered to be an evasion. So the human rights defenders say their conditions should be urgently adapted to the war times.

## **PRISONERS UNDER OCCUPATION**

Formally, the Ukrainian prison service confirmed that it lost control over 33 prison facilities. Considering that the biggest number of Ukrainian prisons is located in the East and South of Ukraine, this number may be much greater.

Due to lack of emergency proceedings in case of war, the guards in many facilities do not know what to do and are afraid to act without an order from the centre, which sometimes doesn't come. Guards are questioned by military Russian occupation forces and Russian special agents and forced to collaborate with the new authorities. In the city of Starobilsk, about 90% of officers refused to cooperate. As a result, they were subjected to bad treatment, violence, and torture. Some occupied prisons, for example in the Kherson region, are still in contact with the central Ukrainian authorities, while other guards slowly subordinating to the occupying authorities. In some cases, guards just abandoned the facilities and left for the Ukrainian-controlled territories. Many guards claimed they have not received salaries from March but still had to go to work as there was no call-off from the superiors in Ukraine. Only in May they were allowed to stop doing their service and stay at home.

The situation in prisons in the occupied parts of Ukraine is quite chaotic. In a pretrial detention centre in Kherson in occupied southern Ukraine the prisoners rioted as they were kept behind bars in prolonged pretrial detention without an official court decision as the Ukrainian court system in the region was out of function. The riot finally resulted in Russian special forces entering the detention centre in early May and killing a Ukrainian prisoner.

Russians impose their own rules, which are tougher than the Ukrainian ones that had evolved quite a lot recently. For example, certain categories of prisoners recently obtained the right to

have cell phones, tablets, quick-cookers or even fridges. All of this is forbidden under Russian rules. There are reports that in some prisons controlled by Russian forces, there is no water, no light, no electricity.

In prisons controlled by Russian authorities, all communication with prisoners has been lost. The situation with food, health services, and human rights in the occupied prisons is generally unknown. It is unclear whether the Russian authorities provide food in prisons in the occupied territories. It appears that they are not interested in taking over the prisons in the Kherson region and are therefore relying on Ukrainian prison officers. However, the region suffers from a shortage of food and Russian forces do not allow any supply chain - there is no way to deliver humanitarian aid.

Some prisoners from the Kherson region were moved to other detention facilities in the occupied territories.

Also, Russian invaders have established at least 20 filtration camps and prisons within the temporarily occupied areas in Ukraine. These are used to process civilians who want to move out of an occupied settlement, either to Russia or Ukraine (where this is allowed). In the filtration camps, they are questioned and harassed.

## **UKRAINIAN PRISONERS IN RUSSIA**

Meanwhile, there are also Ukrainians who are stuck in Russia before the war. As of August 1, the Moscow Helsinki Group reported that over 100 Ukrainian citizens were held in deportation centres (those received the decision on deportation for minor violations and couldn't be deported for 8 months now because it is legally impossible when the two countries are at war) and 245 Ukrainians who are stuck in pre-trial detention centres because

they were supposed to be extradited to Ukraine upon a request of Ukrainian authorities before the war.

Some people from the first group have been released with the legal assistance of human rights defenders, others can't be reached because the FSB thinks they are suspicious. People who stay in the deportation centres can't receive letters or food parcels, or have visits from family.

Many Ukrainians from the occupied territories were forcibly taken to Russia and kept in pre-trial detention centres in the so-called People's Republics or Russia. People receive almost no water and food, walks are not allowed, they have no access to medical care and are subjected to various forms of torture, from psychological to physical.

## **USING UKRAINIAN PRISONERS IN WAR**

Approximately 400 prisoners who had military experience, or who used to fight against Russia in the east of Ukraine, were released in the first weeks of war to fight against Russian occupants. It is reported that the number of those willing to join the army is much higher, even if their term will be suspended, that is they will have to return to jail after the war.

At the same time, the first step taken by the Russian occupation forces is not only to control the territories with the military forces, but also to have a deep investigation into activities of prison facilities. Among other things, they aim to identify those likely to fight on behalf of Russian forces and are loyal to the new authorities.

The Russian Ministry of Defense claimed that Ukrainians use Kharkiv prisoners to plug holes in the army units. In its turn, the Ukrainian authorities reported that in Kherson, Russians wanted to arm 2000 local prisoners and make them fight the Ukrainian



army. They were allegedly forcibly given Russian passports in Kherson and use them as a crowd at a referendum on the creation of Kherson People's Republic. Also, the prisoners were forced to dig trenches for the Russian army, refusal to do so was violently suppressed.

## **USING RUSSIAN PRISONERS IN WAR**

Olga Romanova from the prisoner rights organisation claims that as of September 20, about 11,000 prisoners from Russian penitentiaries joined the army, with 3,000 of them already at the battlefield and hundreds have already been killed. The first place where they looked for volunteers were special facilities where former law enforcement and riot policemen are held. Most of them refused the offer. At the end of June, the news appeared about recruiters from the Wagner Group (a Russian paramilitary organization, de facto private army of Putin) started coming to correctional facilities and invited prisoners to join their military campaign. They offered a six-month confidential contract, presidential pardon if they survive, a salary of \$1,600-3,300 per month of service, and \$80,000 to the family if they die in battle. In recent weeks, the owner of the Wagner Group, Evgeny Prigozhin, started to visit the penitentiaries himself and openly talking to crowds, inviting the "most motivated, vicious, and prepared to be part of assault brigades." Prigozhin was primarily interested in murderers and robbers, but was also fine with rapists and HIV positive prisoners. He deliberately mentioned that 80% of those who join won't come back alive. Nevertheless, about 20% of prison population usually agrees to become volunteers. In some facilities, the administration punishes those who refuse by deprivation of calls, visits, early release, etc. The recruitment is also ongoing in the pre-trial detention centres and the detained are promised the dismissal of charges.

The prisoners who got to the front reported that they haven't

signed any contract (just the non-disclosure agreement), their salaries are 6 times less than promised and they are put in battle as first and are followed by anti-retreat units of Wagner warriors. Bodies of those who die are not even taken from the field and their relatives do not actually receive any compensation, since officially, their relative have not been part of the war and his name is not to be found on any list.

## **PRISONERS IN DONBAS BEFORE WAR**

In order to predict the situation of prisoners on the occupied territories if the war continues, we have look at an example of treatment prisoners received when the Luhansk and Donetsk republics were announced in 2014.

The evacuation of places of detention may simply not happen, as was the case in 2014-2015 in the Donbas. At that time, there were 36 facilities, including penitentiary institutions for women and children, in the Donetsk and Luhansk regions. The majority of the 28 facilities found themselves in the occupied territory, with up to 15,000 people remaining there. During the 5 years (2014-2019) of the Ukrainian-Russian war, militants handed over only 394 prisoners from the territory not controlled by the Ukrainian government.

Some prisoners have been detained without any appropriate legal basis for this – either a trial in a first-instance court was incomplete, or the sentence wasn't carried out, or the court was using legislation that didn't apply to the controlled territories, or they were entitled to an amnesty or early release and so on. Many have lost any chance of contacting their families and friends, since transfers and visits became impossible. If a prisoner has been released but doesn't have a passport, he can't cross a demarcation line as release documents issued by the DNR and LNR are not recognised in the rest of Ukraine. They do not have

money or warm clothes. During COVID times before the war, you needed a smartphone and a sim-card to install the quarantine application to enter Ukraine, which prisoners obviously couldn't organise.

Prisoners in the occupied Luhansk and Donetsk regions have basically ended up as forced labourers, exploited in industrial zones for the enrichment of others. Their unpaid labour produces breeze blocks, small scale mining machinery, souvenir products and so on. All prisoners are forced to work: if they don't, they face sanctions such as solitary confinement or physical abuse.

"They are all engaged in the same thing – fraud," says an anonymous Horlivka resident who used to work at the penitentiary. "They call people – both inmates' family members and random members of the public – and force them to transfer money to bank cards by hoodwinking them. 'Your son has been involved in a road traffic accident where someone has died, and unless you transfer a couple of thousand roubles, hryvnya or dollars, he'll be imprisoned or killed.' They introduce themselves as witnesses or even police officers. It's the same old trick, but the stories are all different and people are ready to hand over their last kopeck to save their loved one. The colony administration rakes in hundreds of thousands a month. It's true. I used to work there."

In 2015, prisoners in the DPR were offered to fight on the side of collaborators.

## **CONCLUSION**

As horrific as it may sound, it is not surprising that prisoners are either treated as disposable by the state and society or used by the state as an easy-to-recruit group who would die in battle and save the mainstream population.

