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NOTE VERBALE

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) presents its compliments to the Delegations of the OSCE participating States and, in accordance with paragraph 7 of the 1991 Moscow Document, has the honour to herewith transmit the observations of the mission of experts established under the Moscow Mechanism, invoked by 41 OSCE participating States following bilateral consultations with Ukraine, together with a description of action Ukraine has taken or intends to take upon it.

ODIHR avails itself of this opportunity to renew to the Delegations of the OSCE participating States the assurances of its highest consideration.

Warsaw, 22 September 2025

To the Permanent Delegations of the OSCE participating States
Vienna

Corr1*) Corrigendum due to change of distribution status, text remains unchanged

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REPORT ON POSSIBLE VIOLATIONS AND ABUSES OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW, WAR CRIMES AND CRIMES AGAINST HUMANITY, RELATED TO THE TREATMENT OF UKRAINIAN POWS BY THE RUSSIAN FEDERATION

by Prof. Hervé Ascensio, Prof. Veronika Bílková and Prof. Mark Klamberg

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I. GENERAL OBSERVATIONS AND EXECUTIVE SUMMARY

On 24 July 2025, 41 OSCE participating States, after consultation with Ukraine, invoked the Moscow Mechanism under paragraph 8 of the Moscow Document. They requested that the Office for Democratic Institutions and Human Rights (ODIHR) enquire with Ukraine whether it would invite a mission of experts to address the treatment of Ukrainian prisoners of war (POWs) by the Russian Federation. Ukraine established, on 15 August 2025, a mission composed of three experts – Prof. Hervé Ascensio (France), Prof. Veronika Bílková (Czech Republic) and prof. Mark Klamberg (Sweden).

The Mission was tasked to investigate the treatment of Ukrainian POWs by the Russian Federation and to examine possible violations of OSCE commitments, international humanitarian law (IHL) and international human rights law (IHRL), including possible cases of war crimes and crimes against humanity, related to this treatment. Its mandate included collecting, consolidating and analysing information to identify patterns of widespread and systematic torture, ill-treatment and execution of Ukrainian POWs and soldiers *hors de combat* (out of combat), whether in the territory of the Russian Federation or in the temporarily occupied territories of Ukraine, and providing recommendations for accountability.

The Mission faced significant challenges due to the Russian Federation's lack of transparency and non-cooperation with the Mission. Ukrainian POWs are held across multiple sites in the Russian Federation and the temporarily occupied territories of Ukraine, which remain largely inaccessible. Despite these constraints, estimates indicate that at least 13,500 members of the Ukrainian Armed Forces have been detained since February 2022. Of these, approximately 169 have died in captivity, nearly 6,800 have been released and repatriated, and an estimated 6,300 remain in detention.

The Mission found that the Russian Federation systematically denies members of the Ukrainian armed forces *hors de combat* POWs status, designating them instead as *"persons detained for countering the special military operation."* The same designation is used for detained Ukrainian civilians. This blurs the line between POWs and civilian detainees, subjected to different legal regimes under IHL, and opens the door for criminal prosecution of POWs for mere participation in hostilities. Certain groups of detained combatants, i.e., foreign volunteers and members of units deemed "terrorist organizations," have been specifically stripped of POW status to facilitate criminal proceedings, in breach of IHL rules on combatant immunity. No competent tribunals appear to exist in Russia to determine POW status in cases of doubt, violating Article 5(2) of the Geneva Convention III (GCIII).

The Mission documented a high number of arbitrary killings and executions attributable to the Russian Federation, occurring both on the battlefield and in detention. Evidence includes eyewitness accounts, forensic examinations, intercepted communications and audiovisual material. These executions, often following surrender, constitute violations of IHL and war crimes. Public statements by Russian officials declaring that *"no quarter will be given"* further encourage summary executions and foster impunity. Arbitrary killings in detention (arising from acts or omissions of camp administration, armed groups and state agencies during interrogations) demonstrate a widespread and systematic pattern of violations of IHL and IHRL, and may again amount to war crimes.

The Mission has received reliable information indicating that Ukrainian POWs detained by the Russian Federation are subjected to widespread and systematic torture and ill-treatment. These abuses occur throughout the entire captivity process – upon capture, at intake into detention facilities ("welcome beatings"), throughout internment and to coerce confessions. Methods documented include severe beatings with fists, rifle butts, batons and shovels; electric shocks; stress positions; forced exhaustive exercise; dog attacks; mock executions; sexual violence; threats of death, rape or mutilation; forced nudity; prolonged kneeling; and many forms of psychological humiliation. The available evidence suggests that torture and ill-treatment of

Ukrainian POWs is a pervasive practice, directed or tolerated by the central authorities of the Russian Federation.

Conditions of detention frequently fall below international standards, with overcrowding; unsanitary facilities; inadequate food, water, shelter and medical care; exposure to contagious diseases, and forced labour under unsafe conditions or frequent transfers between facilities. POWs are routinely denied fair trial guarantees, with coerced confessions, denial of effective legal representation, unfair proceedings, and propaganda-driven "sham trials". Communication with families and access by the International Committee of the Red Cross (ICRC) are severely restricted. The Russian National Information Bureau (NIB) is not fully transparent, limiting the exchange of information about POWs. These conditions constitute systematic violations of GCIII and IHRL, and may amount to war crimes.

The Mission also identified irregularities in the release and repatriation of POWs. The Russian Federation initially failed to prioritize seriously sick or wounded POWs, as required under GCIII, and it has neglected to establish mixed medical commissions for their release. POW transfers frequently occur under unsafe, inhumane conditions, sometimes resulting in injury or death, including during air or ground transport.

A particularly egregious case is the Olenivka penal colony, where systemic violations occurred, including overcrowding, torture, inadequate food and medical care, and forced labour. In July 2022, an explosion in the barracks killed 53 Ukrainian POWs and injured over 100, mostly from the Azov Battalion. Survivor accounts indicate Russian responsibility for these incidents, reflecting a pattern of neglect and deliberate endangerment of POWs.

The Mission concludes that the Russian Federation bears responsibility for serious violations of IHL and IHRL committed against Ukrainians POWs. Under international law, the Russian Federation must prevent, stop and remedy violations committed by its Armed Forces, state organs, and entities under its control. Individual criminal responsibility arises for war crimes and crimes against humanity. Domestic prosecutions in Ukraine, cases under universal jurisdiction in other States, and prosecution by the International Criminal Court (ICC) provide possible avenues for accountability. In view of the extensive documentation of violations against POWs, including credible reports of summary executions, torture and other forms of abuse prohibited under international law, the Mission would encourage the ICC Office of the Prosecutor to pursue investigations into these violations, with the aim of securing arrest warrants, prosecutions and convictions, if the evidence is sufficient.

Finally, accountability must include reparations for victims. International law guarantees the right to truth, justice and reparation, including compensation, rehabilitation and guarantees of non-repetition. Initiatives such as the Register of Damage for Ukraine lay the groundwork for a broader reparations framework, and the Mission emphasizes that Ukrainian POWs should be included as beneficiaries of any such system.

In conclusion, the Mission finds that the Russian Federation has engaged in widespread and systematic violations of IHL and IHRL in its treatment of Ukrainian POWs, including arbitrary killings, torture, ill-treatment, denial of fair trial rights, and unsafe detention and transfer conditions. These violations may constitute war crimes and, in some cases, arguably, crimes against humanity. The Mission underscores the urgent need for accountability, reparations and continued international monitoring to ensure respect for the rights of Ukrainian POWs and respect for international law.

In light of these conclusions, the Mission formulated a set of recommendations addressed to the Russian Federation, Ukraine and the broader international community. Among them, the Mission would like to highlight the recommendations to the Russian Federation to immediately recognize Ukrainian detainees as POWs, cease arbitrary executions and all forms of torture or ill-treatment directed against Ukrainian POWs, ensure humane detention conditions for them, and grant the ICRC full and unfettered access to all detention facilities.

II. INTRODUCTION AND MANDATE

A. INVOCATION OF THE MOSCOW MECHANISM

The procedure known as the "Moscow Mechanism" was established in 1991 by the participating States of the then CSCE, now the OSCE, by the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (the Moscow Document).[1] It provides for the setting up of missions concerning questions relating to the human dimension of the OSCE on the territory of a participating State, either at its invitation, *proprio motu* (paragraph 4) or after a request by one or more participating States (paragraph 8), or at the request of another participating State with the support of a least nine other participating States (paragraph 12). In all cases, the State whose territory is affected by the relevant issues raised *must "co-operate fully with the mission of experts and facilitate its work"* (paragraph 6).

On 24 July 2025, 41 OSCE participating States triggered the Moscow Mechanism, under paragraph 8, calling on Ukraine to invite a mission to investigate the treatment of Ukrainian prisoners of war (POWs) by the Russian Federation.[2] The list of the invoking States is as follows: Albania, Andorra, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.

Ukraine agreed on 4 August 2025 to invite a mission, and, in accordance with paragraph 4 of the Moscow Document, selected three persons from the resource list of experts to be part of it: Prof. Hervé Ascensio (France), Prof. Veronika Bílková (Czech Republic), and Prof. Mark Klamberg (Sweden).[3] The Mission of experts was officially established on 15 August 2025. Under paragraph 7 of the Moscow Document, the Mission had to submit its *report "preferably within three weeks".* The present report was thus delivered on 8 September 2025.

This is the fifth expert mission under the Moscow Mechanism related to the armed conflict between the Russian Federation and Ukraine, all of them set up under paragraph 8 of the Moscow Document. The previous missions dealt with violations of international law committed in Ukraine by the Russian Federation between 24 February and 1 April 2022 (MMI), committed in Ukraine by the Russian Federation between 1 April and 25 June 2022 (MMII), related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation (MMIII), and related to Arbitrary Deprivation of Liberty of Ukrainian Civilians by the Russian Federation (MMIV).[4] This Mission built on the reports of the previous missions to the extent that they contained relevant information about Ukrainian POWs.

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[1] See CSCE, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991 <https://www.osce.org/files/f/documents/2/3/14310.pdf>.

[2] See the speech delivered on 24 July 2025 before the OSCE Permanent Council by the Representative of the United Kingdom to the OSCE <https://www.gov.uk/government/speeches/joint-statement-on-the-invocation-of-the-osce-moscow-mechanism>.

[3] Hervé Ascensio is professor of international law at the University Paris 1 Panthéon-Sorbonne, Sorbonne Law School; Veronika Bílková is professor of international law at the Faculty of Law of Charles University in Prague; Mark Klamberg is professor of international law at Stockholm University.

[4] Wolfgang Benedek, Veronika Bílková, Marco Sassòli, *Report on Violations of International Humanitarian And Human Rights Law, War Crimes And Crimes Against Humanity Committed In Ukraine Since 24 February 2022*, OSCE, Vienna, 13 April 2022 (MM Report I); Veronika Bílková, Laura Guercio, Vasilka Sancin, *Report on Violations of International Humanitarian and Human Rights Law, War Crimes And Crimes Against Humanity Committed In Ukraine (1 April – 25 June 2022)*, OSCE, Vienna, 14 July 2022 (MM Report II) ; Veronika Bílková, Cecilie Hellestveit, Elīna Šteinerte, *Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation*, OSCE, Vienna, 4 May 2023 (MM Report III); Veronika Bílková, Cecilie Hellestveit, Elīna Šteinerte, *Report on Violations and Abuses of International Humanitarian and Human*

Considering that the Mission was established at the invitation of Ukraine but also involves the Russian Federation because of its subject matter, the experts addressed, on 18 August 2025, a similar letter to the Permanent Representative of Ukraine to the International Organizations in Vienna and to the Permanent Representative of the Russian Federation to the OSCE, in order to request their co-operation (respectively Annex 1 and Annex 2 of this report). The Government of Ukraine answered on 22 August 2025 (Annex 3). The Government of the Russian Federation did not answer, but a public statement of the Ministry of Foreign Affairs of the Russian Federation shows that it paid attention to the triggering of the Moscow Mechanism in respect of the treatment of Ukrainian POWs.[5]

B. Scope of the Mandate

6. The invocation letter tasked the Mission "*to build upon previous findings*", and

- *"To establish the facts and circumstances surrounding possible contraventions of relevant OSCE commitments; violations and abuses of human rights; and violations of IHL, including possible cases of war crimes and crimes against humanity, related to the treatment of Ukrainian POWs by the Russian Federation*
- *To collect, consolidate, and analyse this information including to determine if there is a pattern of widespread and systematic torture, ill-treatment and execution of Ukrainian POWs and soldiers hors de combat and/or at detention facilities by the Russian Federation in the temporarily occupied territories and in Russia; and*
- *To offer recommendations on relevant accountability mechanisms."*

These terms of reference define the scope of the Mission and this report, in accordance with the Moscow Document.

Ratione materiae, the mandate mentions torture and ill-treatment suffered by Ukrainian POWs and soldiers, as well as executions that occurred both when they were *"hors de combat"* (out of action) and in "detention facilities". The term "treatment" must, therefore, be understood broadly and extend from the moment of surrender of combatants on the battlefield until the moment the prisoners are released and repatriated. It corresponds to the regime of protection for combatants established in particular in the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (GCIII) and in Part III of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (AP I).

Ratione personae, the letter of invocation refers, on the one hand, to "Ukrainian POWs" and "Ukrainian POWs and soldiers hors de combat and/or at detention facilities", and, on the other, to the behaviour of "the Russian Federation" towards them. This shows that the Mission must focus on the treatment of Ukrainian combatants who have fallen into the power of the Russian Federation in the context of the armed conflict between the Russian Federation and Ukraine, whether or not they were granted POW status. The reference to the Russian Federation includes all persons or entities who may be considered as its organs or over whom it exercises control.

Ratione temporis, the mandate does not contain any indication as to when the period under consideration begins. However, it should be noted that the motives of the letter of invocation refer to reports from credible sources alleging violations of international law since the "*full-scale war of aggression*" launched by the Russian Federation against Ukraine on 24 February 2022. This prompted this Mission to focus on events that occurred from that date onwards, and in relation to which the existence of an international armed conflict between the two States is

Rights Law, War Crimes and Crimes Against Humanity, related to the Arbitrary Deprivation of Liberty of Ukrainian Civilians by the Russian Federation, OSCE, Vienna, 25 April 2024 (MM Report IV).

[5] Ministry of Foreign Affairs of the Russian Federation, Foreign Ministry Spokeswoman Maria Zakharova's Comment on the Ukrainian Crisis, 7 August 2025 < https://mid.ru/en/foreign_policy/news/2040555/>.

not disputed.[6] Nevertheless, military operations involving the Russian Federation and taking place on the territory of Ukraine began on 20 February 2014 in Crimea. Therefore, certain facts relating to the period from 20 February 2014 to 24 February 2022 may be analysed in this report, in particular where they have consequences for Ukrainian soldiers who fought during that period and were or are still detained by the Russian Federation on that ground. As for the end of the period under review and since the mandate does not specify an end date, this Mission took into consideration all the relevant facts brought to its attention and occurring up to 6 September 2025.

Ratione loci, and in accordance with paragraph 8 of the Moscow Document, the present Mission was invited by Ukraine to analyse a *"question on its territory relating to the human dimension of the CSCE"*, namely the treatment of Ukrainian POWs and soldiers who have fallen into the power of the Russian Federation. Consequently, the events examined in this report took place or originated in areas which are part of the sovereign territory of Ukraine, within its internationally recognized borders.[7] They concern possible violations of a status, that of POW, which was acquired or should have been acquired at a time when the persons *hors de combat* were on the Ukrainian territory. The fact that some of these territories were occupied by the Russian Federation, or ruled by supposedly autonomous entities that, in reality, were under the control of the Russian Federation,[8] or later considered by the Russian Federation as integrated into its own territory does not alter the international status of such areas as part of Ukrainian territory. Similarly, the fact that some of the POWs were transferred at some point to places located on the sovereign territory of the Russian Federation does not alter their original connection with the Ukrainian territory. Such events raise questions that have occurred *"on [the Ukrainian] territory"* within the meaning of the Moscow Document.

Furthermore, for the purposes of its analysis, this Mission is not limited by the origin of the information; in accordance with the Moscow Document, it is empowered to use all information relevant to fulfil its task.[9] This may include information relating to acts such as ill-treatment suffered by POWs on the territory of the Russian Federation, notably if such acts contribute to establishing the existence of a pattern of massive or systematic violations of the treatment to be accorded to persons captured or detained on the territory of Ukraine by the Russian Federation. The only doubt that could be raised concerns Ukrainian combatants captured on the territory of the Russian Federation and subsequently detained on that territory. In this regard, the present Mission considers that the relevant information may also be taken into account insofar as it contributes to the analysis of a possible pattern applicable to the issue that is the subject of its Mission. It should also be added that, in some of the cases reported below, the places of detention are difficult to locate precisely, which makes it necessary to take all the information into account for the purposes of the analysis.

C. Applicable International Legal Standards

The letter invoking the Moscow Mechanism refers to several sets of rules of international law that are intended to protect persons participating in hostilities once they are *hors de combat*: OSCE commitments, international humanitarian law (IHL), international human rights law (IHRL) and international criminal law (ICL). These sets of rules are all applicable to the

[6] MM Report I, p. 5.

[7] In accordance with UN Doc. A/RES/68/262, *Territorial integrity of Ukraine*, 1 April 2014, and UN Doc. A/RES/ES-11/4, *Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations*, 13 October 2022, the Autonomous Republic of Crimea, the City of Sevastopol, the Donetsk, Luhansk, Kherson and Zaporizhzhia regions are considered as part of the sovereign territory of Ukraine. The same holds true concerning all parts of Ukraine that were temporarily occupied by the Russian Federation. See MM Report II, p. 7; MM report III, pp. 5-6; MM Report IV, pp. 5-6.

[8] On the so-called "republics" of Luhansk and Donetsk, before their annexation by the Russian Federation, see MM Report I, p. 5.

[9] Moscow Document, para 5: *"Such mission may gather the information necessary for carrying out its tasks"*.

situation examined in this report, i.e., the treatment of Ukrainian POWs and soldiers *hors de combat* by the Russian Federation. This paragraph will present the applicable law in general terms, while the rules specifically applicable to the facts under consideration will be set out in the beginning of each section of this report.

1. OSCE COMMITMENTS

As members of the OSCE, both the Russian Federation and Ukraine have committed to respect human rights and the rule of law, which includes observance of IHL and IHRL in the context of armed conflicts. Adherence to OSCE standards is rooted in the 1975 Final Act of the CSCE, and the implications for IHL and IHRL have been highlighted throughout the CSCE/OSCE process.[10] In particular, Decision VI on the human dimension of OSCE adopted during the Helsinki Summit (9-10 June 1992) recalled that *"international humanitarian law is based upon the inherent dignity of the human person"*, and asserted that participating States *"will in all circumstances ensure respect for international humanitarian law"*, thus restating the fundamental rule of common Article 1 of the Geneva Conventions of 1949.[11] This commitment was repeated in Decision VIII (Human Dimension) adopted during the Budapest Summit (1994).[12] The same decisions support the role of the International Committee of the Red Cross (ICRC) during armed conflicts.[13]

Moreover, Budapest Decision IV (1994) sets out a Code of conduct on Politico-Military Aspects of Security, under which the participating States committed to *"make widely available"* IHL in their country, to *"instruct [their] armed forces personnel in international humanitarian law",* and to *"ensure"* that their military personnel *"are aware that they are individually accountable under national and international law"*.[14] In the same Code, the participating States committed to ensure that:

> *[A]rmed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given*.[15]

More generally, the Third CSCE Council of Ministers (Stockholm, 14-15 December 1992) recalled in its Decision 2 (*"The CSCE as a community of values"*) that *"[a]ll Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours",* and that *"[i]ndividuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law".*[16]

In view of the topic of the present report, it must also be stressed that the participating States have repeatedly committed themselves to respecting the right to life, the prohibition of torture and inhuman treatment, and the fundamental principles of a fair trial, which constitutes the core of human rights applicable both in times of peace and of war.[17]

2. INTERNATIONAL HUMANITARIAN LAW (IHL)

International humanitarian law (IHL) is a branch of international law which applies specifically in times of armed conflicts to regulate the conduct of hostilities (the Hague law) and to protect victims of war (Geneva law). It applies both in international and non-international armed

[10] See OSCE-ODIHR, *OSCE Human Dimension Commitments, Vol. 2, Chronological Compilation*, 4th ed., 2023 <https://www.osce.org/odihr/human-dimension-commitments>.
[11] Helsinki Decision VI (1992), paras 47 and 48.
[12] Budapest Decision VIII (1994), para 33.
[13] Helsinki Decision VI (1992), para 51; Budapest Decision VIII (1994), para 35.
[14] Budapest Decision IV (1994), paras 29 and 30.
[15] Budapest Decision IV (1994), para 31.
[16] Stockholm Decision 2 (1992), p. 11.
[17] See OSCE-ODIHR, *OSCE Human Dimension Commitments, Vol. 1, Thematic Compilation*, 4th ed., 2023 <https://www.osce.org/odihr/human-dimension-commitments>, and the relevant parts of this report.

conflicts, and it binds all (State or non-State) parties to such conflicts. In line with the previous reports under the Moscow Mechanism, this Mission considers that the conflict between the Russian Federation and Ukraine is an international armed conflict.[18] This conflict started in February 2014, with the temporary occupation and unlawful annexation of Crimea and the active support of the so-called Donetsk and Luhansk People's Republics by the Russian Federation. It turned into a full-scale armed conflict between the two countries after the Russian invasion of Ukraine on 24 February 2022.

Both the Russian Federation and Ukraine are parties to the main IHL treaties, i.e., the Convention (IV) respecting the Laws and Customs of War on Land and its annex of 18 October 1907; the four Geneva Conventions of 12 August 1949; and the two Additional Protocols to the Geneva Conventions of 8 June 1977. The rules contained in these treaties have, moreover, for the most part become part of customary international law.[19]

In the context of the present report, Section I and II of the Regulations annexed to the Hague Convention IV of 18 October 1907 (Hague Regulations), the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 (GCIII) and Part III of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (AP I) are especially relevant. It should also be recalled that the rules contained in common Article 3 of the GCs and applicable in non-international armed conflicts reflect in substance the minimum guarantees that must be granted under customary international law, regardless of the type of armed conflict. Under these rules, protection must be granted to all

> *[p]ersons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed* hors de combat", notably against *violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, outrages upon personal dignity, in particular, humiliating and degrading treatment,* and *the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples* (Common Article 3(1)(a),(c) and (d)).

3. INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

International human rights law (IHRL) lays down obligations for States to respect, protect and fulfil human rights to all individuals within their territory or under their jurisdiction. The main sources of IHRL are universal and regional treaties. Ukraine and the Russian Federation are both parties to the main universal and some regional human rights treaties. In the context of the present Mission, it must be pointed out that, at the universal level, both are bound by the International Covenant on Civil and Political Rights (1966, ICCPR) and its first Optional Protocol (1966, ICCPR-OP), and by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984, CAT). In additional, Ukraine – but not the Russian Federation – is a party to the International Convention for the Protection of All Persons from Forced Disappearance (2006). At the regional level, the Russian Federation is a party to the CIS Convention on Human Rights and Fundamental Freedoms (1995, CHRFF) and was bound by the European Convention on Human Rights (1950, ECHR) until 16 September 2022; Ukraine is a party to ECHR. The most fundamental rules of IHRL also form part of customary international law and are peremptory in nature, and thus non-derogable.

IHRL is applicable in times of war, subject to certain specifications.

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[18] MM Report I, p. 5; MM Report II, p. 9; MM Report IV, p. 9. See also ECtHR, *Ukraine and the Netherlands v. Russia*, Applications nos. 8019/16, 43800/14, 28525/20 and 11055/22, Decision (GC), 30 November 2022, paras 652, 695 and 697.

[19] Jean-Marie Henckaerts, Louise Doswald-Beck (eds.), *Customary International Humanitarian Law*, Volume I: Rules, Volume II: Practice, Cambridge University Press, Cambridge, 2005 (ICRC Study on Customary IHL).

First, some human rights treaty obligations may be suspended during war or emergency situations, if the treaty contains a derogation clause and subject to the conditions of such clause, which is the case for the ICCPR. However, the Russian Federation has not derogated from the ICCPR, which thus applies in its entirety. Furthermore, some of the human rights obligations implicated in the facts analysed in this report, such as the prohibition of torture, cannot be derogated from, a reason for which CAT does not allow for any derogation in times of war.

Second, the existence of an armed conflict may have an impact on the territorial extent of a State's obligation to secure human rights, which is usually defined by reference to the concept of "jurisdiction". Under the established case-law of human rights bodies, a State's jurisdiction is primarily exercised on its sovereign territory but may extend beyond it under exceptional circumstances. One is the effective control exercised, directly or indirectly, by a State over an area as a consequence of military action; another is the specific control exercised by a State's agent over a person outside this State's territory.[20]

This Mission, in line with the previous missions under the Moscow Mechanism,[21] considers that, within the temporal scope of its mandate, certain parts of the territory of Ukraine have been under the effective control of Russia: the Autonomous Republic of Crimea and the City of Sevastopol since February 2014; certain parts of the Donetsk and Luhansk regions, since 2014, through the effective control of the so-called Donetsk and Luhansk People's Republics; larger parts of the Donetsk and Luhansk regions, since 24 February 2022, with changes over time; the Kherson and Zaporizhzhia regions, occupied after the same date and unlawfully annexed on 30 September 2022; certain parts of other regions of Ukraine, for a shorter or longer period, notably areas within the Kyiv, Sumy, Kharkiv, Chernihiv, Mykolaiv and Odesa regions.

This Mission, in line with the previous missions under the Moscow Mechanism, also considers that soldiers who are *hors de combat* are under the specific control of the Party to the conflict into whose power they have fallen, regardless of whether complete effective control is exercised by that Party over the area concerned.[22] This applies to Ukrainian soldiers fallen into the power of the Russian Federation.

Third, the relationship between IHRL and IHL is complex; some rights are matters of IHL only, others of IHRL only, and others of both in parallel.[23] In case of overlap, IHL commonly applies as *lex specialis* in relation to IHRL. For instance, the right to life is non-derogable and applies in wartime, but the test to determine whether a deprivation of life is arbitrary in this context is governed by the rules of IHL.[24] Moreover, the two sets of rules are mutually complementary, and one may inform the interpretation of the other.[25] For instance, the fair trial guarantees applicable under IHL must be interpreted in light of IHRL.[26]

4. INTERNATIONAL CRIMINAL LAW (ICL)

International criminal law (ICL) is a branch of international law that defines and criminalizes certain acts, giving rise to individual criminal responsibility for the perpetrators, who may be prosecuted at the national or international level. This also includes command responsibility,

[20] ECtHR, *Al-Skeini and Others v. United Kingdom*, Application no. 55721/07, Judgment (GC), 7 July 2011, paras 132, 136-137, 138-139. As for control by a State's agent over an individual: ECtHR, *Al-Saadoon and Mufdhi v. the United Kingdom*, Application no. 61498/08, Decision on Admissibility, 30 June 2009, paras 86-89 (control over a prison). Specifically in the context of the present report: ECtHR, *Ukraine and the Netherlands v. Russia*, Applications nos. 8019/16, 43800/14, 28525/20 and 11055/22, Decision (GC), 30 November 2022, paras 559-575.
[21] See MM Report I, p. 51; MM Report II, p. 11; MM Report III, p. 47; MM Report IV, pp. 10-11.
[22] MM Report I, p. 52; MM Report II, p. 11; MM Report III, p. 47.
[23] ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, p. 178, para 106.
[24] ICJ, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 8 July 1996, p. 240, para 25.
[25] UN Doc. CCPR/C/21/Rev.1/Add.13, *General Comment no. 31, The nature of the general legal obligation imposed on States Parties to the Covenant*, 26 May 2004, para 11.
[26] On the relationship between IHL and IHRL, see also MM Report I, p. 53, and MM Report II, p. 11.

under certain conditions. Current ICL recognizes four crimes under international law: a) the crime of aggression; b) the crime of genocide; c) crimes against humanity; and d) war crimes. Since the mandate of the Mission refers specifically to war crimes and crimes against humanity, this report limits its attention to these two crimes. The two categories are not mutually exclusive, and a single underlying act, such as torture, can meet the qualification of both of them, provided the other constituent elements of each crime are present.

The definitions of war crimes and crimes against humanity are provided for in the Rome Statute of the International Criminal Court (ICC) of 17 July 1998, as amended in 2010 and 2017, and the provisions relevant to this report are considered to reflect the rules of customary international law. The Russian Federation is not a party to the Rome Statute. Ukraine became a party after its notification of ratification on 25 October 2024, with entry into force on 1 January 2025.[27] In addition, on 9 April 2014 and 8 September 2015, respectively, Ukraine, by means of two declarations made under Article 12(3) of the Rome Statute, accepted the jurisdiction of the ICC with respect to crimes against humanity and war crimes committed on its territory from 21 November 2013 to 22 February 2014 and from 20 February 2014 onwards, respectively.[28] Both Ukraine and the Russian Federation have provisions on war crimes in their criminal codes, which, in substance, cover all unlawful acts against POWs and soldiers *hors de combat* that are criminalized under international law, although not with the same degree of precision.[29] The Russian Federation has not included crimes against humanity as a specific category of crimes in its criminal code; Ukraine did it recently, in October 2024, to adapt its criminal code to the Rome Statute (see Section XI(B)).

War crimes amount to violations of the most fundamental rules of IHL, which are applicable both to parties to the conflict and to individuals. Such violations entail, at the same time, the international responsibility of the relevant party to the conflict and the individual criminal responsibility of the perpetrators. War crimes consist in grave breaches of the Geneva Law, such as *"wilful killing"* or *"torture or inhumane treatment",* directed against persons protected under the Geneva Conventions,[30] or in other serious violations of the Geneva Law and of the Hague law, such as *"killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion".*[31]

Crimes against humanity are violent acts *"committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack".*[32] They may occur in times of peace as well as in times of war. The underlying acts include, notably, murder, torture, serious sexual violence and other inhumane acts. However, in the context of the present Mission, it must be pointed out that a legal debate exists as to whether the term "civilian population", especially in the context of an armed conflict, must borrow from the law of armed conflict and exclude from the civilian population members of armed forces and civilians who took up arms, or whether it has an autonomous meaning and includes any person not or no longer participating in hostilities, including POWs.[33]

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[27] ICC welcomes Ukraine as a new State Party, *ICC,* 2 January 2025 <https://www.icc-cpi.int/news/icc-welcomes-ukraine-new-state-party>.

[28] See the Declaration by Ukraine lodged under Article 12(3) of the ICC Statute, *ICC,* 8 September 2015, <https://www.icc-cpi.int/iccdocs/other/Ukraine_Art_12-3_declaration_08092015.pdf>.

[29] Article 356 of the Russian Criminal Code; Article 438 of the Ukrainian Criminal Code (see also Article 434).

[30] ICC Statute, Article 8(2)(a)(i) and Article. 8(2)(a)(ii).

[31] ICC Statute, Article 8(2)(b)(vi). See also Hague Regulations, Article 23(c).

[32] ICC Statute, Article 7.

[33] In favour of the first (statutory) interpretation: ICTY, *Blaskic*, IT-95-14-A, Judgment, Appeals Chamber, 29 July 2004, para 110-116. In favour of the second (functional) interpretation: ICTR, *Akayesu*, ICTR-96-4-T, Judgment, Trial Chamber, 2 September 1998, para 582; ICTR, *Muvunyi*, ICTR-00-55A-T, Judgment and Sentence, Trial Chamber, 12 September 2006, para 513. As for doctrinal views in favour of the second approach, for instance: Kai Ambos (ed.), *Rome Statute of the International Criminal Court – Article-by-Article Commentary*, 4th ed., Beck/Hart/Nomos, 2022, pp. 164-165.

It is not for this Mission, but for legislators and courts, to settle this debate. Yet, the Mission does not exclude the possibility of classifying as crimes against humanity unlawful acts targeting persons no longer participating in hostilities, as such or as part of an attack against a whole population. Without prejudice to this question, this Mission underlines that its mandate insists specifically on the determination of a possible *"pattern of widespread and systematic torture, ill-treatment and execution",* which echoes the element of a *"widespread or systematic attack"* making part of the definition of crimes against humanity. It will, therefore, focus on this element in the present report.

Another reason to focus on a possible widespread and systematic "pattern" is that it has also relevance for war crimes. No doubt a war crime can be committed in isolation, and not necessarily as part of a policy resulting in widespread or systematic commission. But such a policy would have significant implications because it would presuppose a chain of command and, therefore, the responsibility of superiors. It may also have legal consequences under international human rights law, for instance, in terms of evidence, and under general international law, in terms of attribution and modalities of reparation.

In view of the above, this report will refer to ICL mainly in relation to war crimes, while seeking to identify widespread or systematic elements that could have legal consequences under ICL, IHRL and general international law. The section on accountability and the general conclusions will return to these issues. But this report will not seek to identify individual responsibilities, because this would require a thorough investigation, notably about the subjective element of the crime, i.e., individual criminal intent, that is beyond the scope of this short-term fact-finding Mission. The report will limit itself to the collection and analysis of information that may reveal the existence of the objective elements of international crimes.

5. OTHER INTERNATIONAL LEGAL STANDARDS

In interpreting the relevant treaties, the experts relied on the rules of interpretation set out in Articles 31 to 33 of the Vienna Convention of the Law of Treaties (VCLT). They paid particular attention, under Article 32 VCLT, to the *Commentaries* by the ICRC of the Geneva Conventions and their Additional Protocols, especially the 2020 Updated Commentary on GCIII.[34] They also drew on the case law of the International Court of Justice (ICJ), of international criminal courts and of international human rights courts and bodies, as subsidiary means for the determination of rules of law.[35] Relevant recommendations and general observations of international organizations and human rights bodies have also been taken into account as authoritative interpretations of international law.

D. METHODOLOGY

The Mission followed the same methodology as the previous missions of experts established under the OSCE Moscow Mechanism in relation to Ukraine in 2022, 2023, and 2024. It also based its approach on the Manual on Human Rights Monitoring, issued by the Office of the UN High Commissioner for Human Rights (OHCHR),[36] and the Ukraine Monitoring Initiative Methodology, developed by ODIHR.[37] The Mission used several methods of fact-finding, including desk research, open-source research techniques, online and in-person interviews and on-site visits.

First, the Mission collected and analysed various written materials. These include the reports of the previous missions under the Moscow Mechanism, and written reports, comments and

[34] ICRC, *Commentary on the Third Geneva Convention: Convention (III) relative to the Treatment of Prisoners of War*, 2020 (ICRC Commentary GCIII).
[35] Article 38(1)(d) of the Statute of the International Court of Justice.
[36] OHCHR, *Training Manual on Human Rights Monitoring*, 2001, and *Manual on Human Rights Monitoring (Revised edition)*, 2011 <https://www.ohchr.org/en/publications/policy-and-methodological-publications/manual-human-rights-monitoring-revised-edition>.
[37] *Ukraine Monitoring Initiative Methodology*, 17 July 2023 <https://www.osce.org/odihr/548611>.

statements produced by international organizations (UN, OSCE, Council of Europe, EU), States, non-governmental organizations and media. The Mission also received valuable submissions through a special email channel established by ODIHR.

Secondly, the Mission conducted nine interviews, both online and in person, with former Ukrainian POWs (testimonies 1-9). It was able to access 14 written testimonies from former POWs, with the consent of those involved, among the large number of testimonies collected by NGOs using professional methods (testimonies 10-23). When conducting interviews itself, the Mission adopted a trauma-informed approach, guided by the principles of no harm and informed consent. All interviews took place in safe places or over secure online platforms, and the notes from these interviews were not made accessible to any external actors. For security reasons, the names of such persons are not disclosed. The notes, including the interview transcripts, will be destroyed after the completion of the mandate. The experts would like to express their gratitude to all the interlocutors who took time to talk to them, share with them relevant information, and provide them with evidence.

Thirdly, from 25 to 30 September 2025, the experts undertook a visit to Ukraine. During the visit, the experts met with representatives of the following Ukrainian institutions: the Ukrainian Security Service (SSU); the Search Department of the Central Directorate of Civil-Military Cooperation of the General Staff of the Armed Forces; the Prosecutor General's Office of Ukraine; the Ministry of Defense of Ukraine; the Coordination Headquarters for the Treatment of Prisoners of War; the National Information Bureau (Ministry for Communities and Territories of Development of Ukraine); the Ministry of Foreign Affairs; the Commissioner for Human Rights of the Ukrainian Parliament (Ombudsman); and the National Police of Ukraine (the Ministry of Internal Affairs of Ukraine). They also met with representatives of civil society and of the international community, and received highly valuable information and documents from them. The experts would like to thank the Ukrainian authorities and ODHIR for the assistance in the organization of the visit.

Through all the different methods of fact-finding, the Mission was able to get access to a large amount and variety of evidence and to gain a good oversight of the situation in general and of particular issues under scrutiny. During the preparation of the report, the Mission enjoyed administrative and logistic support from ODIHR. The experts wish to stress that, in line with the rules of the Moscow Document, ODIHR did not in any way interfere with the substantive work of the Mission, which operated in a fully independent and impartial way.

The experts regret the lack of cooperation of the Russian Federation, despite the letter sent at the outset of their Mission. The Mission was nevertheless able to get access to a certain number of statements and positions of the Russian Federation publicly available, and takes note of them in this report.

The Mission applied the "reasonable grounds to believe" standard of proof in its assessment of evidence.[38] This standard was considered to be met when at least two credible primary sources, independently of each other, confirmed the veracity of certain facts or pieces of information. The Mission paid close attention to the phenomenon of disinformation and the spread of false news in the public space, and adopted a very careful approach to verifying the available information. When different reliable sources provided different data, this is indicated in the report. The references to the relevant sources of information are provided, within the limits stated above, in the report. All external links were last accessed and confirmed operational on 6 September 2025.

[38] This standard is lower than the "beyond reasonable doubt" standard of proof, which applies for criminal conviction. It is commonly used for the opening of an investigation into specific cases. See for instance: ICC Statute, Article 58; CAT, Article 12.

E. Overview of the Factual Situation

The conflict between the Russian Federation and Ukraine has involved significant numbers of prisoners of war (POWs) on both sides. Previous Moscow Mechanism missions have already underlined the difficulty in evaluating the number of Ukrainian POWs in the power of the Russian Federation.[39] This difficulty stems primarily from the Russian authorities' limited transparency and their failure to fulfil international obligations to inform Ukraine and relevant monitoring bodies about the numbers and conditions of detained POWs. Moreover, the Russian Federation holds Ukrainian POWs in numerous locations across its own territory and in temporarily occupied territories of Ukraine, many of which remain inaccessible to international observers and humanitarian missions. This Mission is bound by the same observation. Due to the lack of cooperation by the Russian Federation, the Mission was not able to obtain comprehensive and reliable data on the exact number, exact locations, or conditions of Ukrainian POWs.

The number is, however, likely relatively high. As of 2024, the Russian Federation was estimated to hold between 8,000 and 10,000 Ukrainian soldiers as POWs.[40] The official figures released by Ukraine to the public refer to the total number of missing persons, whether civilians or combatants; as of April 2025, 63 000 people were listed in the Register of Persons Missing under Special Circumstances.[41] Figures from September 2024 reported 48,324 persons missing, including around 14,000 civilians.[42] Some of them may have be killed, and others may be in custody.

Estimates provided by the Centre for Human Rights in Armed Conflict (CHRAC) suggest that, by 1 September 2025, the total number of Ukrainian POWs who had been in Russian captivity since 24 February 2022 (or a later date) was at least 13,300. Out of those, at least 169 POWs were killed or died in captivity (their bodies were returned by 1 November 2024); about 6,800 POWs were released within the exchanges; at least 22 POWs were returned to Ukraine outside of the exchanges; and an estimated (at least) 6,300 Ukrainian POWs remain in captivity.[43] However, there may be an unknown number of unidentified POWs. In a report of March 2025, Amnesty International noted that around a quarter of the 3,767 Ukrainian POWs released as of November 2024 were unconfirmed, and thus considered missing at the time of their liberation and repatriation.[44]

Other figures help provide an indication of the large scale of the phenomenon as well. According to information provided to the Mission by the Ukrainian Security Service, 222 places of detention of POWs have been identified, generally preexisting pre-detention centers or penal colonies. Among them, 29 are situated in the temporarily occupied territories of Ukraine and 193 on the territory of the Russian Federation, spread across 54 regions (oblasts). The highest concentration of such facilities is found in the Donetsk region (15), Nizhny Novgorod Oblast (12), and Rostov Oblast (10). More than half of Ukrainian POWs are held in facilities located in the temporarily occupied territories, particularly in the Donetsk and Luhansk regions.

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[39] MM Report II, p. 18.

[40] See, for instance, Понад 8000 українців перебувають у російському полоні, включно з цивільними - Координаційний штаб, *Interfax*, 24 January 2024; see also Kalika Mehta, Ukraine, Russia swap hundreds more POWs, *Deutsche Welle*, 24 May 2025.

[41] Ombudsman of Ukraine, Regions of Ukraine are under Attack – Human Rights are under Threat, n°4, 2025, p. 19. To be compared with the figures from the same source in MM report IV, p. 15 (35 000 missing persons).

[42] UN OHCHR, Committee on Enforced Disappearances, Consideration of the Initial Report of Ukraine, Meeting Sumary, 24 September 2024, Presentation by the Deputy Minister of Internal Affairs of Ukraine <https://www.ohchr.org/en/meeting-summaries/2024/09/experts-committee-enforced-disappearances-commend-ukraines-law-missing>.

[43] Data provided by CHRAC in the communication with the Mission.

[44] Amnesty International, *A Deafening Silence – Ukrainians held incommunicado, forcibly disappeared and tortured in Russian captivity*, March 2025, p. 21 (Amnesty International Report 2025).

III. STATUS OF UKRAINIAN POWS

Respect for the protection afforded by POW status presupposes that such status is first recognised for persons who are *hors de combat*. The failure to recognize POW status is, as such, a violation of IHL, and may lead to violations of the specific rights resulting from that status. It may also lead to war crimes if the persons concerned are prosecuted or convicted for lawful acts of war (ICC Statute, Article 8(2)(a)(vi) and 8(2)(b)(xiv)). Yet, according to reliable sources, it appears that many Ukrainian soldiers have been captured and detained without their status under GC III being recognized (B); moreover, for some of them, their POW status is being officially denied in order to initiate criminal proceedings against them (C). Before presenting the information gathered by the Mission on this subject, it is worth recalling the applicable rules (A).

A. ENTITLEMENT TO POW STATUS UNDER IHL

According to Geneva Convention III and Additional Protocol I, the status of POW must be granted to members of armed forces, some other types of combatants and some civilians closely associated with hostilities, once they have fallen into the power of the enemy (GCIII, Article 4(A); AP I, Article 43). More precisely, the different categories are: members of the armed forces; members of militia and volunteers corps who are part of the armed forces; members of other militia and volunteers corps, including those of organized resistance movements, subject to four conditions; members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power; civilians accompanying armed forces without being members thereof; members of the merchant marine and crews of civil aircraft of the Parties to the conflict; and inhabitants of a non-occupied territory who took up arms spontaneously on the approach of the enemy, with conditions for such *levée en masse*.

Moreover, other persons, while not considered as POWs, must benefit from the same treatment if their internment is necessary: current or demobilized members of the armed forces in an occupied territory; and persons covered by Article 4(A) of GCIII in a neutral or non-belligerent country (Article 4(B) of GCIII). Medical personnel, personal of medical societies and chaplains retained to assist POWs must benefit from treatment at least equivalent to that of POWs (Article 28 of GCI, Article 37 of GCII and Article 33 of GCIII).

The status of POW applies from the moment the protected persons fall into the power of the enemy, through surrender or capture, and lasts until their release and repatriation (Article 5 of GCIII). The protection resulting from POW status includes fundamental guarantees as for their life and integrity, and specific rights that will be detailed throughout this report. As an example of a specific right, and most notably, they shall not be prosecuted for participating in hostilities and for lawful acts of war ("combatant privilege" or "combatant immunity") (Article 99 of GCIII and Article 43(2) of API).

In a number of instances, combatants are not eligible for POW status, but with specific conditions and without depriving them of fundamental guarantees under IHL and IHRL.

Firstly, members of the armed forces captured when secretly engaged in espionage activities and without being in uniform are not entitled to POW status (Article 46 of API).

Secondly, mercenaries are also not entitled to POW status, but this is determined by specific defining elements (Article 47 of API). In particular, the legal classification of a person as "mercenary" does not apply to foreign volunteers incorporated into the armed forces of a party to the conflict (Article 47(2)(e) of API).

Thirdly, members of militia and volunteers corps who are not part of armed forces are not entitled POW status if the group as a whole does not meet the conditions of *"being commanded by a person responsible for his subordinates", "having a fixed distinctive sign recognizable at a distance", "carrying arms openly",* and *"conducting their operations in accordance with the laws and customs of war"* (Article 4(A)(2) of GCIII). This last condition presupposes a *"large-*

scale or systematic non-compliance with international humanitarian law".[45] By contrast, the fact that persons belonging to a group meeting the conditions have, individually, committed war crimes – for which they should be prosecuted – does not deprive them of their POW status. In this respect, there is no difference between these persons and other categories of combatants: as a matter of principle, any violations of IHL for which combatants may be responsible does not deprive them of their POW status (Article 85 of GCIII and Article 44(2) of API).

Fourthly, and by way of exception to this last rule, a breach of the obligation incumbent on member of armed forces to distinguish themselves from the civilian population when engaged in an attack or a military operation may, under certain conditions that constitute a type of perfidy (Article 37(1)(c) of API), lead to the loss of POW status; even in such cases, however, a treatment equivalent to that of POW must be afforded to them (Article 44(4) of API).

In case of doubt as to whether a person is entitled to POW treatment, this person shall be presumed to be a POW until his or her status is determined by a competent tribunal (Article 5 of GCIII and Article 45 of API).

It should also be recalled that civilians have a distinct status and are protected under GCIV, except for the limited number of those mentioned above who should be afforded POW treatment because of their proximity to hostilities. Civilians as well as combatants who are in the power of the adversary party to the conflict also enjoy fundamental guarantees (Articles 27 and 31-34 of GCIV; Article 75 of API), in particular the prohibition of murder, torture and inhuman or degrading treatment, corporal punishment and mutilation. But civilians also have specific protections not applicable to POWs, which requires paying close attention to respecting the different statuses. As an example, and most notably, civilians shall not be deprived of liberty, except and *"only if the security of the Detaining Power makes it absolutely necessary"* or when *"necessary for imperative reasons of security"* (Articles 42(1) and 78(1) of GCIV). Moreover, if interned, they should be separated from POWs and from persons detained for other reasons (Article 84 of GCIII).

An essential element in the implementation of these provisions is the establishment by each Party to an international armed conflict of a national information bureau responsible for collecting all information relating to persons in the power of that party and then transmitting it to the other party through the Protecting Powers and a central agency established in neutral territory (Article 122 et 123 of GCIII, see also Section VIII(D)). This makes it possible to ascertain the exact situation of those in power of the enemy, thus helping to ensure that they will receive the protection they are entitled to. This also allows families to be informed of the fate of their loved ones.

B. General Disregard of POW Status by the Russian Federation

Reports from international organizations, as well as information gathered by the Mission from the Ukrainian authorities and during interviews with former Ukrainian POWs, reveal major shortcomings in the Russian Federation's recognition of POW status. This observation is based on the gaps in the transmission of information on Ukrainian POWs (see Section VIII(D)) and on documents and testimonies relating to the situation in detention camps.

During its visit to Kyiv, the Mission was able to meet with authorities in charge of identifying and registering the Ukrainian POWs and soldiers *hors de combat* in the power of the Russian Federation (see Section VIII(D)). These authorities consider that, in general, the Russian Federation does not recognize POW status for those entitled to it, and treat them as persons *"detained for countering the special military operation"* (*задержанные за противодействие специальной военной операции*). When there is confirmation by the ICRC, it indicates that the persons so identified are indeed POWs, but many cases remain unconfirmed, and it is necessary to consult other sources in order to attempt to identify all combatants in enemy hands.

[45] ICRC Commentary GCIII, para 1026.

This is confirmed by NGOs working with families and attempting to provide legal assistance to detainees. It appears that the Russian Federation has been reluctant to recognize POW status for those entitled to it, instead referring to them as persons *"detained for countering the special military operation"*, According to NGOs working with families and providing legal assistance, this designation is applied broadly to nearly all detainees — including both combatants and civilians.[46] The Mission could not find any legislation, regulation or administrative guidelines published on which such status would be based under Russian law. In practice, the camp administration creates notification card for each person *"detained for countering the special military operation"* containing information that mirrors that required under Article 17 of GCIII. Therefore, the so-called "status" seems primarily designed to avoid recognition of a state of war between the Russian Federation and Ukraine.

A comparable reasoning was already employed before the full-scale invasion: the Russian Federation considered there was "no war" and, consequently, no POWs. For instance, in 2018, following the capture of Ukrainian sailors in the Kerch Strait, the judge of the Supreme Court of the unlawfully annexed Crimea, Alla Ovchinnikova, stated that the detainees could not be recognized as prisoners of war because *"Ukraine and the Russian Federation are not at war"*.[47] The same line of argument has persisted after February 2022. This approach is also evident in Russia's declaration of military activities in the Kursk region as a so-called "counterterrorist operation", thereby *de facto* denying POW status to Ukrainian servicemen captured there.[48]

Moreover, as was also reported in the previous MM reports, a widespread practice of the Russian Federation in the temporarily occupied territories of Ukraine is to intern civilians in the same places of detention as persons entitled to POW status,[49] sometimes in the same barracks or cells,[50] in contradiction to IHL. Hence, a number of civilians are considered and treated as combatants although they did not participate in hostilities, without access to a regular procedure to contest it.[51] It thus maintains confusion between the different IHL statuses and increases the difficulty in identifying POWs.

The Mission was able to consult some of the responses made by the Ministry of Defence of the Russian Federation to requests from families regarding the detention of certain prisoners.[52] In many of the responses, the expression *"detained for opposing the special operation"* is used to justify detention, while mentioning the transmission of information to the ICRC. Few of them refer to Articles of GCIII, both for combatants and civilians. Such practice creates confusion on statuses. It hinders differentiation between POWs and civilian detainees, and it suggests reluctance to fully implement the protection offered by POW status.

Disregard for POW status and the protection associated with it is also evident when viewed in relation to internment camps. According to testimonies collected by ODHIR, POWs are not

[46] Meeting in Kyiv, 27-28 August 2025, and materials on file with the Mission.

[47] Суд объяснил, почему украинские моряки не являются военнопленными, *Корреспондент.net,* 19 декабря 2018 <https://korrespondent.net/ukraine/4045304-sud-obiasnyl-pochemu-ukraynskye-moriaky-ne-yavliauitsia-voennoplennymy>.

[48] PACE, *Support for political negotiations to enforce exchange and release of prisoners of war,* Doc. 16197, 6 June 2025, para 33.

[49] MM Report IV, pp. 23-24. See also ODIHR, *Sixth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine,* 13 December 2024, para 92 (ODIHR 6th Interim Report), paras 60, 76 (interviews with eleven survivors); ODIHR, *Seventh Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine,* 15 July 2025 (ODIHR 7th Interim Report), para 68 (interviews with 28 witnesses, including 25 former POWs, among which 9 released during the first semester of 2025).

[50] ODIHR, *Fifth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine,* 22 July 2024, para 53 (ODIHR 5th Interim Report), para 54; ODIHR 6th Interim Report, para 69 (interviews with 29 former POWs, mostly released in 2024)

[51] MM Report IV, pp. 30-35, 38-39, 66-67.

[52] Documents on file with the Mission.

informed about their POW status and their rights during detention, and are even told by prison administration, with threats, not to mention the Geneva Conventions at all.[53] The Mission heard similar information when interviewing former Ukrainian POWs. For example, a soldier captured in southern Ukraine explained that he had not been informed of his status as a prisoner of war during his stay in a transit camp, and that he had then been treated as a criminal in the various detention camps to which he was subsequently transferred in Russia. In particular, he said that he had been beaten when he tried to assert his rights as a POW, notably during interrogation.[54] Besides, this Mission received no information indicating that POWs had access to a competent tribunal to assert their right to be granted POW status or treatment.

The Mission has established that there is little evidence suggesting that competent tribunals to determine POW status in case of doubt, foreseen in Article 5(2) of GCIII, have been established by the Russian Federation. Instead, Russian authorities have often dispensed with formal procedures altogether, leaving decisions on the status of captured members of Ukrainian armed forces to *ad hoc* determinations by military or security authorities, without reference to any uniform legal framework or established policy. In some cases, detained Ukrainian soldiers have been brought before domestic criminal courts and labelled as "terrorists," "extremists," or "mercenaries". Such proceedings do not aim to determine combatant status but, rather, to pursue criminal charges, and they frequently lack independence and impartiality. As such, they do not meet the standard of a "competent tribunal" as envisaged in Article 5 of GCIII and Article 45(2) of API. Moreover, the vast majority of Ukrainian soldiers appear to have no access to any procedure for status determination at all. The absence of a functioning system is particularly concerning, as it removes an essential procedural guarantee granted by IHL.

C. Express Denial of POW Status by the Russian Federation

In addition to the serious shortcomings observed in regard to the recognition of POW status, it appears that the Russian Federation has established a policy of express denial of POW status to a significant number of persons *hors de combat*. This concerns foreign volunteers and, to a greater extent, groups of combatants classified as terrorist organizations.

Previous MM Reports have noted that Russian authorities have wrongly considered foreign volunteers serving in the Ukrainian Armed Forces mercenaries.[55] Some of them, after their capture, have been prosecuted for mercenary activities, although they were incorporated into the armed forces of Ukraine and thus could not be considered as mercenaries (Article 47(2)(e) of API). This was the case of three citizens of the United Kingdom and Morocco serving in the Ukrainian Navy, who were tried and sentenced to death by the so-called Donetsk People's Republic Supreme Court in 2022 for their participating in hostilities before the full-scale invasion of Ukraine.[56] The OHCHR condemned these prosecutions as contrary to IHL.[57] Similar cases were reported after the full-scale invasion, for instance concerning foreign volunteers captured in Mariupol.[58] Official statements of the Russian authorities show that this kind of denial of POW status is a State policy. In March 2022, the spokesman of the Ministry of Defence declared that foreigners fighting for Ukraine are "mercenaries" and would not be *"considered as combatants in accordance with international humanitarian law or enjoy the*

[53] ODIHR 7th Interim Report, para 77.
[54] Testimony 9 (on file with the Mission).
[55] MM Report I, pp. 12-13.
[56] MM Report II, pp. 17-18, 64-65; ODIHR, *Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine*, 20 July 2022, para 125 (ODIHR Interim Report).
[57] Death sentence for Ukraine foreign fighters is a war crime: UN rights office, *UN News*, 10 June 2022 <https://news.un.org/en/story/2022/06/1120102>.
[58] Shannon Bosch, The Deadly Consequences of Misclassifying Foreign Fighters in Ukraine, *The Interpreter (Lowy Institute)*, 22 July 2024 <https://www.lowyinstitute.org/the-interpreter/deadly-consequences-misclassifying-foreign-fighters-ukraine>.

status of prisoners of war".[59] This was reiterated by Russian President Vladimir Putin in March 2025, during a video-recorded meeting concerning military operations in the Kursk region.[60]

Another manner to deny POW status has been to declare an entire group, such as a regiment or battalion, a terrorist organization, even though it is part of the Ukrainian Armed Forces. On 2 August 2022, after a petition of the Russian Ministry of Justice, the Russian Supreme Court declared the Azov Regiment a "terrorist organization", paving the way for criminal prosecution of war against members of this regiment taken prisoner in Mariupol for lawful acts.[61] On 25 September 2023, the Southern District Military Court reached the same conclusion with respect to the Ukrainian Aidar Battalion.[62] Several other units fighting on the Ukrainian side have been declared terrorist organizations by courts in the Russian Federation, and included into the unified federal list of organizations, including foreign and international organizations, recognized as terrorist in accordance with the legislation of the Russian Federation.[63]

The Russian Supreme Court's decision of 2022 regarding the Azov Regiment was adopted within the framework of an administrative procedure, and is based on Article 24(5) of the Federal Law No. 35-FZ of 6 March 2006 "On Countering Terrorism". The judgment's motives refer to the organization and activities of the Azov Regiment as an association between 2014 and 2017, its use of Nazi symbols at that time, and a number of verdicts handed down by Russian courts during the same period against some of its members for crimes committed against civilians. However, it does not take into account the successive restructuring of the group and its integration into the Ukrainian Armed Forces. The other groups have been classified as "terrorist communities" by Russian courts on the occasion of trials against POWs, based on Article 205.4 of the Criminal Code of the Russian Federation. The usual charges in these cases are for organizing and participating in a terrorist community (Article 205.5 and 205.4 of the Criminal Code of the Russian Federation), whose character as "terrorist" is recognized simultaneously, and seizure of power (Article 278), with sometimes a retroactive application to acts committed in the regions of Donetsk and Luhansk before their integration, by means of unlawful annexation, into the Russian Federation on 30 September 2022.

ODHIR recorded the opening, on 15 June 2023, of a trial against 22 members of the Azov Regiment captured during the battle of Mariupol before the Southern District Military Court of Rostov-on-Don (Russian Federation), and the trial of 18 members of the Aidar Battalion captured during the battle of Bakhmut before the same court, on charges of participation in a terrorist organization and attempts to overthrow the government.[64] Recently, in its 7th Interim Report (2025), ODHIR noted an increase in the criminal prosecution of POWs, in some cases with charges under the Russian Criminal Code such as "dismantling the constitutional order",

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[59] Foreign mercenaries in Ukraine will not have POW status – Russian military, *TASS,* 3 March 2022 <https://tass.com/politics/1416131>.

[60] Владимир Путин: Курская область в ближайшее время будет освобождена, *Youtube,* 12. 3. 2025 <https://www.youtube.com/watch?v=vhMH9gAhVNY>.

[61] ODIHR, *Second Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine,* 14 December 2022, para 167 (ODIHR 2nd Interim Report), with reference to "ВС _РФ _признал _украинский _полк _"Азов" террористической _организацией", *Interfax.ru,* 2 August 2022, <https://www.interfax.ru/russia/854896>. See MM Report II, p. 65. The full text of the judgment can be downloaded from <https://memopzk.org/news/my-publikuem-prezhde-zasekrechennoe-reshenie-verhovnogo-suda-rf-o-zaprete-azova>.

[62] Дарья Родионова, Украинский батальон «Айдар» попал в список террористических организаций, *Газета.ru,* 29 декабря 2023 <https://www.gazeta.ru/social/news/2023/12/29/22035787.shtml#:~:text=Федеральная%20служба%20безопасности%20%28ФСБ%29%20РФ%20внесла%20украинский%20национ алистический,страны.%20Об%20этом%20сообщается%20на%20официальном%20сайте%20службы>.

[63] The list is publicly available on the site of the FSB. <http://www.fsb.ru/fsb/npd/terror.htm>.

[64] ODIHR, *Fourth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine,* 12 December 2023, para 34 (ODIHR 4th Interim Report).

"attempts to overthrow the government" or terrorist acts, for their mere participation in hostilities.[65] This demonstrates that the phenomenon of denial of POW status continues.

The latest report of the OHCHR on the human rights situation in Ukraine (1 December 2024 to 31 May 2025) also mentions, during the reported period, the conviction of *"*at least 125 Ukrainian POWs*"* captured in the Kursk region for terrorism and under the Russian Criminal Code, whereas the acts leading to conviction *"appear to constitute lawful acts of war"*.[66] The large number of prosecutions recorded seems to indicate that combatants captured in the Kursk region are all considered to be participating in terrorist activities. This echoes the comments made by President Putin on 12 March 2025 during a video-recorded meeting with senior officers in charge of military operations in this region. He said all people in the Kursk region fighting Russian armed forces and law enforcement agencies are terrorists under Russian legislation and need to be prosecuted.[67]

This Mission received information from the Prosecutor General's Office of Ukraine (PGOU) that it has identified 360 unlawful convictions of POWs. The recurrence of a practice of criminal prosecution of POWs for their mere participation in hostilities using terrorist offences of the Russian criminal code is confirmed by reports of NGOs. Information was gathered on the basis of an analysis of websites of the regional courts in Russia and in the Donetsk and Luhansk regions, and on testimonies of former POWs released and exchanged while criminal proceedings against them were underway or after their convictions.

These elements allow this Mission to conclude that the Russian Federation has developed a widespread practice of denying POW status by using its judicial system, in contravention of the rules of IHL granting immunity for lawful acts of war. It should also be recalled that, under the same rules, even lawful criminal proceedings against protected persons for ordinary crimes or war crimes cannot justify their being deprived of their POW status or equivalent treatment.

IV. ARBITRARY KILLINGS OF UKRAINIAN POWS

Arbitrary killings of POWs are prohibited under IHL and IHRL, and they involve criminal responsibility under ICL. Despite this, the information gathered by the Mission indicates a high number of violations of these rules attributable to the Russian Federation against Ukrainian POWs and soldiers *hors de combat*. After briefly recalling the applicable law (A), this section will present the results of the Mission with regard to executions on the battlefield (B) and arbitrary killings in internment camps (C).

A. PROHIBITION OF ARBITRARY KILLINGS UNDER IHL AND IHRL

Protection against arbitrary killings results from the rules governing the conduct of hostilities and from those protecting persons who must benefit from POW status or from the same or at least equivalent treatment under IHL. Violations of those rules are simultaneously arbitrary deprivations of the right to life under IHRL (Article 6 of the ICCPR, Article 2 of the ECHR). Protection applies from the moment combatants lay down arms and surrender, and lasts until they are released and repatriated.

Concerning conduct of hostilities, it is prohibited under the Hague Regulations to *"[t]o kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion",* and *"[t]o declare that no quarter will be given"* (Article 23(c) and (d)). Violations of these rules are war crimes under the ICC Statute (Article 8(2)(b)(vi) and

[65] ODIHR 7th Interim Report, para 125.

[66] UN Doc. A/HRC/59/CRP.3, *Report on the Human Rights Situation in Ukraine (1 December 2024 – 31 May 2025)*, 3 July 2025, para 46 (OHCHR Report 2025).

[67] OHCHR Report 2025, para 46. See Владимир Путин: Курская область в ближайшее время будет освобождена, *Youtube*, 12 March 2025 <https://www.youtube.com/watch?v=vhMH9gAhVNY>.

(xii)). Additional Protocol I reiterates the prohibition of denial of quarters and explicitly forbids attacks against persons *hors de combat* (AP I, Article 40 and 41).

Concerning protected persons, GCIII prohibits any *"unlawful act or omission … causing death"* (Article 13). Furthermore, the wounded and sick in the power of the adverse party *"shall not be murdered or exterminated"* under the GCI and II (Article 12 of GCI and Article 12 of GCII). Those behaviours are graves breaches of the Geneva Conventions entailing individual criminal responsibility (Article 50 of GCI; Article 51 of GCII; Article 130 of GCIII). They are also war crimes under the ICC Statute, as *"wilful killing"* (Article 8(2)(a)(i)).[68]

B. Execution of Ukrainian POWs on the Battlefield

The execution of combatants when they have just laid down their arms and surrendered, or in the immediate aftermath, is notoriously difficult to prove. Summary executions can nevertheless be proven based on eyewitness accounts, forensic examination of bodies, intercepted communications, satellite or drone images, and videos filmed by the combatants involved and then posted online or on social media, as has occurred regularly since the outbreak of the full-scale war of aggression launched by the Russian Federation.

The OHCHR, on the basis of information gathered through the HRMMU, has documented allegations of the execution of Ukrainian soldiers, and verified a significant number of them, based on the analysis of videos and photos and detailed interviews with witnesses.[69] In its last report on the Human Rights situation in Ukraine (1 December 2024 to 31 May 2025), it writes that it has verified 88 cases of execution since 24 February 2022, and has recorded *"credible allegations"* on the execution of 106 Ukrainian soldiers *hors de combat* since late August 2024, mostly in the Donetsk and Kursk regions.[70] It provides the following table for this period:

ODHIR also analysed a number of videos showing summary executions of soldiers who were out of combat in its 5th interim report covering the year 2024.[71] In its 6th interim report of December 2024, it noted an increase in the dissemination of materials online showing torture or execution of persons *hors de combat* during the second part of 2024, expressing concerns that *"such acts may have increased"*.[72] Among recent events, a video posted online in October 2024 shows the execution of 16 Ukrainian soldiers *hors de combat* in the Pokrovsk region by

[68] See also, more specifically, ICC Statute, Article 8(2)(b)(x), for the war crime consisting in subjecting protected persons to physical mutilation or to medical or scientific experiment *"which cause death or seriously endanger the health of such person or persons"*.

[69] OHCHR, *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)*, 24 March 2023, para 29-31 (OHCHR Report 2023); *Report on the Human Rights Situation in Ukraine (1 February – 31 July 2023)*, 4 October 2023, para 72-76.

[70] OHCHR Report 2025, para 39-41.

[71] ODIHR 5th Interim Report, para 53.

[72] ODIHR 6th Interim Report, para 92.

Russian soldiers.[73] The Ukrainian soldiers are lined up to be shot, then those still showing signs of life are killed at point-blank range. Their deaths were subsequently confirmed by the Ukrainian authorities, and the Prosecutor General of Ukraine launched an investigation.

In April 2025, the Associated Press reported a case of summary execution based on analysis of videos filmed by a Ukrainian drone and a Russian drone, obtained from military sources. The images show the execution, on 13 March 2025, near the village of Piatykhatky (Zaporizhzhia region), of four Ukrainian soldiers as they were surrendering. These acts were allegedly committed by soldiers of the 247th Airborne Regiment of Russia.[74] The Ukrainian Ombudsman declared that Ukraine would report the case to the UN and the ICRC as war crimes.[75]

This Mission, during and following its visit to Ukraine, received information relating to around 270 cases of executions recorded by the Prosecutor General's Office of Ukraine (PGOU). This confirms the information previously disclosed by the head of the Department for Combatting Crimes Committed in the Context of Armed Conflict of the PGOU, Mr. Yuriy Belousov, who added that 50 were recorded since the beginning of 2025.[76] It should be noted, however, that these figures include 53 deaths that occurred during a single event, not on the battlefield but in the detention camp of Olenivka, resulting from an explosion during the night of 28 to 29 July 2022 (see Section X). If excluded, the number of executions on the battlefield giving rise to pre-investigation by the PGOU is thus around 220.

This information shows that executions on the battlefield attributable to Russian Federation troops are likely to be frequent and numerous, given the number of cases recorded, even though evidence for such war crimes is difficult to obtain. Furthermore, they appear to have been on the increase since 2024.

Moreover, a number of people in positions of authority in the Russian Federation have made declarations that no quarter will be given. In May 2024, the commander of the Russian paramilitary group "Rusich", linked to the Russian Armed Forces, admitted having executed Ukrainian POWs and called for more executions.[77] On 16 July 2024, the former President of the Russian Federation and current Deputy Chairman of the Security Council, Dmitry Medvedev, published a post on his official Telegram channel stating: *"There can be no mercy here. There is no place for kindness here. Just kill! /.../ No need to pity them, no need! No one! /.../ Only total executions. No choice. No words about mercy. No humanity. No pardon. They have no right to life. Execute, execute and execute."*[78] On 30 October 2024, the Head of the Chechen Republic, Ramzan Kadyrov, announced that he had ordered all commanders of the Akhmat special forces units not to take any Ukrainian POWs.[79] This instruction was reportedly rescinded several days later.[80] On 30 July 2025, RIA Novosti published an article by the leading

[73] Ombudsman, information provided during the meeting of 27 August 2025. See Цаплієнко_Ukraine Fights, *Telegram*, 1. 10. 2024 <https://t.me/Tsaplienko/61424>. See also Amnesty International Report 2025, p. 13.

[74] Erika Kinetz, John Leicester, Beatrice Dupuy, A video shows men identified as Russian troops holding Ukrainian POWs. Then the killing begins, *Associated Press*, 10 April 2025 <https://apnews.com/article/russia-ukraine-pows-war-crimes-putin-zelenskyy-a2185297338af410fb5122448e62db76>.

[75] Occupants shot 4 Ukrainian soldiers in Zaporizhzhia: Lubinets appealed to the ICRC and the UN, *UNN*, 10 April 2025 <https://unn.ua/en/news/occupants-shot-4-ukrainian-soldiers-in-zaporizhzhia-lubinets-appealed-to-the-icrc-and-the-un>.

[76] Approximately 280 cases of executions of Ukrainian prisoners of war have been recorded, *UNN*, 8 May 2025 <https://unn.ua/en/news/approximately-280-cases-of-executions-of-ukrainian-prisoners-of-war-have-been-recorded>.

[77] OHCHR, *40th Periodic Report on the Human Rights Situation in Ukraine: Treatment of Prisoners of War and Update on the Human Rights Situation in Ukraine (1 June – 31 August 2024)* 1 October 2024, para 52.

[78] Дмитрий Медведев, *Telegram*, 16. 7. 2024 <https://t.me/medvedev_telegram/517>.

[79] Андрей Захарченко, «Пленных не брать»: Кадыров отдал приказ чеченским командирам на СВО, *Свободная Пресса,* 30 октября 2024 <https://svpressa.ru/war21/article/435211/>.

[80] Жан Рофе, Кадыров отменил приказ не брать в плен бойцов ВСУ, *Deutsche Welle,* 2 ноября 2024 <https://www.dw.com/ru/kadyrov-otmenil-prikaz-ne-brat-v-plen-bojcov-vsu/a-70668537>.

propagandist Kyril Strelnikov entitled *"There is no other option: no one should remain alive in Ukraine"*.[81] The article depicts Ukrainian soldiers as laboratory rats, doomed to be exterminated. In addition, the Independent International Commission of Inquiry on Ukraine (IICIU) has reported a series of cases where the order not to take POWs was given by unit commanders, on the basis of interviews with deserters from the Russian Armed Forces.[82]

Such statements, while constituting war crimes when committed by a person with command responsibility, encourage summary executions and a sense of impunity for such acts in combat zones. It should be added that videos showing such executions, when originating from Russia and posted online, are often accompanied by positive comments praising the executions on the battlefield, and even encouraging Russian troops to resort to such acts.

C. ARBITRARY KILLINGS OF UKRAINIAN POWS IN INTERNMENT CAMPS

Reports indicate that arbitrary killings also take place in the general context of violence against POWs during detention. In a high number of reported cases, acts and omissions of camp administration agents, armed groups entering the camps, and members of State agencies involved in the interrogation of prisoners fall under the category of *"unlawful act or omission … causing death"* (Article 13 of GGIII). They may also qualify as war crimes of *"wilful killing",* since *"killing"* (the *actus reus*) means simply to cause death, and *"wilful"* refers to intent or recklessness on the part of the perpetrator. This applies to executions in detention facilities where the intent of the perpetrator is to kill. But it also applies when acts of torture and inhumane treatment, including lack of appropriate care, are such that perpetrators are reasonably aware that they would cause death (see also Sections V and VI).

ODHIR has regularly reported torture and other ill-treatment leading to the death of POWs, on the basis of interviews with former POWs, and members of their families.[83] For instance, in its 6th Interim Report on Ukraine, ODHIR wrote that ten former POWs reported that detainees had died in captivity because of *"execution, torture, ill-treatment and/or inadequate medical attention"*.[84] In its 7th interim report, it mentions eight witnesses reporting *"arbitrary killings, including instances where prisoners were tortured (usually beaten) to death or shot"*.[85]

Likewise, the OHCHR has documented deaths of POWs in detention facilities resulting from torture or other inhuman treatment between 2022 and 2025. In its latest periodic report on the human rights situation in Ukraine, it documented the death of 25 Ukrainian POWs and one retained medical personnel,[86] in addition to those reported previously.[87] The OHCHR also mentions the use by members of the Wagner group of two POWs as human shields in July 2022, which allegedly led to their deaths.[88] Recently, in December 2024, the Head of the Chechen Republic, Ramzan Kadyrov, threatened to use Ukrainian POWs as human shields to protect buildings that could be targeted by Ukrainian air strikes.[89] It should be noted that, even if such acts do not result in death, they are prohibited under IHL (Article 23(1) of GCIII) and may constitute war crimes (ICC Statute, Article 8(2)(b)(xxiii)).

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[81] Кирилл Стрельников, Другого варианта нет: живым на Украине не должен остаться никто, *РИА Новости,* 30. 7. 2025 <https://ria.ru/20250730/ukraina-2032235759.html>.
[82] UN Doc. A/HRC/58/67, *Report of the Independent International Commission of Inquiry on Ukraine,* 11 March 2025, paras 60-63.
[83] ODIHR, *Third Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine,* 17 July 2023, para 30 (ODIHR 3rd Interim Report); ODIHR 5th Interim Report, para 59; ODIHR 7th Interim Report, para 70.
[84] ODIHR 6th Interim Report, para 77.
[85] ODIHR 7th Interim Report, para 71.
[86] OHCHR Report 2025, para 45.
[87] OHCHR, *Treatment of Prisoners of War and Update on the Human Rights Situation in Ukraine (1 June 2024 – 31 August 2024),* 1 October 2024, para 45 (OHCHR Report 2024).
[88] OHCHR Report 2023, para 34.
[89] Ramzan Kadyrov, *Telegram,* 4. 12. 2024 <https://t.me/RKadyrov_95/5276>.

Moreover, this Mission was informed that approximately 200 cases of suspicious deaths were recorded by the Prosecutor General's Office of Ukraine based on a forensic analysis of bodies returned to Ukraine by the Russian Federation. Among these cases, 20 to 25 per cent of the bodies showed signs of a lack of medical care or food; others bore marks of blows that could have led to their deaths.[90] These elements paint an overall picture of unlawful violence in the camps causing death, which is confirmed by testimonies gathered by NGOs from released Ukrainian POWs. Many of them report the death of a fellow prisoner as a result of torture and other ill-treatment.[91] The Mission was able to consult a sample of these testimonies.[92]

Lastly, it must be underlined that criminal prosecution and trials of persons entitled to the POW status and/or treatment for lawful acts of war, which should be covered by immunity under IHL, may lead to the death penalty. Such a sentence was pronounced against three foreign volunteers serving in the Ukrainian Armed Forces by the so-called Donetsk People's Republic's Supreme Court in 2022, before their release as part of a POW exchange. The execution of the death penalty under such circumstances should have been considered as an arbitrary deprivation of life and a war crime. The same would apply in cases where the death penalty would be imposed following trials that do not meet the requirements of a fair trial (see Section VII).[93]

The Mission concludes that serious breaches of GCIII occur in internment camps in the form of *"unlawful act or omission … causing death"*; they are simultaneously arbitrary deprivation of the right to life under IHRL. They may also be classified as war crimes of wilful killing, in cases where perpetrators would be identified and their criminal intent proven. Furthermore, their commission in numerous camps and the use of similar methods leading to death demonstrate that they are part of a widespread and systematic policy of violence against POWs.

Taken together, executions on the battlefield and arbitrary killings in places of detention are part of a climate of violence targeting all persons who oppose the Russian Federation's military presence in Ukraine. From this perspective, combatants who ceased to participate in hostilities and detained civilians are treated in the same way.

V. TORTURE AND INHUMAN TREATMENT

The absolute prohibition of torture is a cornerstone of both IHL and IHRL. It applies in all circumstances and at all times, and violations may constitute war crimes and, when widespread or systematic, crimes against humanity (A). Despite this clear legal prohibition, reports from international bodies and testimonies of released Ukrainian POWs show that instances of torture and other forms of ill-treatment of Ukrainian POWs by the Russian Federation have been widespread and systematic, occurring from capture through internment and often used to coerce confessions (B).

A. PROHIBITION ON TORTURE UNDER IHL AND IHRL

Several human rights instruments address the prohibition of torture, including Article 7 of the ICCPR, Article 3 of the ECHR and the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The CAT defines torture as:

> *any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is*

[90] Prosecutor General's Office of Ukraine, meeting of 27 August 2025.
[91] Meetings with civil society representatives in Kyiv, 27-28 August 2025.
[92] Written statements on file with the Mission.
[93] On death penalty in relation to POWs, see MM Report II, pp. 64-66.

inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (Article 1(1)).

Under GCIII, acts of torture are prohibited *"at any time and in any place whatsoever"* (Common Article 3).[94] The prohibition reflects customary international law.[95] In contrast to the CAT, IHL does not require an official involvement in the act of torture.[96] However, it does require a purpose or motive.[97] No definition of torture is given in GCIII. The ICTY Trial Chamber in *Kunarac et al.* defines torture for the purposes of IHL as:

(i) The infliction, by act or omission, of severe pain or suffering, whether physical or mental.

(ii) The act or omission must be intentional.

(iii) The act or omission must aim at obtaining information or a confession, or at punishing, intimidating or coercing the victim or a third person, or at discriminating, on any ground, against the victim or a third person.[98]

The ICC Elements of crimes provide, in substance, the same definition.[99] The prohibition of torture and cruel treatment also includes acts detrimental to the mental integrity of the person.[100] The Rome Statute defines torture as a war crime and, also, a crime against humanity, when the severe pain or suffering has been inflicted *"upon a person in the custody or under the control of the accused"*,[101] stressing the importance of the power of the perpetrator over the victim. An act that does not amount to torture or cruel treatment can still be prohibited as an act of violence to a person.[102] The term "torture" has the same meaning in international and non-international armed conflict.[103] Retribution is prohibited.[104]

The ICRC Commentary lists the following as examples of torture: [105] electric shocks; burning; knee spreads, kneeling on sharp instruments; suffocation by or under water; burying alive; suspension; flogging and severe beatings, especially beatings on the soles of the feet; mock executions; mock burials; threats to shoot or kill; exposure of detainees under interrogation to severe cold for extended periods; beating followed by detention for three days where food and water and the possibility to use a lavatory are denied; a combination of restraining in very painful conditions; hooding under special conditions; sounding of loud music for prolonged periods; threats, including death threats; violent shaking; and using cold air to chill. Moreover, sexual violence may constitute torture.[106]

GCIII contains more specific rules prohibiting the torture and mistreatment of POWs. POWs must at all times be treated humanely and protected, mainly against acts of violence, intimidation and insults (Article 13). This is also applicable to interrogation. Every POW, when questioned, is bound to give only their surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information (Article 17(1)). No physical or mental torture, nor any other form of coercion, may be inflicted on POWs to

[94] This provision is *"recognized as a 'minimum yardstick', binding in all armed conflicts",* ICRC Commentary GCIII, para 390.
[95] Rule 90 of the ICRC Study on Customary IHL. See ICRC Commentary GCIII, para 660.
[96] ICRC Commentary GCIII, paras 662 and 681.
[97] ICRC Commentary GCIII, paras 668-669, 676, 5199, 5202, 5237-5241.
[98] ICTY, *Prosecutor v. Kunarac et al.*, IT-96-23-T and 23/1-T ("Foča"), Judgment, 22 February 2001, para 497.
[99] ICC Elements of Crimes (2002), Article 8(2)(a)(ii)-1 (War crime of torture).
[100] ICRC, GCIII Commentary, paras 626 and 675.
[101] The Rome Statute, Article 7.2 (e).
[102] ICRC, GCIII Commentary, para 623.
[103] ICRC, GCIII Commentary, para 660.
[104] ICRC, GCIII Commentary, para 562.
[105] ICRC, GCIII Commentary, para 674.
[106] ICRC, *Prosecutor v. Jean-Paul Akayesu*, (Case No. ICTR-96-4-T), Judgement, Trial Chamber, 2 September 1998, para 682; *Prosecutor v. Kunarac et al.*, (Case No. IT-96-23-T and 23/1-A) "Foča", Judgment, Appeals Chamber, 12 June 2002, para 150.

secure from them information of any kind whatsoever. POWs who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind (Article 17(4)). The questioning of POWs shall be carried out in a language which they understand (Article 17(5)). In assessing whether an interrogation method is lawful, it is important to take into account the individual circumstances of the POWs, including the environment, physical or mental condition of the prisoner, cultural beliefs and sensitivity, gender, age, social, cultural, religious or political background, or past experiences.[107] Collective punishment for individual acts, corporal punishment, imprisonment in premises without daylight and, in general, any form of torture or cruelty, is forbidden (Article 87(3)). Torturing a POW constitutes a grave breach of the GCIII and amounts to a war crime (Article 130).

B. Widespread and Systematic use of Torture against Ukrainian POWs

Reports indicate serious and systematic violations of international law, with widespread use of torture and ill-treatment by the Russian Federation against Ukrainian POWs throughout the captivity process. This occurs at multiple stages, including during interrogations upon capture, upon arrival at detention facilities (приёмка), throughout internment, and specifically to coerce confessions of guilt.

Upon capture, every POW, when questioned, is bound to give only their surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information (Article 17(1) of GCIII). No physical or mental torture, nor any other form of coercion, may be inflicted on POWs to secure from them information of any kind. POWs who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind (Article 17(4)). Based on interviews with Ukrainian POWs, the OHCHR reported in 2023 that 55 Ukrainian POWs (52 men, 3 women) were subjected to various forms of torture or ill-treatment upon their capture. The POWs reported being subjected to the following acts of torture: beating with fists, tactical gloves with knuckles, rifle butts, shovels, batons or sticks; being kicked, stabbed, and subjected to mock executions with the use of firearms; being subjected to electric shocks; being strangled; and sexual violence, namely held in cold temperature without clothes and threatened with mutilation.[108]

"Welcome beatings" (приёмка) inflicted on Ukrainian POWs upon arrival at each detention facility are a well-documented practice involving severe abuse. The OHCHR reports describe these as “admission procedures”, where POWs are subjected to prolonged beatings, threats, dog attacks, tasering, stripping, and forced stress positions at intake.[109] This practice is used systematically, often to break the spirit of newcomers, and has been reported at many detention sites controlled by Russian authorities, including pre-trial facilities and penal colonies. There are also accounts of deaths resulting during these procedures. Similar patterns of abuse include forced nudity, sexual violence, and continuous torture during interrogations and imprisonment. The brutality aims to maintain discipline and exert control over POWs. The practice involves not just physical violence, but also psychological torment, including being forced to kneel for hours and being shocked if moving. The occurrence of such “welcome beatings” was confirmed by every released POW interviewed by the Mission.[110]

Torture and mistreatment persist throughout the entire period of captivity. In its 2025 report covering the period from 1 December 2024 to 31 May 2025, and published in June 2025, the OHCHR held interviews with 117 released Ukrainian POWs and two retained medical personnel that confirmed previous patterns of widespread and systematic torture and ill-treatment. The POWs provided accounts of beatings, stress positions, electric shocks, dog

[107] ICRC, GCIII Commentary, para 1826.
[108] OHCHR Report 2023, paras 32-33.
[109] OHCHR Report 2023, para 60; OHCHR Report 2024, para 31.
[110] Testimonies 1-9 (on file with the Mission).

attacks, stripping to underwear, sexual violence, prolonged standing or exhaustive exercising and humiliation.[111]

ODIHR reported in 2024 that all 29 POWs interviewed recounted experiencing and witnessing extensive torture and ill-treatment throughout their captivity and across all detention sites.[112] The methods of torture or ill-treatment included: severe physical beatings; electrocution (including the targeting of genitalia); excessively intense physical exercise; stress positions; dog attacks; mock executions (including simulated hangings); threats of physical violence; sexual violence, including rape; threats of rape and castration; threats of coerced sexual acts; threats of violence and/or death; and other forms of humiliation. These forms of torture and ill-treatment were a daily aspect of detainees' captivity.[113]

A particularly egregious form of torture and ill-treatment involves the use of physical and psychological coercion to coerce confessions from Ukrainian POWs. This practice represents a distinct category of abuse, and is systematically employed during interrogations and judicial proceedings. According to ODIHR, methods used to elicit confessions included severe physical beatings, electrocution (including targeting genitalia), cutting of the body, simulated drowning, suffocation, excessively intense physical exercise, and sexual violence.[114] Released POWs interviewed by the Mission described being threatened with death, placed with hostile inmates, and coerced into signing confessions without being able to read the texts.[115]

The Mission has also received aggregated data from the Ukrainian Joint Center at the Security Agency of Ukraine, the Ukrainian state agency responsible for war crimes investigations. Their data based on interviews with released POWs reveal that 89.4 per cent of the released POWs have experienced some form of ill-treatment, including 63.8 per experiencing physical violence, 55.2 per cent psychological violence, and 42.9 per cent sexual violence. The data is broken down and analyzable by region, detention facility and penal colony where they were held in the Russian Federation or temporarily occupied territories of Ukraine.[116] The previous reports, testimonies heard by the Mission, and data provided by the relevant investigative agencies all point to the same conclusion, namely that torture and ill-treatment is widespread and systematic, not isolated to certain detention facilities and penal colonies. This suggests that the practice of torture and ill-treatment is either directed and sanctioned, or at least tolerated, as a matter of policy, by the central authorities of the Russian Federation.

VI. CONDITIONS OF DETENTION OF UKRAINIAN POWS

POWs must be treated humanely and in full accordance with the provisions of GCIII and with IHRL throughout the entirety of their captivity. This obligation applies from the moment they fall into the hands of the enemy, continues through transit and all stages of internment, and lasts until their release and repatriation, at the latest upon the close of hostilities. At every stage of their captivity, POWs are to be protected against violence, intimidation, reprisals, insults and public curiosity, and provided with adequate food, shelter and medical care. Their person and honour shall be respected, with women and men afforded equal treatment reflecting their needs. Humane treatment is not conditional on reciprocity and must be upheld without discrimination based on race, nationality, religion, political opinions or any other similar criteria. POWs *"are in the hands of the enemy Power, but not of the individuals or military units who have captured*

[111] OHCHR Report 2025, paras 42-45.
[112] ODIHR 6th Interim Report, para 70.
[113] ODIHR 6th Interim Report, paras 71-73.
[114] ODIHR 6th Interim Report, para 74.
[115] Testimonies 4-5 (on file with the Mission).
[116] Ukrainian Joint Center for coordination of the search and release of prisoners of war, persons illegally deprived of their liberty as a result of aggression against Ukraine under the Security Agency of Ukraine, dataset "colonies", up to date as of 28 August 2025 (on file with the Mission).

them" (Article 12(1) of GCIII). It is therefore up to the Detaining Power, i.e., the Russian Federation in the case at hand, to ensure that legal obligations stemming from GCIII and IHRL are respected and that dignity and rights of POWs are preserved at all times.

A. BEGINNING OF CAPTIVITY

Articles 17–20 of GCIII set out key rules governing the beginning of captivity, addressing the questioning of POWs, the treatment of their property, and their evacuation. When questioned, POWs are only required to give their surname, first names, rank, date of birth, and service number (or equivalent) (Article 17). They must retain their identity cards, personal effects, and items of personal protection, with valuables or money only taken under strict procedures and returned at the end of captivity. POWs must always have identity documents, and personal items of sentimental value cannot be confiscated (Article 18). Evacuation from combat zones must occur as soon as possible, in humane conditions that are comparable to those of the Detaining Power's own forces, with adequate food, water, clothing, and medical care provided. Safety must be ensured throughout, stays in transit camps kept brief, and wounded or sick POWs not moved unless evacuation poses less risk than remaining in place (Articles 19-20).

The Mission notes that frequent violations of these provisions by the Russian Federation have been documented. In its 2023 report, the OHCHR notes that, while some Ukrainian POWs who surrendered under negotiated terms reported respectful treatment at the moment of capture, including on-site medical assistance, others described verbal abuse and intimidation.[117] Fifty-five POWs recounted severe torture or ill-treatment aimed at extracting information or used as punishment, involving beatings, electrocution, mock executions, stabbing, exposure to extreme cold, and threats of mutilation. Pillaging of personal items was widespread, with POWs reporting theft of valuables, clothing, medicine, and bank cards, some of which were later used for unauthorized withdrawals.[118]

The conditions of evacuation were also notoriously inadequate. In 19 cases documented by the OHCHR, POWs were transported in overcrowded, poorly ventilated vehicles, with their hands tied and eyes covered, often without food, water, or access to toilets for up to two days.[119] Prior to formal internment, many were held for up to a week in makeshift detention sites (such as barns, garages, or abandoned buildings), frequently without fresh air, bedding, or adequate sanitation. Some were confined in pits or exposed to extreme conditions. There was a lack of medical care, and two wounded POWs allegedly died during transfer due to this lack. A particularly notable case involved 168 members of the Ukrainian National Guard at the Chornobyl Nuclear Power Plant, who were held for over a month after surrender, with some forced to remain in areas of high radioactive contamination.[120]

These reports were confirmed by former POWs interviewed by the Mission.[121] The interviewees provided consistent accounts of being transported to and between detention under very difficult and inhuman conditions, often confined in overcrowded and unsanitary vehicles or facilities. They also reported being deprived of sufficient food and water throughout their transit, and subjected to repeated physical abuse, including beatings. Additionally, they were forced to relinquish all personal belongings, including wedding rings or books, many of which were never returned, resulting in both material loss and psychological distress. All these findings indicated systematic breaches of GCIII. Some may amount to inhuman and degrading treatment prohibited by Article 7 of the ICCPR and Article 3 of the ECHR.

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[117] OHCHR Report 2023, paras 27-41.
[118] OHCHR Report 2023, para 32.
[119] OHCHR Report 2023, paras 38-41.
[120] Ben Tobias, Ukraine war: Chernobyl workers' 12-day ordeal under Russian guard, *BBC*, 7 March 2022; or How Russia seized the ChNPP: the reconstruction of events and names of responsible, *Media Initiative for Human Rights*, 22 November 2023 <https://mipl.org.ua/en/how-russia-seized-the-chnpp-the-reconstruction-of-events-and-names-of-responsible/>.
[121] Testimonies 1-4, 10-12 (on file with the Mission).

B. INTERNMENT OF POWS – LEGAL STANDARDS

GCIII sets out comprehensive standards for the humane treatment of POWs, requiring that they be held in camps with proper hygiene and adequate living conditions. The camps must be located away from combat zones and marked clearly (ideally with the sign POWs). POWs shall not be interned in penitentiaries, except in specific cases where such detention is justified by their own interest (Article 22(1)). They must be offered *"every guarantee of hygiene and healthfulness"* (Article 22(1)). Detention places shall have shelters against air bombardment and other hazards of war, and POWs shall be allowed to enter such shelters in case of attack (Article 23(2)). POWs *"shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area"* (Article 25(1)), with due consideration for the prisoners' customs and habits, and without any harm to their health. Male and female POWs shall be housed in separate dormitories.

POWs must receive sufficient daily food and water to maintain health, with extra rations for labour, and clothing appropriate to the climate and type of work, replaced and repaired regularly (Articles 26-28). Hygiene standards must be maintained through clean facilities, access to soap and water, and time for personal washing and laundry (Article 29). Medical care must be readily accessible, including infirmaries, specialized treatment for serious or contagious illnesses, rehabilitation for the disabled, and regular monthly health inspections to monitor weight, detect disease, and ensure nutrition (Article 30). Any medical personnel among the prisoners may be required to treat fellow captives while retaining their prisoner status and protection. POWs shall have full freedom to practice their religion, attend services, and receive ministry from retained chaplains or qualified fellow prisoners (Article 32). Additionally, the Detaining Power should encourage intellectual, educational, and recreational activities, ensuring access to adequate spaces and equipment for physical exercise and outdoor activities (Articles 34-38).

POWs who are physically fit may be required to perform non-military work appropriate to their age, sex, rank and health, with officers working only voluntarily (Article 49). Such work is limited to specified categories (including agriculture, certain industries, transport of non-military goods, commerce, domestic service, and public utilities) and POWs retain the right to lodge complaints if these provisions are violated. They must have fair working conditions, including adequate food, clothing, and safety measures. They may not be required to perform work that is unhealthy, dangerous, or humiliating, with the removal of mines or similar devices explicitly considered dangerous labour (Article 52). Work hours should not exceed those of local civilian workers, and prisoners must receive fair pay, medical care for work-related injuries, and regular health checks (Article 53).

Discipline within camps should respect the rank and status of POWs, and any use of force must be a last resort preceded by warnings (Article 39). Transfers of POWs must be conducted humanely, prioritizing their health and safety, and POWs should be informed in advance to prepare and maintain their belongings (Articles 46-48). POWs shall have the right to make known to the military authorities in whose power they are their requests and complaints regarding the conditions of captivity to which they are subjected (Article 78). A POW undergoing confinement as a disciplinary punishment shall continue to enjoy the benefits of GCIII, including the right to make requests and complaints (Article 98(1)). POWs sentenced to a penalty depriving them of their liberty retain the rights to make requests and complaints (Article 108(3)). Overall, GCIII aims to uphold the dignity and rights of POWs during captivity, requiring Detaining Powers to strictly adhere to their obligations.

C. INTERNMENT OF POWS – SITUATION OF UKRAINIAN POWS

Reports issued by international organizations or NGOs have documented widespread and systematic failures by the Russian Federation to uphold most of these standards with respect to Ukrainian POWs.

1. DETENTION FACILITIES

According to these reports, POWs are routinely interned in penitentiary facilities alongside common criminals. The OHCHR noted that this applied to more than 75 per cent of the POWs it interviewed, and that, in some cases, POWs were held in such facilities for the entire duration of their captivity.[122] Former POWs interviewed by the Mission confirmed this situation.[123] Conversely, the obligation to house male and female POWs separately appears to be generally observed.[124] For example, in Olenivka, witness testimonies indicate that men were held in barracks while women were kept in cells.[125] More problematically, civilian internees were often detained in the same facilities, and sometimes even the same rooms, as POWs (e.g., in Olenivka and Kamensk-Shakhtinsky) in violation of Article 84 of GCIV.[126]

All the reports and testimonies received by the Mission indicate that Ukrainian POWs are subjected to overcrowded and unsanitary detention conditions that undermine their personal dignity and health. Some are confined, temporarily or for a longer period, in unsuitable places, military bases, police stations, and improvised places of detention, such as garages.[127] In virtually all detention facilities, regardless of their nature, basic needs such as adequate food, clean water and essential medical care are insufficient or entirely lacking, exposing POWs to serious risk of malnutrition, dehydration and untreated illnesses.[128] POWs frequently report being held in cramped spaces with little ventilation, on bare floors or inadequate sleeping arrangements, and without clothing or heating in colder seasons and ventilation during the summer.[129] One former POW described being held in a facility in Donetsk confined to a small, windowless room with 17 others and forced to sleep on the floor.[130] Another former POW described the conditions in Olenivka, with over 500 male prisoners crammed onto a single floor of the barracks, *"sleeping in the corridors, on the stairs, inside the toilets, everywhere"*.[131]

Many POWs experienced severe weight loss during captivity, with one describing the food ration as *"just enough not to die"*.[132] Meals, when provided, often had to be consumed within a very short time, even when the food was too hot to eat.[133] If POWs did not manage to eat their meals "in time" (sometimes one minute for a bowl of hot soup), they were beaten.[134] The supply of drinking water was inadequate; POWs were frequently forced to consume contaminated or technical water, which led to widespread illness. Access to hygiene facilities was extremely limited. POWs reported being denied regular use of toilets and showers, and when access was granted, it was often under unrealistic time limits, sometimes as short as 30 seconds. Several detainees also recounted being beaten or subjected to electric shocks while showering.[135] The places of detention were often infested with rats, insects or mould.[136]

Unsanitary conditions contributed to widespread infestations and the spread of diseases such as tuberculosis and hepatitis. There are allegations that some of these conditions were deliberately imposed. POWs were reportedly placed in cells with individuals infected with tuberculosis, or

[122] OHCHR Report 2023, para 7.
[123] Testimonies 1-4, 10-12 (on file with the Mission).
[124] ODIHR 6th Interim Report, para 69.
[125] ODIHR 3rd Interim Report, para 29.
[126] ODIHR 7th Interim Report, para 68; Russia's secret prison. Some 650 Ukrainians are being held in Pretrial Detention Facility No. 2 in Bryansk Region, *The Media Initiative for Human Rights,* 23 February 2023.
[127] ODIHR 2nd Interim Report, para 160.
[128] OHCHR Report 2024, para 36.
[129] ODIHR 5th Interim Report, para 63.
[130] ODIHR 3rd Interim Report, para 28.
[131] ODIHR 3rd Interim Report, para 29.
[132] ODIHR 5th Interim Report, para 64.
[133] ODIHR 6th Interim Report, para 78.
[134] Testimonies 5-7 (on file with the Mission).
[135] ODIHR 6th Interim Report, para 80.
[136] ODIHR 7th Interim Report, para 73.

forced to use razors previously used by persons carrying infectious diseases.[137] Medical care was often denied or grossly inadequate, even for POWs with serious injuries or chronic conditions.[138] Requests for treatment were met with apathy, threats of violence or death, and, in some cases, physical assaults by medical or prison staff.[139] As a result, POWs routinely endured untreated wounds, infections, and illnesses, including scabies, tuberculosis and hepatitis. Dental care was unavailable, and conditions were so poor that *"inmates had to pull out their own teeth"*.[140] One former POW described the case of a captured Ukrainian soldier who required an eye operation but received no treatment for several months while in captivity, ultimately losing his sight.[141]

Many Ukrainian POWs lack access to proper shelter from ongoing hostilities and to basic protective measures, which exposes them to increased physical risks and jeopardizes their health and safety. The reports also reveal cases of physical abuse, psychological pressure, humiliation and coercion.[142] POWs were reportedly forced to perform acts intended to degrade or break their morale, such as singing songs or shouting slogans against Ukraine and in support of Russia.[143] Such treatment added to the overall climate of intimidation and constitutes a clear violation of IHL.

Despite generally poor detention conditions, some former POWs reported that their situation improved after being transferred to different facilities.[144] These improvements included better access to adequate food, cleaner living conditions, functioning sanitation facilities, and more consistent medical care. In certain cases, detention authorities reportedly took steps to reduce mistreatment, such as limiting physical abuse, allowing access to basic hygiene items, or permitting contact with families. While such measures represented a relative improvement, they were often inconsistent and did not fully address the broader pattern of inadequate treatment, overcrowding, and violations of humanitarian standards experienced by POWs.

2. TREATMENT OF UKRAINIAN POWS

Disturbingly, many Ukrainian POWs have appeared in online videos and broadcasts while injured or under duress, being threatened, forced to make propaganda statements, or compelled to strip (mostly to show their "Nazi" tattoos[145]) or to perform degrading acts (imitating sexual acts, etc.). The OHCHR documents a Ukrainian commander who surrendered alongside his son being coerced on video to denounce his command and falsely claim their treatment was adequate, under explicit threats that his son would be executed if he did not comply.[146]

In another incident, also reported by the OHCHR, Russian servicemen forced two wounded Ukrainian POWs, each with broken legs, to crawl 500 to 700 meters to the nearest Russian military position, mocking them and recording the degrading ordeal, which was later circulated online. CNN reported the case of a Ukrainian helicopter pilot who, while in Russian custody, was coerced into reading a scripted statement on camera claiming he was well, receiving medical care, and opposed to the war, under threats that refusal would result in the amputation of his untreated injuries and the denial of medical aid to (and death of) his co-pilot.[147] These

[137] Testimonies 5-7 (on file with the Mission).
[138] ODIHR 6th Interim Report, para 81.
[139] Testimonies 5-7 (on file with the Mission).
[140] ODIHR 7th Interim Report, para 75.
[141] Testimony 6 (on file with the Mission).
[142] See Riley Bailey, Davit Gasparyan, Grace Mappes, Christina Harward, and George Barros, Russian Offensive Campaign Assessment, *ISW Press,* 13 October 2024.
[143] Testimonies 4, 6 and 12 (on file with the Mission).
[144] ODIHR 3rd Interim Report, para 32.
[145] See Leonid Ragozin, Is Putin achieving his goals in Ukraine?, *Al-Jazeera*, 24 May 2022.
[146] OHCHR Report 2023, para 37.
[147] Daria Markina, Held by Russia as prisoners of war, two Ukrainian helicopter pilots recount their time in captivity, *CNN*, 15 June 2022. The mistreatment extends to foreigners who have joined Ukraine's armed forces as well. For instance, in April 2022, two detained British fighters were paraded on Russian state TV and made ask

practices violate the prisoners' dignity and amount to deliberate attempts to degrade and manipulate them. They violate Article 13(2) of GCIII and may amount to inhuman and degrading treatment and, as such, constitute war crimes.

Forced labour under hazardous and unsafe conditions has also been reported, with Ukrainian POWs receiving neither appropriate safety measures nor fair compensation. The OHCHR reports a case involving eight Ukrainian POWs who were forced to load artillery ammunition in Alchevsk.[148] Such employment of POWs is clearly incompatible with Articles 50 and 52 of GCIII. Other POWs reported being assigned to tasks such as cooking, producing clothing, or performing menial labour, including gathering stones or pine needles, which fall within the types of work permitted under these provisions. Nevertheless, even these permitted forms of labour were reportedly carried out without any payment,[149] in violation of the GCIII's provisions regarding payment (Article 54).

Ukrainian POWs are also – upon capture or during captivity – systematically deprived of their personal property, including wristwatches, wedding rings or books.[150] Moreover, most if not all Ukrainian POWs are denied access to religious services and spiritual support, stripping them of the right to practice their faith during captivity. Frequent transfers of POWs without adequate prior notice, proper safeguards, or medical evaluation further endangered their well-being, health and even lives.[151] These unexpected transfers prevented prisoners from making necessary preparations or receiving appropriate medical care. Some former Ukrainian POWs reported that, during their captivity, they were compelled to sign documents declaring they had no complaints about the facility or their treatment during detention, and that they had not experienced any physical or psychological abuse while held on Russian territory.[152]

D. CONCLUSIONS

Overall, these violations reflect a broader, systematic pattern of neglect, abuse, and deliberate mistreatment, highlighting a serious and persistent disregard for the dignity, health, and fundamental rights of Ukrainian POWs. Across multiple facilities, POWs were subjected to overcrowding, unsanitary conditions, insufficient food and water, inadequate or denied medical care, and exposure to communicable diseases, all of which gravely endangered their physical and mental well-being. In addition, many were exposed to physical abuse, psychological coercion, forced labour, humiliation and propaganda activities, while being deprived of personal property, or any form of fair compensation for permitted labour. The frequent and sudden transfers further compounded these violations. Taken together, these practices reveal not only isolated incidents of mistreatment, but a consistent, systematic failure to uphold the standards mandated under GCIII and IHRL.

VII. THE RIGHT TO A FAIR TRIAL

A large number of POWs are subject to criminal prosecution by the judicial authorities of the Russian Federation, as indicated by Russian official sources.[153] It has already been explained in this report that a part of these proceedings, those based on charges of terrorism or attempts to overthrow the government, actually concern lawful acts of war (see Section III(C)). These are thus conducted in disregard of combatant immunity and violate IHL. Others are based on charges of war crimes. The present Mission recalls that if POWs may not be prosecuted for

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the UK to help exchange them for a pro-Russian official captured by Ukraine. Captured Britons put on Russian TV asking Boris Johnson to help free them, *The Guardian*, 18 April 2022.

[148] OHCHR Report 2023, para 54.

[149] Testimonies 3 and 7 (on file with the Mission).

[150] OHCHR Report 2023, para 103.

[151] ODIHR 7th Interim Report, para 68.

[152] ODIHR 5th Interim Report, para 70.

[153] See Председатель СК России провел заседание коллегии по итогам работы ведомства в 2023 году, *Следственный комитет Российской Федерации*, 5. 3. 2024 <https://nsk.sledcom.ru/news/item/1866688/>.

mere participation in hostilities, they may and shall be prosecuted by the Detaining Power if they committed war crimes.[154] But they remain entitled to the protection of GCIII.[155] Under IHL, depriving POWs of their right to a fair trial is a serious violation of GCIII[156] and it may amount to a war crime.[157] Despite this, information gathered by this Mission suggests that the guarantees attached to a fair trial under IHR and IHRL (A) are systematically violated regardless of the charges brought against Ukrainian POWs by the Russian authorities (B).

A. Fair Trial Guarantees under IHL and IHRL

Under GCIII, POWs may be tried only by military courts, unless the Detaining Power's law allows civil courts to try its own armed forces for the same offence (Article 84). No moral or physical coercion may be exerted on POWs in order to induce them to admit guilt for the act of which they are accused (Article 99(2)). In all circumstances, criminal proceedings must respect essential guarantees of independence and impartiality. No POW may be punished more than once for the same act (Article 86). The principle of non-retroactivity applies: no *POW "may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed"* (Article 99(1)).

Moreover, POWs may be sentenced only by the same courts and under the same procedures applicable to members of the Detaining Power's forces, and only where the required legal safeguards are observed (Article 102). These include the right to counsel of choice, to call witnesses, to the assistance of an interpreter, and to be informed in due time of these rights and of the charges against them. Convicted POWs have the right to appeal (Article 106), and they must be informed of these remedies and deadlines (Article 105). Defence counsel must have at least two weeks and the necessary facilities to prepare, including confidential access to the accused (Article 105). No POW may be convicted without having had an opportunity to present his or her defence and the assistance of a qualified advocate or counsel (Article 99(3))

Under IHRL, the right to a fair trial is enshrined in Article 14 of the ICCPR and Article 6 of the ECHR. The crucial importance of the right to a fair trial has been repeatedly confirmed by the OSCE Participating States (Ljubljana 2005, Helsinki 2008). Even when derogation from human rights treaties is allowed, the basic guarantees of a fair trial may never be fully suspended.[158] Moreover, in the situation of armed conflict, those elements of the right to a fair trial that are explicitly guaranteed under IHL applies,[159] and IHRL helps in interpreting them.

B. Violations of Fair Trial Guarantees against Ukrainian POWs

The scale of the criminal proceedings brought against Ukrainian POWs since the full-scale invasion of Ukraine has been established by reports of international organizations. In its latest report on violations of international law in Ukraine, ODHIR, referring to figures provided by the Ukrainian authorities, writes that, as of June 2025, a total of 857 trials were held against Ukrainian POWs for war crimes, terrorism or espionage.[160] It adds that the number of such lawsuits appears to be on the rise. This Mission was provided with similar figures during its visit to Kyiv. Data of this magnitude are also mentioned by NGOs that have analysed the phenomenon based on accessible decisions and information provided by prisoners' families and their lawyers. This means that, while not all POWs are subject to criminal prosecution, a significant number of them are.

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[154] Article 49 of GCI, Article 50 of GCII, Article 129 of GCIII, Article 146 of GCIV and Article 86 of API.
[155] Article 85 of GCIII and Article 44(2) of API.
[156] Article 99 of GCIII.
[157] Article 8(2)(a)(vi)) of the ICC Statute.
[158] UN Doc. CCPR/C/46/D/263/1987, *Miguel Gonzáles del Rio v. Peru*, Communication No. 263/1987, 2 November 1992, para 5.1.
[159] UN Doc. CCPR/C/21/Rev.1/Add.11, *General comment no. 29. States of emergency (article 4)*, 31 August 2001, para 16.
[160] ODIHR 7th Interim Report, paras 122 and 125.

In the context of these criminal proceedings, numerous violations of fair trial rights, some of which are systematic, have been documented. A thorough and accurate study by the associations Zmina and Media Initiative for Human Rights (MIHR) was released in 2025, based on a database of 600 cases, from which 22 typical cases were analysed in detail and 145 hearings were monitored. The study covers prosecutions against both POWs and civilians, which cannot be distinguished in this regard. It reveals a series of violations of the right to a fair trial: a clear lack of impartiality on the part of judges; a *"widespread lack of publicity and accessibility of judicial processes";* irregularities in the treatment of evidence and in the credibility of witnesses; and the *"complete erosion of the presumption of innocence"*.[161]

Corroborating evidence can be found in the interviews conducted and reported by ODHIR. According to ten witnesses, prisoners or members of their families, lawyers are appointed by the State without the defendants being able to exercise their right to choose their own lawyer. These lawyers communicate little or poorly with their clients and, in some cases, act clearly against their interests, including, in one case, approving of the prosecutor's request for death penalty.[162] In parallel, a defendant and their family may hire lawyers who are truly independent, whose task is made difficult, however, because they are sometimes subject to threats or hesitate to travel to the territories of Ukraine occupied by the Russian Federation. In addition, they are constrained to play a limited role, not being officially involved in the proceedings. They nevertheless serve a useful purpose in maintaining a link between the detainee and his or her family, when access to the place of detention or communication is permitted.[163]

Similarly, the OHCHR reported in 2023 that five POWs interviewed were compelled to waive their rights to legal counsel during investigation, because no lawyers were available, and four others complained that their assigned lawyers did not provide any legal assistance, and only advised them to plead guilty.[164]

According to information provided to the members of this Mission, the Ministry of Defence of the Russian Federation applies a general policy of refusing to recognize the right of persons detained in connection with the conflict in Ukraine to choose their own lawyer in the event of prosecution, and drastically limits the communications normally authorized under the code of criminal procedure.[165] This also has consequences for the possibility of challenging the legality of detention, because a power of attorney is required for this legal action.[166] This Mission here recalls that IHL guarantees the right to a fair trial for POWs, as well as for civilians, when they face criminal prosecution.

Other examples of violations of fair trial rights have been documented in various reports. For instance, the MIHR reported that many hearings are held behind closed doors, that verdicts are often removed from official websites or never published, and that obtaining court documents is extremely difficult.[167] Amnesty International has also documented numerous violations of the right to a fair trial concerning Ukrainian POWs. For instance, in Mariupol, Russian-backed armed groups have conducted so-called "sham trials" in the local Philharmonic Hall, where cages were reportedly constructed to restrain prisoners during proceedings. These trials lacked

[161] ZMINA and MIHR, *Denial of the right to a fair trial as an international crime during Russia's War against Ukraine: Context, Practice, Law and Prospects*, 2025, <https://zmina.ua/en/publication-en/denial-of-the-right-to-a-fair-trial-as-an-international-crime-during-russias-war-against-ukraine-context-practice-law-and-prospects>.
[162] ODIHR 7th Interim Report, para 127.
[163] ODIHR 7th Interim Report, para 128-129.
[164] OHCHR Report 2023, para 84-85.
[165] Document on file with the mission.
[166] Code of Administrative Judicial Procedure of Russia, Article 56.
[167] Closed Trials and Fake Verdicts: Evidence of Russia's Judicial System Crimes against Ukrainians Presented in Geneva, *MIHR*, 24 March 2025 <https://mipl.org.ua/en/closed-trials-and-fake-verdicts-evidence-of-russias-judicial-system-crimes-against-ukrainians-presented-in-geneva/?utm_source=chatgpt.com>.

virtually all the essential guarantees of independence and impartiality, transforming justice into a tool of propaganda.[168]

Furthermore, it appears that in some cases evidence is fabricated. ODHIR explains, based on interviews with former POWs and detained civilians, that persons in the power of the Russian Federation are prosecuted *"on trumped-up charges of terrorism, murder, espionage, sabotage, cruel treatment of POWs or civilians and the intentional destruction or damage to property"*.[169] It notably refers to the testimony of two former POWs who reported the use of false testimony, and the impossibility for them to call witnesses to support their defence.[170] A former POW interviewed by this Mission indicated that he was accused of attacking civilians in a place where he could not have been, due to his assignment, and that he was asked to choose the offence for which he "wanted" to be convicted, and then forced to sign admissions of guilt.[171]

This Mission here also refers to the information gathered concerning the use of torture during interrogation, including to confess to crimes not committed or to give testimony incriminating other POWs (see Section V). The OHCHR in its 2023 report on POWs writes that *"68 interviewed POWs were tortured to provide testimonies against other servicepersons in violation of Article 17 of the Third Geneva Convention"*. [172] ODIHR describes how interrogators used methods of torture and ill-treatment to obtain information and elicit confessions.[173] The Mission itself heard from a witness that he was threatened with being killed and kept together with hostile inmates in order to coerce him to confess crimes.[174] The Mission also received detailed written statements from former POWs reporting threats and beatings during interrogations to extract confessions.[175]

In light of these findings, the Mission considers that the Russian Federation's authorities use the judicial system more as a tool of repression against POWs than as a mechanism of justice. It concludes that the principle of fair trial, as it must be implemented under IHL and IHRL, is violated in a systematic manner in the context of the criminal proceedings launched against a significant number of Ukrainian POWs. These violations may amount to war crimes, as they wilfully deprive POWs of their right of a fair trial.

VIII. RELATIONS OF POWS WITH THE EXTERIOR

GCIII guarantees POWs the right to maintain contact with the outside world, above all with their families, the Party to the conflict they belong to and the ICRC. The Detaining Powers must ensure that this right is effective from the moment of capture and throughout the whole period of the captivity of POWs. To implement this right, each Party to the conflict is required to establish a special institution, a National Information Bureau (NIB), which collects and transmits information on POWs through the Central Tracing Agency (CTA) of the ICRC to the other Party to the conflict, thereby ensuring that POWs are accounted for and that they can maintain contact with their families through a reliable humanitarian channel. All these guarantees provide crucial safeguards against incommunicado detention and any form of mistreatment or neglect.

[168] Ukraine: Russian sham trials of prisoners of war in Mariupol 'illegal and unacceptable', *Amnesty International,* 26 August 2022, <https://www.amnesty.org/en/latest/news/2022/08/ukraine-russian-sham-trials-of-prisoners-of-war-in-mariupol-illegal-and-unacceptable/?utm_source=chatgpt.com>.
[169] ODIHR 7th Interim Report, para 122 and 125.
[170] ODIHR 7th Interim Report, para 126.
[171] Testimony 4 (on file with the Mission).
[172] OHCHR Report 2025, para 82.
[173] ODIHR 6th Interim Report, para 74.
[174] Testimony 4 (on file with the Mission).
[175] Written statements on file with the Mission.

A. Legal Regulation of Relations of POWs with the Exterior

Relations of POWs with the exterior are regulated by Articles 69-77 of GCIII. Upon capture, the Detaining Power must immediately inform POWs, their home countries, and the ICRC of the measures it is taking to implement their rights under GCIII. Any changes to these measures must also be communicated promptly (Article 69). POWs must be allowed to notify their families and the CAPW of their capture, location, and health status, without delay, i.e., immediately upon capture or not more than one week after arrival at a camp. This shall be done through a capture card, whose model is provided in Annex 4 to GCIII. Beyond this, POWs have the right to send and receive regular letters and cards, with a guaranteed minimum of two letters and four cards per month, which must be forwarded promptly and cannot be withheld for disciplinary reasons. In cases of prolonged silence, distance, or urgency, telegrams must be permitted at the prisoner's expense (Articles 70-71). The possibility to stay in touch with family members in any situation also makes part of the right to family life protected by the ICCPR (Articles 17(1) and 23(1)).

POWs are also entitled to receive relief parcels containing food, clothing, medical supplies, books, and other personal or educational items, which must be delivered quickly, exempt from postal or customs charges, and supervised in the interests of the prisoners. If normal transport routes are disrupted, the ICRC, or other humanitarian bodies may arrange special means of transport to ensure correspondence and parcels are delivered. Censorship of mail is allowed, but must be carried out swiftly, without excessive interference, and only once by each of the dispatching and receiving states. The Detaining Power must facilitate the transmission of legal and personal documents, such as wills or powers of attorney, and allow POWs access to legal assistance for their preparation (Articles 72-77). Representatives of religious organizations, relief societies, or other organizations assisting POWs shall receive, to the extent possible, all necessary facilities to visit POWs, distribute relief supplies for religious, educational, or recreative purposes, and help organize their leisure activities (Article 125).

B. Communication of Ukrainian POWs with their Families

The obligations of GCIII on relations of POWs with the outside world have not been fully respected by the Russian Federation in its treatment of Ukrainian POWs. ODIHR and the OHCHR have both documented that Ukrainian POWs are not allowed to communicate with their ***families*** in a timely manner.[176] Released POWs interviewed by ODIHR and the OHCHR reported being denied the opportunity to write home for extended periods, sometimes for the whole period of captivity. ODIHR recorded testimonies where prisoners were told they could only send letters months after their detention, with one stating they were first allowed to write only when the Azovstal prisoners were captured and this was publicized.[177] The OHCHR has further reported that families often waited weeks or months before receiving confirmation that a relative had been captured, sometimes only learning through unofficial sources, such as social media or prisoner exchanges.[178] This prolonged uncertainty was distressing and caused psychological hardship for both POWs and their families.

The Mission gathered information and received testimonies confirming these patterns. Former POWs and their relatives interviewed by the Mission reported that the possibility of communicating with their loved ones during captivity was extremely limited or entirely absent, sometimes for the full duration of detention, lasting up to several years.[179] Several POWs and family members indicated that they sent letters to each other, but the letters never reached their intended recipients.[180] Some also stated the Russian authorities informed them that, under IHL,

[176] OHCHR Report 2024, para 46; ODIHR 2nd Interim Report, para 161; ODIHR 6th Interim Report, para 86.
[177] ODIHR 3rd Interim Report, para 29.
[178] OHCHR Report 2024, para 46.
[179] Testimonies 1-4 (on file with the Mission).
[180] Testimonies 3-4 (on file with the Mission).

communication with families was allegedly only permitted via telegraph, which was not available, effectively preventing any correspondence.[181] Several former POWs interviewed by the Mission reported that they were forced to write letters to their families, even against their will, using a standard template that praised their treatment, described the food as delicious, and depicted the guards' attitude as exemplary.[182]

The Mission found that this lack of communication caused significant emotional distress and prolonged uncertainty, placing a heavy psychological burden on both POWs and their families. No single case in which communication of POWs with families would be granted in the way foreseen by Articles 69-77 of GCIII was encountered. The Mission concludes that the denial of communication by POWs with their families amounts to a systematic practice, and notes that such practice constitutes a violation of IHL and that it also interferes with the right to private and family life granted under the ICCPR.

C. COMMUNICATION OF UKRAINIAN POWS WITH THE ICRC

Access for the ICRC to Ukrainian POWs detained by the Russian Federation has been restricted as well. The ICRC itself has repeatedly stated that it has only been permitted to see a limited number of POWs in Russian captivity.[183] ODIHR monitoring confirms this pattern: the majority of 14 released Ukrainian POWs (out of over 3,000) interviewed by ODIHR in 2024 said they had no contact with the ICRC, and those who did described only very short visits of uncertain origin.[184] Several of another sample of 29 released POWs (out of over 3,500) interviewed by ODIHR in the same year, 2024, emphasized that ICRC visits only took place in so-called "model facilities" set up to showcase acceptable conditions, while, in reality, the Russian authorities hid mistreatment, temporarily improved food, and threatened prisoners not to complain.[185] One detainee recalled being told before an ICRC visit *that "they will come and go, but you will stay, so don't complain and don't say anything wrong"*.[186] In two cases, former POWs alleged that Russian officials impersonated ICRC or UN personnel in order to test whether they would speak out; those who complained of abuse were subsequently beaten.[187]

Amnesty International also confirms that, with one exception, 38 families of POWs it interviewed reported that the ICRC had not visited their family members held in Russia, and none of the five returned POWs interviewed reported receiving a visit.[188] These conclusions are in line with the Mission's own findings. Most of the 12 interviewed POWs reported having seen no representatives of the ICRC.[189] One was aware of the presence of an ICRC delegation, but was placed in isolation and could not meet them.[190]

Several former POWs mentioned that their camps received certain visits, though the identity of the visitors was not specified; however, when such visits took place, most POWs were not allowed to meet them and, instead, were hidden in special parts of the penitentiaries.[191] The Mission concludes that these practices fall short of the requirements of GCIII, which guarantees the ICRC unimpeded access to all POWs in order to monitor conditions of detention, facilitate

[181] Testimony 10 (on file with the Mission).
[182] Testimony 12 (on file with the Mission).
[183] See, for instance, Russia-Ukraine international armed conflict: ICRC asks for immediate and unimpeded access to all prisoners of war, *ICRC*, 14 October 2022; Armed conflict in Ukraine: Families of all POWs need answers on their loved ones, *ICRC*, 20 May 2022; Russia-Ukraine: ICRC ready to visit all prisoners of war but access must be granted, *ICRC*, 16 October 2022; ICRC president concludes visit to Moscow, *ICRC*, 17 September 2024
[184] ODIHR 5th Interim Report, para 68.
[185] ODIHR 6th Interim Report, para 86.
[186] ODIHR 6th Interim Report, para 86.
[187] ODIHR 6th Interim Report, para 86.
[188] Amnesty International Report 2025, p. 18.
[189] Testimonies 2-12 (on file with the Mission).
[190] Testimony 1 (on file with the Mission).
[191] Testimonies 5-7 (on file with the Mission).

communication with families, and ensure humane treatment. The restriction of ICRC access contributes to situations of incommunicado detention and increases the risk of abuse

At the same time, the ICRC has highlighted that, when access has been granted, it has been able to deliver important humanitarian services. Thousands of personal messages have been transmitted between POWs and their families with the help of the ICRC, and. in some cases, visits allowed for the handover of books, clothing, blankets, hygiene items, and necessities such as eyeglasses.[192] More exactly, the ICRC indicates that, in 2022, it carried out 82 visits, to 25 places of detention, holding about 20,700 people;[193] in 2023 it conducted 54 visits, to 20 facilities, with 15,612 detainees;[194] and, in 2024, it made 55 visits, to 17 facilities, holding 13,704 detainees.[195] These figures, however, concern both sides to the conflict, with indications that the majority of visits may have taken place on the Ukrainian side.[196] While these activities had a significant impact for those reached, the scale of restrictions imposed by the Russian Federation means that many Ukrainian POWs and their families have been left without the protections and relief that regular ICRC access should guarantee.

The difficulties of access extend to other stakeholders as well. The OHCHR has noted ongoing obstacles in gaining access to Ukrainian POWs in order to assess their conditions of detention and treatment.[197] Russian authorities have provided little information about Ukrainian POWs outside of prisoner exchanges or staged videos that expose detainees to public curiosity. To date, ODIHR has also not been able to interview Russian POWs or former POWs.[198]

The treatment of the Azovstal defenders demonstrates the situation. While some of them have been released and repatriated, others – estimated at over 800 as of May 2025 – continue to be detained under unclear circumstances, and Russian authorities do not recognize their POW status, designating the Azov Regiment as a "terrorist organization".[199] Contacts between these POWs and their families remains limited, with months passing for some of them without being allowed to write to their families or receive messages from them. The ICRC was initially involved in registering those captured at Azovstal and facilitating limited communication, by recording details and closest relatives.[200] Since then, its role has been limited, and it has been denied access to some of the detention places where Azovstal POWs have been held, such as Olenivka (see section 6).[201]

D. Establishment and Operation of a National Information Bureau

The implementation of the provisions of GCIII on the transmission of information on POWs shall be facilitated by a National Information Bureau (NIB) that each Party to the conflict, as well as neutral States receiving POWs on their territory, must establish *"upon the outbreak of a conflict and in all cases of occupation"* (Article 122 of GCIII). NIBs are tasked with collecting, centralizing and transmitting information on POWs. They must also respond to all enquiries they receive regarding POWs, their fate and their whereabouts. In addition, they handle personal valuables, money, and important documents left by POWs who are repatriated, released, escaped, or deceased, sending these securely to the relevant national authorities. NIBs must communicate and transmit information either through the Central Tracing Agency of the ICRC (regulated by Article 123 of GCIII) or, if they are designated, through Protecting powers.

[192] Russia - Ukraine international armed conflict: ICRC continues to help people in need, *ICRC,* 14 June 2023.
[193] ICRC, *ICRC Annual Report 2022*, p. 376.
[194] ICRC, *ICRC Annual Report 2023,* p. 358.
[195] ICRC, *ICRC Annual Report 2024,* p. 301.
[196] This is explicitly indicated for 2024, see ICRC, *ICRC Annual Report 2024*, p. 301.
[197] OHCHR Report 2023, para 26.
[198] ODIHR 5th Interim Report, para 72; ODIHR 6th Interim Report, para 90; ODIHR 7th Interim Report, para 78.
[199] ODIHR 2nd Interim Report, para 167.
[200] Ukraine: ICRC registers hundreds of prisoners of war from Azovstal plant, *ICRC,* 19 May 2022.
[201] Red Cross denied access to prisoners at Russian-held Olenivka despite 'intense' talks - ICRC chief, *Reuters*, 2 September 2022.

No Protecting powers have been formally designated in the armed conflict between the Russian Federation and Ukraine. The CTA set up a special *CTA Bureau for the International Armed Conflict between the Russian Federation and Ukraine* in 2022 which should serve as a neutral intermediary between the two Parties to the conflict.[202]

Ukraine established its National Information Bureau for Prisoners of War, Forcibly Deported and Missing Persons (*Національне інформаційне бюро з питань військовополонених, примусово депортованих та зниклих осіб*) in mid-March 2022, assigning its tasks to the already existing Ukrainian National Center for Peacebuilding, a state institution within the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine.[203] In 2024, the NIB was moved to the newly established Ministry for Development of Communities and Territories of Ukraine. The Ukrainian NIB is responsible both for Russian POWs and for Russian civilians detained in connection with the conflict. In addition, it also collects and centralizes information about Ukrainian POWs, other Ukrainian combatants *hors de combat* and Ukrainian civilians detained by Russia. The Ukrainian NIB has a website and can be contacted through various channels indicated there.[204]

The Ukrainian NIB also maintains a unified register of POWs and missing persons. It officially lists Ukrainian POWs based on information received from the ICRC, as well as when other information from the armed forces, intelligence agencies, open-source videos or photos, or interviews with released prisoners makes it possible to establish with certainty the presence in a place of detention of persons previously listed as missing. Such information may be provided by the Commissioner for Missing Persons in Special Circumstances (Ministry of Internal Affairs), the department for the search for and release of POWs and persons illegally deprived of their liberty of the Ukrainian Security Service (SSU), or the Ombudsman for Human Rights (Ukrainian Parliament). The NIB forwards the main information, once it has been confirmed, to the Coordination Headquarters for the Treatment of POWs, which has established a system enabling families to find out about the situation of their loved ones.

The Russian Federation, according to the information available on the website of its Ministry of Defence, established its National Information Bureau, the Information Bureau for Prisoners of War (*Справочное бюро по делам военнопленных*), in February 2022.[205] The Russian NIB is situated within the Ministry of Defence. It only covers Ukrainian POWs (and not Ukrainian civilians interned, detained or subject to assigned residence by the Russian Federation).[206] The Russian NIB does not appear to have a website, and it is difficult to find any information about it or any contact details for reaching it (apart from a phone number). This makes it complicated for families or other actors to reach it with inquiries, and raises doubts about its ability to effectively carry out some of its tasks foreseen by Article 122 of GCIII. In March 2022, a number of Russian non-governmental organizations sent an open letter addressed to the Prime Minister and other representatives of the Russian Federation, recapitulating the obligations stemming from GCIII and calling upon the state authorities to set up a NIB and to inform the

[202] See ICRC's Central Tracing Agency Bureau for the International Armed Conflict between the Russian Federation and Ukraine: Providing answers to families, *ICRC,* 2 June 2022 <https://www.icrc.org/en/document/central-tracing-agency-missing-persons-ukraine>.

[203] Cabinet of Ministers of Ukraine, Order No. 228, *On the definition of a state-owned enterprise that performs the functions of the National Information Bureau,* 17 March 2022 (Кабінет Міністрів України, Розпорядження № 228, Про визначення державного підприємства, яке виконує функції Національного інформаційного бюро, 17 березня 2022 р.). For more information about the Commission, see <https://nib.gov.ua/en/>.

[204] National Information Bureau, <https://unity.gov.ua/en/information/national-information-bureau/>.

[205] Deputy Minister of Defense of Russia Alexander Fomin held a briefing for foreign military attachés, *Minister of Defense of Russia,* 5 August 2022 (Замминистра обороны России Александр Фомин провел брифинг для иностранных военных атташе, *Министр обороны России*, 5 августа 2022 года).

[206] See also MM Report IV, p. 42.

public about its activities.[207] The letter stated that the information about the NIB, which should have been established in February 2022, is not easily accessible, or at least was not at that time.

Some interlocutors met by the Mission in Kyiv nonetheless indicated that the Russian NIB was, as far as POWs are concerned, operating, and transmitting some information about Ukrainian POWs through the special CTA Bureau to the Ukrainian side. They told the Mission that the scope of this information was incomplete, as some names were missing from the lists provided. This is evident from the fact that a certain number of Ukrainian POWs who were later released and repatriated had not appeared on the lists communicated to the CTA Bureau. Furthermore, given that the ICRC has been granted only limited access to places of detention in the Russian Federation, it is not able to fully verify the reliability of the transmitted information. It furthermore remains difficult to establish whether those Ukrainian who were recorded as missing but are absent from the lists of POWs are being held incommunicado, or whether they were killed during the fighting and their bodies have not yet been found or repatriated.

The Mission has thus concluded that an NIB related to POWs has been established by the Russian Federation, and it appears to be performing some of the tasks foreseen by Article 122 of GCIII, particularly in transmitting information about POWs to the CTA Bureau. The Russian NIB, however, is not fully transparent, may be difficult to reach for inquiries, and the information transmitted by it is not always complete, which limits its overall effectiveness in fulfilling the full range of tasks assigned under Article 122 of GCIII.

IX. RELEASE AND REPATRIATION

The release and repatriation of POWs is one of the central legal guarantees of GCIII. Detention under GCIII is not intended as punishment but as a temporary measure, designed solely to remove combatants from the battlefield. Once active hostilities come to an end, GCIII requires that POWs be released and repatriated without delay. Even before hostilities cease, special rules protect the seriously wounded and sick, mandating their return or transfer to neutral states whenever possible, and obligating Parties to the conflict to establish special bodies – Mixed Medical Commissions – to ensure impartial medical examinations of all wounded and sick POWs. At the same time, Parties to the conflict may also agree to the release and repatriation of POWs during the course of hostilities. Such releases are often carried out through exchange agreements, which may establish specific conditions, including repatriation, release, or internment in a neutral third country. GCIII further regulates the practical aspects of release and repatriation, such as cost-sharing arrangements and the return of personal property.

A. LEGAL REGULATION OF RELEASE AND REPATRIATION OF POWS

The status of POWs is, by its nature, temporary. Their detention is not punitive but preventive – its sole purpose is to remove combatants from the battlefield, thereby weakening the enemy's military capacity. Once active hostilities have ended, GCIII, in its Articles 118–119, requires the prompt release and repatriation of POWs, setting out clear rules on procedures, cost-sharing, and the return of property. These provisions ensure that release and repatriation are not delayed by administrative disputes, and that POWs' rights are respected. They also address special cases, such as POWs serving criminal sentences, and provide mechanisms to locate and return those dispersed or missing. Release and repatriation after active hostilities end are, therefore, both a humanitarian obligation and a legal requirement.

In addition, Articles 109–117 of GCIII lay down special provisions for release and repatriation, or neutral-country accommodation, of seriously wounded and seriously sick POWs during

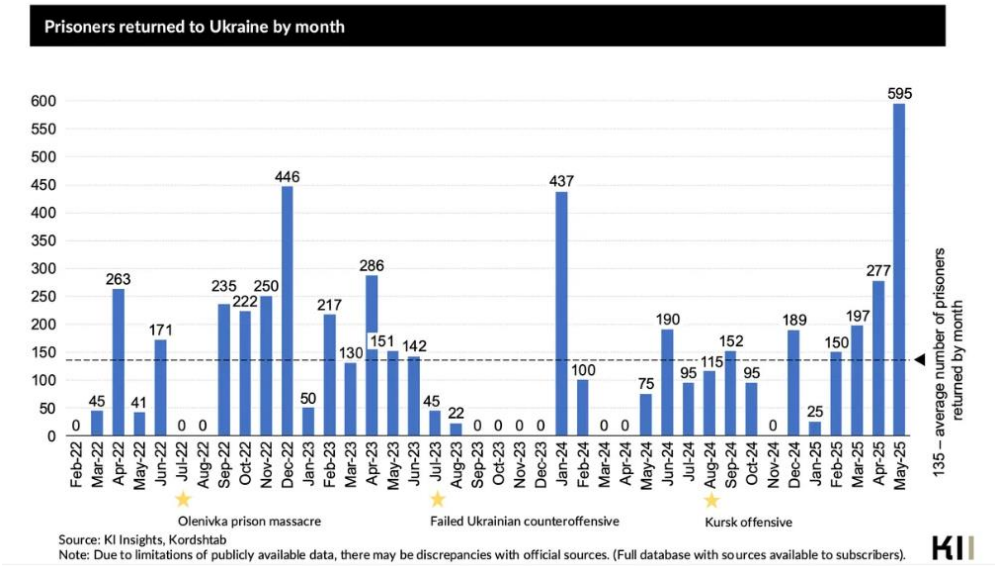
[207] Создание Национального справочного бюро по делам военнопленных и другие шаги для выполнения международных обязательств России, *За права человека,* 31. 3. 2022 <https://www.zaprava.ru/sozdanie-nacionalnogo-spravochnogo-byuro-po-delam-voennoplennyx-i-drugie-shagi-dlya-vypolneniya-mezhdunarodnyx-obyazatelstv-rossii/>.

active hostilities. Such POWs must be repatriated as soon as they are fit to travel, but never against their will, with priority given to those whose recovery is unlikely or whose capacity is permanently diminished. Other categories of POWs may be transferred to a neutral State if such relocation would improve their chances of recovery or remove serious health risks stemming from continued captivity. These repatriations and transfers apply even if a POW is under disciplinary sanction, and may in some cases occur before the conclusion of judicial proceedings if the Detaining Power agrees. GCIII also covers POWs injured in accidents, with the exception of self-inflicted injury (Article 114). Repatriated POWs are not allowed to rejoin active military service (Article 117). The prohibition *"applies to the whole duration of the armed conflict in which the repatriated persons were captured and subsequently released"*.[208]
The decisions on the treatment, repatriation or continued detention of sick and wounded POWs shall be taken by Mixed Medical Commissions that Parties to the conflict have the obligation to appoint upon the outbreak of hostilities (Article 112). Annex II to GCIII contains regulations on such commissions. These Regulations define the commissions as permanent bodies, which are composed of three members – two from neutral countries appointed by the ICRC and approved by Parties to the conflict (ideally a surgeon and a physician) and one appointed by the Detaining Power. The commissions shall examine all wounded and sick POWs and propose, by a majority vote, their repatriation, rejection, or reference to a later examination. The decision shall be communicated to the Detaining Power, the ICRC and the prisoner concerned. The Detaining Power shall implement the decision within three months. POWs who are clearly gravely ill or injured may be repatriated without the commission's review.
The conditions and procedures for the return of POWs under GCIII are meant to make the process workable in real-life wartime situations. They require all States involved to cooperate on practical details such as transport routes, cost-sharing, and keeping prisoners informed. The principle of humane treatment is the guiding principle throughout the whole process (Article 13). Upon release and repatriation, POWs are entitled to the return of their personal property, valuables, and unconverted currency (Article 119). Although the latter provision applies to release and repatriation after the end of hostilities, it shall be *mutatis mutandis* used with respect to POWs released in other circumstances. Together, all the relevant provisions of GCIII ensure that the process of release and repatriation shall be timely, orderly and respectful of the health, dignity, and rights of all POWs.

B. Release and Repatriation of Ukrainian POWs

Since the outbreak of the Russia's full-scale aggression against Ukraine in February 2022, there have been several rounds of POW exchanges between Ukraine and the Russian Federation, with the process evolving significantly over time. Initially, POW exchanges involved relatively small groups, averaging 50 POWs per exchange in 2022.[209] Since then, the scale and frequency of the exchanges have increased (Table 1).[210] By May 2025, the number of POWs exchanged per round had risen to 200, on average, with a rather robust institutional framework established on the Ukrainian side to manage these exchanges, especially through the Coordination Headquarters for the Treatment of Prisoners of War. On the Russian side, POW exchanges are mostly handled by the Ministry of Defence, with the involvement of the Federal Security Service (FSB), the Federal Penitentiary Service, and the Commissioner for Human Rights, although no specific information is publicly available. Sometimes, third States act as moderators (typically Türkiye). These developments reflect a shift from spontaneous early-stage exchanges to more co-ordinated, regular processes taking place despite ongoing hostilities.

[208] ICRC Commentary GCIII, para 4425.
[209] Mykolaj Suchy, Chaos to coordination: The evolution of POW swaps in the Russia-Ukraine war, *Kyiv Independent*, 23 May 2025.
[210] *Ibidem.*



The largest POW exchange to date was conducted in late May 2025, where Ukraine and Russia exchanged 1,000 individuals each.[211] This exchange was part of agreements reached during peace talks held in Istanbul. It included categories such as seriously wounded and sick POWs and those aged 18 to 25, under an "all-for-all" exchange formula agreed upon during talks in early June 2025. The exchange concerned not only POWs but also civilians, without a clear distinction as to the status. This lack of clear distinction between POWs and detained civilians is problematic, because the two categories are subject to different legal regimes and blurring the lines between them risks undermining the specific safeguards that each regime guarantees (see Section II). In addition to POWs and detained civilians, the agreements also covered the repatriation of the remains of thousands of soldiers killed in combat, with both sides returning bodies under arranged protocols.[212] Although not explicitly envisaged in GCIII, such exchanges are fully consistent with its humanitarian spirit and are not precluded by its rules.

Despite the clear obligation for Detaining Powers to repatriate seriously sick and wounded POWs, such repatriations remained relatively rare in the first years of the conflict. Testimony from a former Russian soldier, interviewed by Amnesty International, indicates that only "presentable" POWs, i.e., those without visible injuries, were exchanged, while those seriously wounded were often denied both repatriation and adequate medical care.[213] Some of the bodies of POWs repatriated to Ukraine bore signs of serious wounds or illness, suggesting that these individuals may have died from such conditions.[214] Under such circumstances, they would have been strong candidates for release and repatriation, yet, in some cases, their captivity was not even reported to Ukraine. This points to a potential violation of Article 109 of GCIII, since such selective exchanges undermine the guarantees of enhanced protection provided for the most vulnerable POWs and invert the priority IHL gives to the seriously sick or wounded.

The situation appears to have improved somewhat in 2025. Notably, Ukraine has secured a dedicated mechanism for the repatriation of seriously ill and injured POWs.[215] On 2 June 2025

[211] Thomas D'Istria, In Ukraine, behind the prisoner exchanges, the anguish of families of the missing, *Le Monde,* 27 May 2025.

[212] Yuliia Dysa, Olena Harmash, Ukraine says repatriation of war dead over after 1,245 more bodies received from Russia, *Reuters,* 16 June 2025.

[213] Amnesty International Report 2025, p. 19.

[214] Hanna Arhirova, Vasilisa Stepanenko, Illia Novikov, Over 200 Ukrainian soldiers have died in Russian prisons. Autopsies reveal rampant abuse, *Associated Press,* 2024 <https://apnews.com/projects/russia-ukraine-pows-torture/?_hsenc=p2ANqtz-9HMs2w0hyh2MOkZzs5MhvZ0MTRMCyaIq88cchptAkX-Nv-_laiIQ8JaruDS9oGZlp2xXFe>.

[215] Valentyna Romanenko, Ukraine secures separate format for return of seriously ill and injured POWs, *Ukrainska Pravda,* 15 January 2025 <https://www.pravda.com.ua/eng/news/2025/01/15/7493724/>.

in Istanbul, Ukraine and the Russian Federation agreed on a new framework for POW exchanges, prioritizing specific categories. These included all severely wounded and sick POWs, as well as young soldiers aged 18 to 25. Under this framework, between 9 and 23 June 2025, at least nine exchanges of POWs occurred involving those with severe illnesses or injuries.[216] Most of the released military personnel had spent over three years in captivity, with a substantial number captured during the defence of Mariupol.

Article 112 of GCIII requires the establishment of mixed medical commissions to examine seriously sick and wounded POWs and determine their eligibility for repatriation or internment in neutral countries. Ukraine set up such medical commissions in the summer of 2023.[217] The commissions have three members, all medical experts. All these members appear to have been appointed by Ukraine, without the involvement of the ICRC or any other neutral authority, which does not fully comply with the Regulations annexed to GCIII. The commissions issue recommendations on the repatriation of Russian POWs, their exclusion from eligibility, or the postponement of a decision pending further review. By contrast, there is no evidence that the Russian Federation has established similar mixed medical commissions as well.[218] The failure to set up such bodies would amount to a violation of Article 122 of GCIII.

The Mission recalls that the establishment of mixed medical commissions serves as a key procedural safeguard to ensure that seriously sick or wounded POWs are promptly identified and repatriated, independent of political considerations or reciprocal exchange arrangements. Beyond facilitating release and repatriation decisions, the involvement of neutral medical professionals in these commissions can help ensure that all POWs receive adequate medical care while in captivity. In the absence of such commissions on the part of the Russian Federation, the safeguard is effectively disabled for one side of the conflict, leaving seriously sick or wounded Ukrainian POWs vulnerable to prolonged detention and inadequate medical care, in contravention of GCIII.

The treatment of Ukrainian POWs during release and repatriation exhibits serious deficiencies. In its 2023 report, the OHCHR documented multiple cases of mistreatment of Ukrainian POWs during their release and repatriation.[219] For example, during the 21 September 2022 POW exchange, Ukrainian POWs were transported in overcrowded cargo trucks with their hands tied and eyes tightly covered with duct tape, causing injuries from the restraints.[220] The cramped conditions and denial of basic needs led to fainting and suffering, with POWs reportedly beaten or tasered when requesting water or aid. The use of ammonia inside one truck caused severe respiratory distress. The transfer lasted nearly two days without food, water, or toilet access. Women POWs were only allowed to relieve themselves in the presence of male guards. Another OHCHR-documented case involved three male POWs forced to wear wet clothes for about 12 hours in winter after guards deliberately washed their clothes before transfer. [221]

ODIHR also reports that during the exchange process itself, POWs were subjected to violence and denied access to toilets, food, and water during long journeys.[222] Moreover, prior to their release, and in some cases during transfers between facilities, some POWs were forced to declare that they had no complaints about their treatment and had not been subjected to physical or psychological pressure while on the territory of the Russian Federation. Interviews conducted

[216] Dmitro Levchenko, A Group of Seriously Ill Prisoners of War Returned to Ukraine After Exchange with the Russian Federation, *Kyiv 24*, 19 June 2025 <https://kyiv24.com/en/group-seriously-ill-prisoners-war/>.

[217] Омбудсман: Змішані медичні комісії – додатковий інструмент, який може допомогти у звільненні українських полонених, *Ombudsman of Ukraine*, 22 August2023. See also Tetiana Herasimova, Ukraine forms mixed medical commissions for return of POWs, *Ukrainian News*, 24 November 2023.

[218] Anna Murashko, Russia has not yet created a mixed medical commission to visit prisoners of war, *Ukrainian National News (UNN)*, 4 November 2024.

[219] OHCHR Report 2023, paras 86-87.

[220] OHCHR Report 2023, par 86.

[221] OHCHR Report 2023, para 87.

[222] ODIHR 6th Interim Report, para 88.

by the Mission confirm that these abuses were not isolated. A former Ukrainian POW recounted how, after being told he was going to be exchanged, he and others were transported in overcrowded trucks with hands tied and eyes covered, denied access to toilets, and beaten upon arrival.[223] Some incidents also reflect a broader lack of precaution in the handling of POWs. A particularly egregious example is the crash of a Russian Armed Forces IL-76 military transport aircraft in the Belgorod region, which, according to Russian authorities, was carrying 65 Ukrainian POWs. The use of a military aircraft, which was a legitimate military target for the Armed Forces of Ukraine, directly endangered the lives of the POWs on board.[224]

All these instances of mistreatment breach the safeguards set out in Articles 106–119 of GCIII, which require that POW transfers for release or repatriation be conducted under humane conditions, with respect for dignity, health, and safety. Some of them may amount to grave breaches of GCIII and, as such, qualify as war crimes.

Under Article 117 of GCIII, repatriated POWs are legally prohibited from being employed in active military service for the duration of the armed conflict in which they were captured. The term "active military service" is *"not so broad as to include functions that indirectly contribute to the general war effort"*.[225] Repatriated individuals may not be called upon to serve in units forming part of the armed forces, but they are free to enrol in medical, religious, or unarmed auxiliary roles.[226] The Mission recalls that the obligation is addressed to the Parties to the conflict, not to individual POWs. Thus, a violation of the rule does not deprive such individuals, if recaptured, of their POW status or treatment, nor can they be criminally prosecuted for this violation. They also remain eligible for (another) release and repatriation.[227]

Testimonies from former Ukrainian POWs suggest that, upon repatriation, individuals are given the freedom to decide whether to return to military service.[228] During the meetings in Kyiv, the Mission was informed that new legislation had been adopted to allow former POWs to leave the army. It was also confirmed to the Mission that while there is a procedure to leave the military, individuals may remain and decide whether to return to the battlefield. A large number of released POWS suffer from long-term physical or psychological disabilities that, in any case, would prevent them from returning to active service. In practice, the majority of former POWs who continue their careers in the armed forces purportedly perform duties behind the front lines. There may be cases, however, where released POWs choose to return to active service.

Under Article 111 of GCIII, POWs transferred to a third, neutral country, shall be interned there *"until the close of hostilities".* The Mission notes that five Azovstal commanders captured at Mariupol, who had been transferred to Türkiye in 2022, under an exchange agreement, were repatriated to Ukraine in July 2023.[229] No further information on the content of the agreement or the context of repatriation is available. The Mission recalls that repatriation of POWs transferred to neutral countries does not necessarily constitute a violation of IHL. GCIII requires the release and repatriation of POWs in cases of serious illness or wounds and permits repatriation in situations of prolonged detention (Article 109). The Mission also recalls that the obligation under Article 111 of GCIII is again that of the Parties to the conflict, not of individual POWs and its alleged violation therefore cannot have any negative legal consequences on their status or treatment.[230]

[223] Testimony 11 (on file with the Mission).
[224] Mike Eckel, Why Did The Russian Il-76 Crash? What We Know, And Don't Know, About A Major Aviation Disaster, *RFE/RL*, 25 January 2024.
[225] ICRC Commentary GCIII, para 4423.
[226] ICRC Commentary GCIII, para 4423.
[227] ICRC Commentary GCIII, para 4427-4430.
[228] Nikita Oshuev, What's next for Ukrainians returning from Russian prisons?, *Deutsche Welle*, 20 June 2025.
[229] Nick Pehlman, Over Half of Azovstal Defenders Home in Ukraine, *Kyiv Post*, 29 May 2025.
[230] See also Emily Crawford, Release, Repatriation, and Parole of POWs: Lessons from Recent Practice in the Ukraine-Russia, *Articles of War*, 20 July 2023.

X. OLENIVKA PENAL COLONY

The Olenivka penal colony (Volnovakha Correctional Colony No. 120) is a detention facility located in the Donetsk region, which has been outside the control of Ukraine since 2014. The facility consists of ten barracks across five two-story buildings and a disciplinary isolation ward (DIZO). It has a capacity of several thousand detainees. It has been used to house a mix of Ukrainian POWs, civilian detainees, and individuals transferred from other detention centers. Between April and May 2022, two large groups of Ukrainian POWs from Mariupol were transferred to Olenivka penal colony. The first group endured overcrowded transport and violent "welcome beatings" by Russian-affiliated guards, while the second group, mostly under the Russian Federal Penitentiary Service (FSIN) supervision, reportedly did not face ill-treatment upon arrival.[231]

Over the years, Olenivka has been the site of multiple violations against Ukrainian POWs and other individuals detained there. In the summer of 2022, a POW died due to lack of treatment for hepatitis, highlighting the inadequate medical care provided within the colony.[232] The OHCHR also received reports that groups of POWs were forced to collect and load dead bodies in Mariupol during May and June 2022,[233] which may potentially qualify as work of *"an unhealthy or dangerous nature"* prohibited under Article 52(1) of GCIII. Seven POWs reported that a serviceperson from the Azov Regiment of the National Guard Unit 3057 was beaten to death by guards from Russian-affiliated armed groups while held in the disciplinary isolation ward.[234] POWs held in the colony suffered from poor quality food and drinking water, unsanitary conditions, irregular food distribution, a lack of beds, and inadequate medical services, including limited access to medication for infectious diseases.[235] These conditions led to significant weight loss and deteriorating health among the detainees.

Violence and abuse were pervasive within the colony. FSIN guards, particularly during monthly shift changes, frequently insulted and beat POWs, forcing them to perform physical exercises and remain in stress positions. Some detainees were also beaten before or during interrogations conducted by the FSB and the Investigative Committee of the Russian Federation. Penitentiary guards from Russian-affiliated armed groups subjected male POWs to severe physical abuse, including beatings, electrocution, strangulation, sexual violence, and torture by fire. Women POWs were confined in the DIZO, which was also used as a temporary holding facility for men accused of disciplinary offences. These patterns of abuse and neglect illustrate systematic violations of IHL at the Olenivka penal colony.

One of the most serious incidents involving POWs occurred at the Olenivka detention facility in July 2022, when an explosion took place. Olenivka at that time housed hundreds of Ukrainian POWs, including many from the Azovstal garrison in Mariupol. On the night of 28–29 July 2022, two explosions destroyed "Barracks 200", killing 53 POWs and injuring over 100 more, most of them from the Azov Regiment. The explosion occurred in a densely packed barracks where POWs were crowded with little space to move, which contributed to the high casualty rate and made evacuation impossible for many injured. Following the explosion, POWs who were injured received no adequate medical assistance from their captors.

The Russian Federation accused Ukraine of launching a HIMARS strike.[236] However, the Russian Investigative Committee stopped reporting on the case shortly after the incident, suggesting difficulties in reconciling the available evidence with the claim of a HIMARS attack. The Russian Federation displayed HIMARS fragments to journalists, but witnesses confirmed

[231] OHCHR Report 2023, para 67.
[232] OHCHR Report 2023, para 51.
[233] OHCHR Report 2023, para 54.
[234] OHCHR Report 2023, para 63.
[235] OHCHR Report 2023, para 68.
[236] Александр Григорьев, Появились доказательства того, что удар по СИЗО в Еленовке был нанесен из РСЗО HIMARS, *Военное обозрение*, 29 июля 2022.

these had been planted.[237] Although the UN Secretary-General created a Fact-Finding Mission on 3 August 2022, it disbanded it in January 2023 without meaningful progress, citing security concerns and *"the absence of conditions required for the deployment of the Mission to the site"*.[238] To date, the Russian Federation has refused to permit impartial investigations by the UN or other independent international bodies.

The OHCHR internal investigation later concluded that the projectiles were most likely fired by Russian forces, though it could not confirm this with certainty, due to lack of access to the site.[239] Ukraine's own investigation has also struggled, hindered by restricted access to the site and reliance on survivor testimony. The evidence collected so far by international and Ukrainian bodies suggests that the blasts were most likely caused by thermobaric artillery shells (gun-howitzer-mortar fired thermobaric high-explosive fragmentation projectiles), as their effects matched survivor descriptions of intense heat and fire inside the barracks.[240] The attack sequence involved two adjustment shots followed by two almost simultaneous direct hits on the building, consistent with deliberate targeting.

The OHCHR documented that the 193 POWs were transferred on 27 July to a barrack refurbished from an industrial shed that stood separately from the other barracks in the colony.[241] 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, measures not implemented for the other barracks. On 28 July, the guards of the barrack wore bullet-proof vests and helmets, unlike other colony personnel who rarely did so. POWs in different barracks reported that a Grad rocket system had been positioned near their barracks and the colony's fence shortly before the incident, firing in a westerly direction away from the colony and masking the sound of the explosions that killed and injured the POWs. A Ukrainian civilian detainee acting as a liaison for the administration instructed POWs clearing debris and removing bodies on 29 July to remain silent about what they had witnessed.

Survivors described the aftermath of the attack as chaotic and terrifying, with intense heat, smoke, and debris making movement nearly impossible.[242] Many POWs were trapped under rubble or suffering severe burns and respiratory injuries caused by the thermobaric explosions. Despite the severity of injuries, colony personnel did not provide medical assistance, leaving the POWs to improvize first aid for one another using makeshift supplies. The OHCHR concluded 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"*.[243] It noted that 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.[244] As a consequence, multiple injured POWs died on the ground near the entrance to the colony, reportedly due to massive blood loss.

The POWs who survived the initial attack were transported in overcrowded trucks to hospitals in Donetsk, enduring a five- to seven-hour journey over rough roads that aggravated their injuries. POWs with minor injuries were placed in a disciplinary isolation ward for a month,

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[237] Barracks 200 Who Killed Ukrainian Pows in Olenivka And How, *Centre for Human Rights in Armed Conflict (CHRAC)*, 26 June 2025 <https://www.chr-ac.org/investigations/>.

[238] Daily Press Briefing by the Office of the Spokesperson for the Secretary-General, *United Nations*, 5 January 2023 <https://press.un.org/en/2023/db230105.doc.htm>.

[239] See Olenivka: two years since the deadly strike that killed dozens of Ukrainian POWs, a continued call for accountability, *OHCHR*, 26 July 2024 <https://ukraine.ohchr.org/en/Olenivka-two-years-since-the-deadly-strike?utm_source=chatgpt.com>; and Susie Blann and Hanna Arhirova, 2 years after Ukrainian POW deaths, survivors and leaked UN analysis point to Russia as the culprit, *Associated Press*, 25 July 2024.

[240] Barracks 200 Who Killed Ukrainian Pows in Olenivka And How, *Centre for Human Rights in Armed Conflict (CHRAC)*, 26 June 2025 <https://www.chr-ac.org/investigations/>.

[241] OHCHR Report 2023, paras 72-76.

[242] OHCHR Report 2023, para 76.

[243] OHCHR Report 2023, para 76.

[244] OHCHR Report 2025, para 51.

effectively cutting them off from all contact with other detainees. The combination of trauma from the attack, delayed medical care, and enforced isolation had lasting physical and psychological effects on the survivors, highlighting both the immediate and ongoing consequences of the incident. The failure to provide timely medical assistance, coupled with the delayed evacuation under difficult conditions, contributed to a higher death toll and reflected a systemic disregard for the survival of POWs, in clear violation of IHL.

XI. ACCOUNTABILITY FOR VIOLATIONS OF IHL AND IHRL, AND POTENTIAL WAR CRIMES AND CRIMES AGAINST HUMANITY

In the previous sections the Mission has established many instances of violations of IHL and IHRL resulting from the treatment of Ukrainian POWs by the Russian Federation. It has also found credible evidence to argue that some of these violations could, if the individuals responsible are identified, amount to war crimes and, possibly, crimes against humanity. In line with the Mission's task *"to offer recommendations on relevant accountability mechanisms"*, the report examines what existing mechanisms for ensuring accountability are in place, and how they can be applied to address violations of international law arising from the treatment of Ukrainian POWs by the Russian Federation. This section is structured along three lines, focusing on the responsibility of the Russian Federation as a State, the individual criminal responsibility of perpetrators, and the right of victims to remedies and reparation.

A. RESPONSIBILITY OF THE RUSSIAN FEDERATION

By virtue of Common Article 1 of the four Geneva Conventions of 1949, all States have the obligation *"to respect and to ensure respect for the present Convention in all circumstances"*. The obligation to *respect* entails the obligation for the State to do everything that can realistically be done in the given circumstances to ensure that the rules of IHL are respected by its armed forces and its other organs, as well as by other persons or groups acting on its instructions, or under its direction or control. The obligation to *ensure* respect means the obligation of States, including those not Parties to the conflict, to take all possible measures, given the circumstances, to ensure that the rules of IHL are respected in the conflict. The obligation to respect and to ensure respect is considered a rule of customary international law.[245]

Similarly, States have the duty to respect the obligations stemming from IHRL. Article 2 of the ICCPR obligates State Parties to respect and ensure the rights recognized by the Covenant for all individuals within their territory and jurisdiction. This obligation requires States both to refrain from actions that violate the rights guaranteed by the ICCPR and to take positive measures to protect those rights. Specifically, Article 2 mandates that States adopt legislative, judicial, administrative, and other measures necessary to fully implement the rights enshrined in the Covenant. This includes ensuring that all branches and levels of government comply with the ICCPR's provisions without discrimination, providing effective remedies when violations occur, and preventing violations by both State and non-State actors. The obligation is immediate and continuous, requiring States to act in good faith and in accordance with their international commitments, regardless of their domestic legal frameworks.

States are responsible for acts committed by their organs even if the organs exceed their authority or contravene instructions when carrying out such acts (acts *ultra vires*).[246] States are also responsible for acts carried out by a person or group of persons who are *"in fact acting on the instructions of, or under the direction or control of, that State in carrying out the*

[245] Rules 139 and 144 of the ICRC Study on Customary IHL.

[246] Draft articles on Responsibility of States for internationally wrongful acts, in UN Doc. A/56/10, *Report of the International Law Commission on the work of its Fifty-third session, Official Records of the General Assembly,* Fifty-sixth session, Supplement No. 10, November 2001, pp. 43-59, article 7.

conduct".[247] This principle is directly relevant to the responsibility of the Russian Federation for violations of IHL and IHRL in relation to Ukrainian POWs. The Russian Federation bears responsibility for the actions of its armed forces, other State organs such as the FSB and FSIN, as well as groups operating under its effective control, including the so-called Donetsk and Luhansk People's Republics. This responsibility extends both to acts carried out in the execution of official commands or orders and to those committed on the personal initiative of soldiers, commanders or other officials.

The Mission has established that the Russian Federation is responsible for numerous violations of IHL and IHRL, stemming from the shortcomings in the treatment of Ukrainian POWs. As such, the Russian Federation has the following obligations:[248]

a) The obligation to continue to respect all relevant rules of IHL and IHRL applicable in relation to Ukrainian POWs held by the Russian Federation;

b) The obligation to immediately cease all violations against Ukrainian POWs and to provide assurances and guarantees of non-repetition of such violations; and

c) The obligation to provide reparation involving *inter alia*, restitution, financial compensation and adequate satisfaction (acknowledgment, apology, criminal prosecution of individuals responsible for the violations of IHL, etc.).

Several international judicial or quasi-judicial bodies could possibly address the responsibility of the Russian Federation for the mistreatment of Ukrainian POWs. One such body is the International Court of Justice (ICJ), the principal judicial organ of the United Nations, which has competence to consider and decide legal disputes submitted to it by States. In 2024, the ICJ ruled in a case between Ukraine and the Russian Federation. That decision, however, did not concern or mention POWs.[249] Similarly, POWs are not the subject of another, still pending case between Ukraine and the Russian Federation, which is related to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.[250]

Complaints concerning mistreatment of Ukrainian POWs by the Russian Federation can also be filed, by Ukraine or by individuals, in international human rights bodies. Such bodies have also already confirmed that the Russian Federation has jurisdiction in relation to violations of IHRL that have taken place in the temporarily occupied territories of Ukraine.[251] The UN human rights organs have not had decided any case related to Ukrainian POWs, but such cases may possibly be forthcoming, since the Russian Federation has recognized the competence of treaty bodies to consider individual complaints under the ICCPR and the CAT.

Conversely, the Russian Federation has not ratified the Optional Protocol to the Convention Against Torture (OPCAT), which establishes a system of regular independent inspections of places of detention which help prevent torture and ill-treatment. As a non-State party, the Russian Federation is not subjected to such inspections, and it does not have a designated National Preventive Mechanism. Accession to the OPCAT would strengthen safeguards for detainees, increase transparency, and demonstrate a commitment to upholding IHRL standards.

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[247] *Ibidem*, Article 8.

[248] GCI-IV, Article 1; Rule 139 of the ICRC Study on Customary IHL.

[249] ICJ, *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Judgment, 31 January 2024.

[250] ICJ, *Allegations of Genocide Under the Convention on the Prevention And Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Application, 26 February 2022.

[251] See UN Doc. CCPR/C/RUS/CO/8, *Concluding observations of the eighth periodic report of the Russian Federation*, 1 December 2022, paras 6-7; UN Doc. CAT/C/RUS/CO/6, *Concluding observations on the sixth periodic report of the Russian Federation*, 28 August 2018, para 48; ECtHR, *Ukraine v. Russia (re Crimea)*, Applications nos. 20958/14 and 38334/18, Judgment, 25 June 2024, paras 864 and 873; *Ukraine and the Netherlands v. Russia*, Applications nos. 8019/16, 43800/14, 28525/20 and 11055/22, Judgment (GC), 9 July 2025, paras 336-338.

Taking this step would be particularly crucial given the Russian Federation's recent decision to withdraw from the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which has up to now provided a framework for monitoring detention conditions in the Russian Federation.[252] By acceding to the OPCAT, Russia would reassert its commitment to preventing torture and ill-treatment.

The ECtHR, which is competent to deal with cases brought against the Russian Federation for facts occurring until 16 September 2022, had 9,264 individual and 2 interstate complaints pending as of February 2025 concerning the armed conflict between Russia and Ukraine.[253] Out of those, three relate to the treatment of Ukrainian POWs. Two – one submitted by Ukraine and one by a group of individuals – concern the naval incident that occurred on 25 November 2018 in the Kerch Strait and which led to the capture of three Ukrainian naval vessels and their crews.[254] The third application, directed against both the Russian Federation and Ukraine, has been submitted by servicemen of the National Guard of Ukraine, who were captured by Russian forces at the Chornobyl Nuclear Power Plant and detained in the premises of the power plant for several weeks.[255]All these applications are still pending.

The Mission recalls that for individuals wishing to file complaints for events after 16 September 2022, remedy through the ECtHR is no longer available. In addition, following its expulsion from the Council of Europe, the Russian Federation's engagement with the ECtHR has been difficult and obstructive. Russia has also ceased cooperation with the Committee of Ministers, which oversees execution of the Court's judgments, among other things.[256] This makes securing just satisfaction and compliance with the interim, individual and general measures ordered by the Court extremely difficult.

B. Individual Criminal Responsibility

IHL requires States to enact legislation to punish such grave breaches of the Geneva Convention and other serious violations of IHL that amount to war crimes, to search for persons who allegedly committed such crimes, and to bring such persons before their own courts or to extradite them to another State for prosecution.[257]

Under national law of Ukraine, violations of the laws and customs of war are criminalised under Article 438 of the Criminal Code of Ukraine (CCU). The provision explicitly criminalises cruel treatment of POWs. It also criminalises *"any other violations of rules of the warfare stipulated by international treaties, ratified by the Verkhovna Rada of Ukraine",* which encapsulates torture, inhuman treatment, wilfully causing great suffering or serious injury or wilfully depriving a POW of the right to a fair trial. The Mission welcomes the amendments to the CCU which have taken place in recent years, largely in connection with the ratification of the Rome Statute of the ICC. One of the most important of these amendments was adopted on 9 October

[252] UN experts warn of grave risks to detainees as Russia moves to withdraw from European torture-prevention mechanism, *UN Press Release*, 3 September 2025 <https://www.ohchr.org/en/press-releases/2025/09/un-experts-warn-grave-risks-detainees-russia-moves-withdraw-european-torture>.

[253] European Court of Human Rights, Press release - Update on applications concerning the conflicts and war in Ukraine, *ECHR 047 (2025)*, 17 February 2025, <https://www.echr.coe.int/w/applications-concerning-the-conflicts-and-war-in-ukraine>.

[254] ECtHR, *Ukraine v. Russia (VIII)*, Application no. 55855/18; and *Artemenko and Others against Russia*, Applications nos 26812/20, 27234/20 and 19433/21.

[255] ECtHR, *Otroshchenko and Others against Russia and Ukraine*, Applications nos 38334/22, 38644/22, 41153/22, 41321/22, 42817/22, 42820/22, 42825/22, 42828/22, 42832/22, 42833/22, 42870/22, 7229/23 and 20519/23.

[256] Council of Europe Committee of Ministers, Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights 2024: 18th Annual Report of the Committee of Ministers', 2024, 165, <https://rm.coe.int/gbr-2001-18e-rapport-annuel-2024/1680b4d77d>.

[257] Article 49 of GCI, Article 50 of GCII, Article 129 of GCIII, Article 146 of GCIV and Article 86 of API.

2024.[258] This amendment introduced the category of crimes against humanity into the CCU (Article 442-1) and extended command responsibility beyond members of the Ukrainian armed forces (Article 31).[1] This means that Ukrainian courts can now hold Russian military commanders responsible for omissions in preventing and sanctioning their subordinates for violations against Ukrainian POWs.

The Prosecutor General's Office of Ukraine has registered 185,792 crimes related to Russia's aggression, of which 180,487 have been registered as war crimes.[259] They have identified 660 persons as suspects and 126 persons are serving sentences.[260] The Mission regrets that Ukraine has not yet introduced an exhaustive and extensive "catalogue" of war crimes; instead, the Law of 9 October 2024 preserves the semi-blanket nature of Article 438 of the Criminal Code. Further amendments to the legislation would greatly facilitate the application of the complementarity principle between the ICC and Ukraine.

National courts of other countries than Ukraine may also adjudicate war crimes and crimes against humanity, in general, and mistreatment of Ukrainian POWs by the Russian Federation, in particular, based on universal jurisdiction. The Mission notes that, following Russia's full-scale invasion of Ukraine, several European states (e.g., Estonia, Germany, Latvia, Lithuania, Poland and Spain) have started criminal inquiries or preliminary investigations concerning the situation, and take their obligations under the principle of universal jurisdiction seriously. Universal jurisdiction provided the basis for the trial and subsequent conviction 14 March 2025 of a Russian soldier in Helsinki District Court. The soldier belonged to the volunteer para-military group named Rusich. The conviction for war crimes included the killing of a wounded Ukrainian solder and carving the (Nazi) symbol of the Russian unit on the face of a wounded Ukrainian soldier. The judgement also describes how the defendant in an interview explained that the group offered no quarter, i.e., did not take any prisoners alive.[261]

The Mission welcomes that Ukraine deposited its instrument of ratification of the ICC Rome Statute on 25 October 2024 and is now a State Party to the Statute. The Mission also welcomes that the Office of the Prosecution (OTP) of the ICC is investigating the situation in Ukraine on the basis of 41 State referrals received. The OTP's investigation includes allegations of war crimes and crimes against humanity committed on the territory of Ukraine. In light of the extensive documentation of violations against POWs, including credible reports of summary executions, torture and other forms of abuse prohibited under international law, the Mission would encourage the OTP to pursue investigations into these violations, with the aim of securing arrest warrants, prosecutions and convictions, if the evidence is sufficient.

C. Remedies and Reparation for Victims

Accountability is not limited to the prosecution of perpetrators.[262] It also entails the right of victims to have access to remedies and to receive reparation for any harm caused to them by the responsible State and/or individual perpetrators. Access to remedies includes such rights as the right to truth, the right to an effective investigation or the right to participate in proceedings. Reparations can take many forms, such as compensation, rehabilitation, restitution of rights or property, guarantees of non-repetition, and even symbolic measures such as public apologies or memorials. Importantly, current international law recognizes the dignity and agency of

[258] Закон України № 4012-IX від 09.10.2024 Про внесення змін до Кримінального та Кримінального процесуального кодексів України у зв'язку з ратифікацією Римського статуту Міжнародного кримінального суду та поправок до нього.
[259] As of 5 September 2025, Website of the Prosecutor General's Office of Ukraine <www.gp.gov.ua/>.
[260] Генпрокурор розповів, скільки випадків воєнних злочинів зареєстрували в Україні,, *Hromadske*, 27 August 2024 <hromadske.ua/viyna/230217-henprokuror-rozpoviv-skilky-vypadkiv-voyennykh-zlochyniv-zareyestruvaly-v-ukrayini>.
[261] Helsinki District Court, Case No R 706/2025/11203, Judgment 14 March 2025.
[262] Carlos Fernández de Casadevante Romani, *International Law of Victims*, Springer, 2012.

victims, affirming that justice is not complete unless those harmed are acknowledged and provided with meaningful support and redress.

The 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,[263] adopted – without a formal vote – by the UN General Assembly in 2005, specify that *"the obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to: (a) Take appropriate legislative and administrative and other appropriate measures to prevent violations; (b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law; (c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and (d) Provide effective remedies to victims, including reparation, as described below"*.[264]

The right to access to effective remedy for violations of human rights is enshrined in Article 8 of the UDHR, Article 2(3) of the ICCPR, Article 13 of the ECHR and Article 19 of the CHRFF. That *"a State responsible for violations of international humanitarian law is required to make full reparation for the loss or injury caused"*[265] is also considered a customary rule under IHL. The two bodies of law partly differ in that, whereas IHRL establishes the individual right to compensation, IHL traditionally focuses on reparation provided at the inter-state level. In recent decades, however, the individual right to reparation has started to be discussed under IHL as well, as is reflected in the Basic Principles cited above.

In principle, claims for reparations should be handled by national or international courts or dedicated reparation commissions. Ukrainian POWs have the hypothetical option of seeking compensation through Russian courts, but this possibility remains purely theoretical, given the political and legal realities. Other avenues include international bodies, such as:

a) The ICC: The ICC maintains a Trust Fund for Victims (Article 79 of the Rome Statute), which, however, has a limited reach in terms of reparations for large-scale damages. Moreover, the activities of the ICC in regard of the situation in Ukraine have, so far, been limited to the issuance of six arrest warrants, which remain unexecuted. Consequently, the proceedings are still at an early stage, and none concern Ukrainian POWs specifically.
b) The ECtHR: The ECtHR can decide on the reparations for victims as part of judicial proceedings (just satisfaction, individual or general measures). The Russian Federation was party to the ECHR in 1998-2022 but, following its exclusion from the Council of Europe,[266] it ceased to be bound by the ECHR on 16 September 2022. The ECtHR remains competent to consider and decide upon applications directed against the Russian Federation that relate to alleged violations of the ECHR having occurred before 16 September 2022 (Article 58(2) of the ECHR), but the Russian Federation is unwilling to execute judgments. No cases related to the Ukrainian POWs have been decided by the ECtHR so far.
c) The UN Human Rights Committee (HRC): The HRC can adjudicate individual cases, but its views are non-binding and the body does not decide on individual reparation.

[263] UN Doc. A/RES/60/147, *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,* 21 March 2006.
[264] *Ibidem,* para 3 of the Annex.
[265] Rule 150 of the ICRC Study on Customary IHL.
[266] *Resolution CM/Res(2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe,* 16 March 2022.

Recognizing these limitations, the international community decided to establish a dedicated institutional mechanism for Ukraine. This initiative was launched through UN General Assembly resolution 11/5 of 14 November 2022, titled *Furtherance of remedy and reparation for aggression against Ukraine*.[267] The resolution affirms that the Russian Federation must be held accountable for violations of international law, including its aggression against Ukraine, breaches of IHL and IHRL, and that it bears legal responsibility for making full reparation for the resulting injury and damage. It further recommends the creation, in cooperation with Ukraine, of an international register of damage to document evidence and claims concerning harm suffered by individuals, legal entities, and the Ukrainian state.

Building on this, the Committee of Ministers of the Council of Europe adopted, on 12 May 2023, a resolution establishing the Register of Damage,[268] providing it with an administrative structure. The Register

> *shall receive and process information on claims of damage and evidence; categorise, classify and organise such claims, assess and determine the eligibility of claims for inclusion in the Register and record the eligible claims for the purposes of their future examination and adjudication. The Register shall not have any adjudication functions with respect to such claims, including determination of responsibility and allocation of any payments or compensation*.[269]

Claims may be filed by Ukraine as well as by any natural or legal persons. On 16 November 2023, the Conference of Participants of the Register of Damage for Ukraine elected its Board,[270] and the Board held its inaugural meeting on 14 December 2023.[271] The Register is now in full operation.[272]

Although the Register represents a significant step towards accountability, many questions remain about its operation, particularly the challenge of enforcing obligations against an unwilling state. Furthermore, the Register's role is limited – it serves solely as a repository for eligible claims and supporting evidence, without authority to decide on reparations. A broader compensation framework, eventually encompassing a special claims commission[273] and a compensation fund, shall now be set up, to ensure timely and effective reparations for physical, psychological, and material losses of individuals, as well as Ukraine (and potentially third States and their citizens as well). The exact contours of such a framework are currently under discussion, with key stakeholders debating issues such as the scope of eligible claims, the evidentiary standards to be applied, the mechanisms for financing and disbursing funds and the governance of the system.[274] It is highly likely that Ukrainian POWs who have suffered harm will be able to benefit from such a framework, but the details remain to be seen.

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[267] UN Doc. A/RES/ES-11/5, *Furtherance of remedy and reparation for aggression against Ukraine*, 14 November 2022.

[268] CM/Res(2023)3, *Resolution of the Committee of Ministers establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine,* 12 May 2023.

[269] *Ibidem,* Article 1.

[270] Council of Europe, The Conference of Participants of the Register of Damage for Ukraine elects its Board, *Press Release*, 16 November 2023.

[271] Council of Europe, The Board of the Register of Damage for Ukraine holds its inaugural meeting, *Press Release,* 14 December 2023.

[272] See Register of Damage for Ukraine, *Council of Europe* <https://www.rd4u.coe.int/en/>

[273] Formal Negotiations Begin on Treaty to Establish a Claims Commission for Ukraine, *Register of Damage for Ukraine,* 26 March 2025 <https://rd4u.coe.int/en/-/formal-negotiations-begin-on-treaty-to-establish-aclaims-commission-for-ukraine>.

[274] See, for instance, Philippa Webb, Legal options for confiscation of Russian state assets to support the reconstruction of Ukraine, *European Parliamentary Research Service*, February 2024; CAVV, Confiscatie van eigendommen van vreemde staten, *Advies 48,* 20 December 2024.

XII. GENERAL CONCLUSIONS

The Mission was tasked with investigating the treatment of Ukrainian POWs by the Russian Federation, with a focus on establishing the facts and circumstances of potential violations of OSCE commitments, international human rights law, and international humanitarian law, including possible war crimes and crimes against humanity. Its mandate included collecting, consolidating, and analysing information to identify patterns of widespread or systematic torture, ill-treatment, and executions of Ukrainian POWs and soldiers *hors de combat,* whether on the territory of the Russian Federation or in the temporarily occupied territories of Ukraine, and providing recommendations on accountability mechanisms.

The Mission operated against the backdrop of significant challenges in accessing reliable data, due largely to the Russian Federation's lack of transparency and non-cooperation. Ukrainian POWs are held across numerous sites within Russia and the temporarily occupied territories of Ukraine, many of which remain inaccessible, preventing assessment of numbers, locations, and conditions. Despite these constraints, available estimates suggest a substantial scale of captivity; as of 2025, between 6,000 and 10,000 Ukrainian soldiers are believed to remain in Russian custody, with at least 13,500 having been detained since February 2022. Of these, around 169 died in captivity, nearly 6,800 were released through exchanges, and an estimated 6,300 remain in captivity. Ukrainian authorities have identified 222 detention sites, with the majority located in the temporarily occupied territories and the rest spread across 54 Russian regions. More than half of Ukrainian POWs are held in facilities located in the temporarily occupied territories, particularly in the Donetsk and Luhansk regions

Respect for the protection afforded by POW status presupposes that such status is recognised for certain categories of persons who are *hors de combat,* as prescribed by GCIII and API. According to reliable sources, however, it appears that most Ukrainian soldiers are captured and detained without their status under GCIII being recognized. Instead, the Russian Federation qualifies them as persons *"detained for countering the special military operation"*. This qualification is also applied to detained Ukrainian civilians. This creates confusion between different statuses under IHL. It hinders differentiation between POWs and civilian detainees, and it suggests reluctance to fully implement the protection offered by POW status. The denial of POW status deprives detained Ukrainian soldiers *de facto* of protection granted by GCIII and API, and exposes them to the criminal prosecution for mere participation in hostilities.

Beyond this general denial of POW status, Russia has pursued a deliberate policy of stripping POW protection from certain groups of combatants *hors de combat*. The status of some POWs is officially denied in order to initiate criminal proceedings against them, either for mercenary activities in the case of foreign volunteers, or for terrorism in the case of entire battalions considered as terrorist organizations. This last phenomenon has been increasing since 2024. However, it appears that such prosecutions actually relate to lawful acts of warfare and, therefore, violate the rules of international humanitarian law concerning the immunity of combatants. The Mission has also established that there is little evidence suggesting that competent tribunals to determine POW status in case of doubt have been established by the Russian Federation, in violation of Article 5(2) of the GCIII.

The information gathered by the Mission indicates that a high number of arbitrary killings of POWs and soldiers *hors de combat* is attributable to the Russian Federation. Arbitrary deprivation of life occurs on the battlefield as well as in internment camps.

Executions on the battlefield are notoriously difficult to prove, but evidence emerges from eyewitness accounts, forensic examination of bodies, intercepted communications, satellite or drone images, and videos filmed by the combatants involved and then posted online or on social media. These elements show that executions attributable to Russian troops are likely to be rather frequent and numerous. Furthermore, they appear to have been on the increase since 2024. Such acts committed against combatants at the moment they surrender or shortly afterwards are

violations of IHL and constitute war crimes. Moreover, a number of people in positions of authority within the Russian Federation have recently made declarations that no quarter will be given. Such statements are contrary to IHL and constitute war crimes when committed by a person with command responsibility. They encourage summary executions and foster a sense of impunity for such acts in combat zones.

Arbitrary killings also take place during detention. In a high number of reported cases, acts and omissions of camp administrations, armed groups entering the camps, and members of Russian State agencies involved in the interrogation of Ukrainian POWs have resulted in the death of some of these POWs. This is a flagrant violation of GCIII, which could be classified as war crime of wilful killing. Furthermore, the occurrence of such arbitrary killings in numerous camps and repeated use of methods likely to cause death to demonstrate that they are part of a widespread and systematic policy of violence against POWs. Taken together, executions on the battlefield and arbitrary killings in places of detention are part of a climate of violence targeting all persons who oppose the Russian Federation's military presence in Ukraine.

The Mission has received reliable information from multiple sources on widespread and systematic use of torture or ill-treatment against Ukrainian POWs detained by the Russian Federation. These include severe physical beatings; electrocution; excessively intense physical exercise; stress positions; dog attacks; mock executions; threats of physical violence; sexual violence, including rape; threats of rape and castration; threats of coerced sexual acts; threats of violence and/or death; mock executions; and other forms of humiliation. Testimonies of released POWs reveal that 89.4 per cent of the released POWs have experienced some form of ill-treatment, including 63.8 per experiencing physical violence, 55.2 per cent psychological violence, and 42.9 per cent sexual violence. This is widespread across detention facilities and penal colonies across the Russian Federation and the temporarily occupied territories of Ukraine. The Mission concludes that the torture and ill-treatment of Ukrainian POWs is widespread and systematic, and not limited to isolated detention facilities and penal colonies. It suggests that the practice of torture and ill-treatment is directed and sanctioned, or at least tolerated, as a matter of policy from the central authorities of Russia.

The Mission has furthermore established that the conditions in most of the detention places fall short of the international standards prescribed by GCIII and IHRL. Evacuations and transfers are conducted in overcrowded, unsanitary, and unsafe conditions, with POWs deprived of adequate food, water, medical care, and sanitary facilities; some wounded POWs reportedly die during transit. POWs are routinely detained in the same facilities as common criminals and, in some cases, detained Ukrainian civilians, in violation of GCIII. They stay, sometimes for years, in overcrowded and unsanitary facilities, with inadequate food, water, shelter, heating or ventilation, and medical care, exposing them to malnutrition, disease, and serious health risks. The Mission documented widespread physical abuse, psychological coercion, humiliation, forced labour under unsafe conditions, deprivation of personal property, and denial of family communication. All these acts violate GCIII, and may amount to war crimes.

Medical care is often denied or grossly inadequate, even for serious injuries or chronic conditions, resulting in untreated wounds, infections and, in some cases, permanent disability or death. Overcrowding, poor sanitation and exposure to communicable diseases compounded the physical and psychological harm suffered by Ukrainian POWs. In some instances, POWs are deliberately exposed to individuals infected with contagious diseases, such as hepatitis or tuberculosis, further endangering their health. POWs are subjected to forced and frequent transfers, carried out without prior notice or adequate safeguard. They are compelled to appear in propaganda videos or perform degrading acts. These patterns, documented by international organizations and corroborated by testimonies from former POWs received by the Mission, highlight consistent violations across multiple facilities and throughout the entire period of

captivity. The Mission concludes that the conditions of detention and treatment of POWs amount to deliberate and repeated breaches of GCIII and IHRL.

The Mission once again recalls that POWs may not be prosecuted merely for participation in hostilities and that, even when accused of war crimes, they remain entitled to the full protections of GCIII, including legality, non-retroactivity, freedom from coercion, and fair trial guarantees. The Mission has found that these safeguards are systematically violated in practice; reports and testimonies describe coerced confessions, denial of effective legal representation, closed and opaque proceedings, and so-called "sham trials" staged as propaganda. Such practices cannot be viewed as isolated irregularities but, rather, as manifestations of a broader policy of instrumentalizing judicial mechanisms to punish, intimidate, and discredit Ukrainian POWs. They reflect a deliberate disregard for the essential guarantees of independence, impartiality and due process enshrined in both IHL and IHRL. In this light, the Mission concludes that the Russian Federation's conduct amounts to the systematic denial of fair trial guarantees to Ukrainian POWs, and may qualify as a grave breach of GCIII and a war crime.

In addition, the Mission has found that the right of Ukrainian POWs to communicate with the outside world, guaranteed by GCIII, has been systematically denied by the Russian Federation. Ukrainian POWs are frequently unable to notify their families of their capture or send letters for extended periods, sometimes for the entire duration of captivity. When communication is permitted, it was often highly controlled, including the use of pre-scripted letters portraying their treatment positively. Families often learn of a relative's capture only through unofficial channels, creating prolonged uncertainty and severe psychological distress for both POWs and their loved ones. The Mission concluded that these practices constitute a systematic violation of IHL and interfere with the right to private and family life under the ICCPR.

The Mission has furthermore noted that ICRC access to Ukrainian POWs in Russian detention has been restricted. Visits are limited in number and scope, often confined to "model facilities", while many POWs were hidden or isolated. While ICRC interventions facilitated some humanitarian aid and correspondence, the restricted access left many POWs without protections and exacerbated the risk of incommunicado detention and mistreatment. Regarding the operation of National Information Bureaus (NIBs), the Mission notes that both Ukraine and the Russian Federation have established an NIB to collect, centralize and transmit information about POWs held by the respective State. It also notes that the Russian NIB is not fully transparent, may be difficult to reach for inquiries, and the information transmitted by it is not always complete, which limits its overall effectiveness in fulfilling the full range of tasks assigned under Article 122 of GCIII. The Mission concludes that the Russian Federation's failure to operate a fully functional NIB, together with restrictions on POW communication and limited ICRC access, constitutes a shortfall in fulfilling its obligations under GCIII.

The Mission has also found that the release and repatriation of Ukrainian POWs have faced irregularities. Although GCIII requires that seriously sick or wounded POWs be prioritized for repatriation, in practice, the Russian Federation initially failed to implement this obligation, prioritizing instead POWs who were considered more "presentable". This selective approach, combined with inadequate medical care, amounted to a failure to grant the enhanced protection afforded to vulnerable POWs. The Mission also notes that there is no evidence that the Russian Federation has established mixed medical commissions to manage the release and repatriation of seriously sick or wounded POWs, which falls short of the requirements set out in GCIII. Finally, the Mission documented multiple instances of mistreatment during transfers and repatriation. Ukrainian POWs are transported in overcrowded trucks with their hands tied and eyes covered, denied access to basic necessities and, in some cases, physically assaulted. Other incidents included unsafe air transport, such as the crash of a military aircraft carrying POWs, which endangered their lives. Such acts violate GCIII provisions requiring humane treatment, respect for dignity, and safe conditions during transfers and may constitute war crimes.

The Mission has concluded that Olenivka penal colony, situated in the temporarily occupied territories of Ukraine controlled by the Russian Federation, has been the site of systemic violations of IHL against Ukrainian POWs, including overcrowding, physical abuse, torture, unsanitary conditions, inadequate food and medical care, and forced labour of an unsafe nature. Two large groups of POWs from Mariupol were transferred there in 2022, with at least one group subjected to violent "welcome beatings." The most serious incident occurred in July 2022, when explosions destroyed a densely packed barrack, killing 53 POWs and injuring over 100, most from the Azov Regiment. Survivor accounts and OHCHR investigations indicate the blasts were likely caused by Russian-fired thermobaric munitions, with POWs left without medical care, forced to improvize first aid, and later transported under harsh conditions. The combination of deliberate targeting, inadequate evacuation and denial of medical assistance demonstrates both immediate and ongoing violations of GCIII, resulting in high mortality, severe injuries and lasting psychological trauma for survivors.

The Mission has established that the Russian Federation bears State responsibility for numerous violations of IHL and IHRL in its treatment of Ukrainian POWs. Under Common Article 1 of the Geneva Conventions and Article 2 of the ICCPR, Russia is obligated to respect and ensure respect for these bodies of law, including by preventing, ceasing, and remedying violations committed by its armed forces, state organs, and groups under its effective control. The Mission recalls that Russia must not only continue to respect all applicable rules of IHL and IHRL, but also cease ongoing violations and provide full reparation and guarantees of non-repetition. International mechanisms such as the ICJ, ECtHR (for cases predating 16 September 2022), and UN human rights bodies offer some avenues for accountability, though the Russian Federation's disengagement and non-cooperation with these institutions severely undermines the prospects of effective redress.

In addition to State responsibility, individual criminal responsibility arises for war crimes and crimes against humanity. Ukraine has incorporated these crimes into its Criminal Code, including recent amendments introducing crimes against humanity and extending command responsibility. Ukrainian prosecutors have already registered tens of thousands of cases, and some convictions have been secured. Other States have opened investigations and prosecutions under the principle of universal jurisdiction, as demonstrated by a 2025 conviction in Finland of a Russian fighter for war crimes against a Ukrainian POW. At the international level, Ukraine's ratification of the Rome Statute allows for complementarity with the International Criminal Court (ICC), which is investigating alleged war crimes and crimes against humanity in Ukraine. The Mission encourages the ICC to pursue accountability for abuses against POWs, including executions, torture and inhumane treatment.

Finally, accountability must encompass remedies and reparations for victims. International law affirms the right of victims to truth, justice and reparation, including compensation, rehabilitation and guarantees of non-repetition. While existing bodies such as the ICC Trust Fund for Victims or the ECtHR provide limited avenues, a new institutional framework is emerging. The UN General Assembly's resolution of November 2022 and the subsequent establishment of the Register of Damage for Ukraine in May 2023 mark significant steps toward documenting claims and laying the groundwork for a broader reparation mechanism. However, the Register is limited to collecting and processing claims, leaving adjudication and compensation to a future framework. The Mission stresses that Ukrainian POWs who suffered harm must be included as beneficiaries in any eventual reparations system, ensuring that accountability translates into meaningful justice and redress for victims.

In conclusion, the Mission finds that the Russian Federation has engaged in widespread and systematic violations of IHL and IHRL in its treatment of Ukrainian POWs, including arbitrary killings, torture, ill-treatment, denial of fair trial rights, and unsafe detention and transfer conditions. These violations may constitute war crimes and, in some cases, arguably, crimes

against humanity. The Mission underscores the urgent need for accountability, reparations, and continued international monitoring to ensure respect for the rights of Ukrainian POWs and respect for international law.

XIII. RECOMMENDATIONS

In the remits of the present mandate, the Mission makes the following recommendations, addressed to the Russian Federation, Ukraine and the broader international community.

A. TO THE RUSSIAN FEDERATION

(1) Respect and ensure respect for its obligations under IHL, and under GCIII in particular. Respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the ICCPR and other IHRL instruments.

(2) Immediately recognize that members of the Ukrainian armed forces detained by the Russian Federation qualify as POWs. Where any doubt arises regarding an individual's entitlement to POW status, hold a competent tribunal in accordance with Article 5(4) of GCIII.

(3) Immediately cease all arbitrary executions of Ukrainian POWs, whether on the battlefield or in detention, and ensure accountability for any such acts.

(4) Immediately end and prevent all acts that may amount to torture and other cruel, inhumane or degrading treatment or punishment, sexual violence or any other ill-treatment of Ukrainian POWs. Conduct prompt, full and impartial investigations into all allegations of such acts, prosecute those responsible and ensure that any penalties imposed are commensurate with the gravity of crimes committed.

(5) Take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction (Article 2 of CAT). Ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment (Article 10 CAT).

(6) Accede without delay to the Optional Protocol to the Convention against Torture (OPCAT).

(7) Immediately provide humane conditions of detention corresponding to the guarantees foreseen by Article 22(1) of GCIII.

(8) Immediately cease the practice of placing Ukrainian POWs in the Russian penitentiary system and accommodating them together with detained Ukrainian civilians.

(9) Ensure that the National Information Bureau (NIB) operates in full compliance with Article 122 of GCIII, and that it fulfils all tasks assigned under this provision.

(10) Ensure immediate, safe and unfettered access for the ICRC to all facilities where Ukrainian POWs are being detained, both in the temporarily occupied territories of Ukraine and in the Russian Federation, in line with Article 126 of GCIII. Provide the ICRC with full list of its detention centers, including any unofficial ones, as well as of all POWs held therein, and keep this information under continuous review

(11) Ensure full respect for the right of Ukrainian POWs to communicate with their families pursuant to Article 71 of GCIII.

B. TO UKRAINE

(1) Continue, at all levels of authority, to seek information on all Ukrainian POWs detained by the Russian Federation, and urgently strengthen multi-agency efforts to collect, compile and duly verify comprehensive lists of such persons.

(2) Continue communication with the families of POWs, including by using information obtained from released POWs, to collect, systematize and transmit relevant information to their relatives.

(3) Continue efforts to promptly, thoroughly and independently investigate all allegations of mistreatment of Ukrainian POWs by the Russian Federation, including unlawful killings, torture, sexual violence and other forms of ill-treatment, and prosecute those responsible, ensuring that penalties imposed are commensurate with the gravity of the crimes committed.

(4) Continue providing medical, psychological, social and other support to all POWs and their families following their release from captivity by the Russian Federation.

C. To Other States and International Organizations

(1) Take note of and act upon the obligation to "respect and ensure respect" of IHL foreseen in Common Article 1 of the GCs and to take appropriate measures in this regard.

(2) Reaffirm, for instance through a resolution by the UN General Assembly or the UN Human Rights Council, the absolute nature of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

(3) Provide urgently – individually and collectively – all necessary assistance to Ukraine to support its multi-agency efforts to collect and duly verify data of all Ukrainian POWs detained by Russia.

(4) Exercise domestic criminal jurisdiction with respect to any allegations of war crimes and crimes against humanity, including torture, perpetrated against arbitrarily detained Ukrainian POWs that they are competent to prosecute.

(5) Support the Office of the Prosecution (OTP) of the ICC in any efforts to pursue investigations into allegations of war crimes and crimes against humanity, including torture, perpetrated against arbitrarily detained Ukrainian POWs.

(6) Unequivocally support, individually and collectively, the role of the ICRC as envisaged in the GCs, especially with respect to the safe, full and unfettered access to all places where POWs are detained, the collection and transmission of information on detained POWs and the facilitation of family contacts.

(7) Continue to build a comprehensive compensation mechanism to ensure reparations and support for victims, providing compensation, rehabilitation, and other forms of assistance to Ukrainian POWs and other affected individuals or entities.

COMMENTS BY UKRAINE TO THE REPORT ON VIOLATIONS AND ABUSES OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW, WAR CRIMES AND CRIMES AGAINST HUMANITY, RELATED TO THE TREATMENT OF UKRAINIAN POWS BY THE RUSSIAN FEDERATION

Report Section & Reference	**Quoted Phrase or Summary**	**Violated/Under-reflected Ukrainian/ International Standard or Directive**	**Proposed Correction or Rewording**
General Observations and Executive Summary (p.3)	In conclusion, the Mission finds that the Russian Federation has engaged in widespread and systematic violations of IHL and IHRL in its treatment of Ukrainian POWs, including arbitrary killings, torture, ill-treatment, denial of fair trial rights, and unsafe detention and transfer conditions. These violations may constitute war crimes and, in some cases, arguably, crimes against humanity.	The available facts of these mass illegal actions by the Russian Federation against Ukrainian prisoners are systematic in nature, which indicates the genocidal nature of the Kremlin's policy in Ukraine. Given the scope of the Moscow Mechanism's mandate, the Mission's qualification of the facts established requires greater clarity, given the facts provided by the Ukrainian side, in particular regarding crimes against humanity.	Ukrainian Parliament Commissioner for Human Rights (Ombudsman) proposes to state: "In conclusion, the Mission finds that the Russian Federation has engaged in widespread and systematic violations of IHL and IHRL in its treatment of Ukrainian POWs, including arbitrary killings, torture, ill-treatment, denial of fair trial rights, and unsafe detention and transfer conditions. These violations ***constitute war crimes*** and, in some cases, arguably, crimes against humanity".
IV. Arbitrary Killings of Ukrainian POWs (p.20)	This Mission, during and following its visit to Ukraine, received information relating to around 270 cases of executions recorded by the Prosecutor General's Office of Ukraine.	According to Ukraine's Prosecutor General's Office, law enforcement agencies are currently conducting a pretrial investigation into the execution of 281 Ukrainian prisoners of war. Thus, in 2022, the execution of 57 POWs was documented, in 2023 - 11, in 2024 - 149, in the current year – 64. In particular, prosecutors provide procedural guidance in criminal proceedings on the	This Mission, during and following its visit to Ukraine, received information relating to around 280 cases of executions recorded by the Prosecutor General's Office of Ukraine.

		execution of 49 Ukrainian POWs (29.07.2022), who were held captive in the village of Olenivka. However, it is worth noting that the information on the total number of persons is not final, as work continues to identify them in places of active hostilities, in the temporarily occupied and liberated territories.	
Executive Summary – Olenivka case example (p.2)	"Olenivka penal colony in occupied territory, where systemic violations occurred…"	Ukrainian doctrine insists on the term "temporarily occupied territory of Ukraine" for areas under Russian control. This underscores that occupation is illegal and impermanent.	Clarify status of territory: e.g. "Olenivka penal colony in temporarily Russian-occupied territory of Ukraine," which affirms it is Ukrainian land under unlawful occupation.
XI. Accountability for violations of IHL and IHRL, as well as for potential war crimes and crimes against humanity (p.46)	Similarly, POWs are not the subject of another, still pending case between Ukraine and the Russian Federation, which is related to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.	At least four of the five elements of the crime of genocide are present in the actions of members of military units controlled by the Russian Federation, committed against Ukrainian prisoners of war with the intent to destroy a national group as such. Paragraphs (a), (b), (c), and (d) of Article 6 of the Rome Statute of the International Criminal Court.	Ukrainian Parliament Commissioner for Human Rights (Ombudsman) proposes to consider the facts that bear the hallmarks of genocide, including public statements by the military and political leadership of the Russian Federation.
XI. Accountability for violations of IHL and IHRL, as well as for potential war crimes and crimes against humanity (p.48)	The Prosecutor General's Office of Ukraine has registered 185,792 crimes related to Russia's aggression, of which 180,487 have been registered as war crimes. They have identified 660 persons as suspects and 126 persons are serving sentences.	According to Ukraine's Prosecutor General's Office, since the full-scale invasion of Ukraine by the aggressor country, law enforcement agencies have registered 211,078 crimes related to the aggression of the Russian Federation, including 188,090 crimes against peace, human security and international law and order, of which 182,769 are war crimes. According to the results of the investigation, 987 people have been notified of suspicion of committing war	The Prosecutor General's Office of Ukraine has registered 211,078 crimes related to Russia's aggression, of which 182,769 have been registered as war crimes. They have identified 987 persons as suspects and 200 persons have been convicted by the court verdict.

		crimes, indictments against 728 people have been sent to court, 200 people have been convicted by the court verdict.	
XIII. Recommendations B. To Ukraine (3) (p.56)	Continue efforts to promptly, thoroughly and independently investigate all allegations of mistreatment of Ukrainian POWs by the Russian Federation, including unlawful killings, torture, sexual violence and other forms of ill-treatment, and prosecute those responsible, ensuring that penalties imposed are commensurate with the gravity of the crimes committed.	The widespread nature of gross violations of IHL against Ukrainian POWs indicates the need to ensure the inevitability of punishment for Russian criminals. According to paragraph 5 of the OSCE Moscow Mechanism Mandate, adopted in 1991 in Moscow and supplemented in 1992 (Helsinki) and 1993 (Rome), The purpose of a mission of experts is to facilitate resolution of a particular question or problem relating to the human dimension of the OSCE.	Ukrainian Parliament Commissioner for Human Rights (Ombudsman) proposes to provide recommendations on specific steps to be taken by Ukraine and the international community to hold the aggressor state accountable.
Introduction – Ratione loci (territorial scope) (pp. 5, 7, 8, 16, 22, 46)	Refers to areas "ruled by supposedly autonomous entities…under the control of the Russian Federation," i.e. the so-called "DPR/LPR."	Ukrainian law and communications call the proxy authorities in Donetsk/Luhansk "Russian occupation administrations" or "occupation authorities," underlining that they are installed by the occupier and not legitimate.	Use official terminology for proxy regimes: e.g. "ruled by Russian occupation administrations (the so-called 'Donetsk/Luhansk People's Republics')," which plainly identifies them as organs of the occupier. This aligns with Ukraine's non-recognition of any legitimacy to those bodies.
Introduction – Ratione loci (territorial scope) (p.5)	Notes events took place on "areas…part of the sovereign territory of Ukraine, within its internationally recognized borders." (No mention of maritime territory.)	Ukraine consistently asserts sovereignty over its entire territory "within its internationally recognized borders, including territorial waters." For example, statements on ending the aggression call for withdrawal from all territory "as of 1991, including the territorial sea".	Complete the territorial reference: e.g. "…within its internationally recognized borders, including its territorial waters." This ensures comprehensive coverage of Ukraine's territory in line with constitutional and

			diplomatic formulations.
Applicable Int'l Law (IHL section) – para on conflict nature (p.7)	Describes the war as a "full-scale armed conflict between the two countries" after 24 Feb 2022.	Ukrainian foreign policy and international statements call it Russia's war of aggression against Ukraine, not a symmetric "conflict". UN General Assembly ES-11/1 (Mar 2022) defines Russia as the aggressor, not just a party to a conflict.	Use explicit aggression terminology: e.g. "full-scale war of aggression by the Russian Federation against Ukraine." This makes clear who initiated the war, aligning with official language.
Introduction – Overview of Factual Situation (territory status) (p.8)	"…Kherson and Zaporizhzhia regions, occupied after the same date and unlawfully annexed on 30 September 2022…"	Per UNGA resolutions (e.g. 68/262 on Crimea's status, ES-11/4 on 2022 occupied regions), any Russian "annexation" of Ukrainian territory has no legal effect and is not recognized. Officials refer to Russia's "illegal attempted annexation" of these territories.	Emphasize the illegitimacy: e.g. "…occupied after that date and subject to an illegal attempted annexation on 30 Sept 2022." Similarly, refer to the 2014 Crimea takeover as an attempted or illegal annexation, making clear it remains Ukrainian despite Russia's claims.
(General Observations) (pp.3,5)	"OSCE member States … invoked the Moscow Mechanism" (General Observations)	OSCE has participating States, not "member States".	"OSCE participating States … invoked the Moscow Mechanism."
"temporary occupied territories of Ukraine" or "occupied territory/ies"(Executive Summary) (pp. 1, 5, 6, 11, 12, 13, 15, 32, 51)		must be temporarily; requires the full formula.	"temporarily occupied territories of Ukraine".
V. Torture and Inhuman Treatment (p.25, footnote 116 at p.25)	The Mission has also received aggregated data from the Ukrainian Joint Centre at the Security Agency of Ukraine, the Ukrainian state agency responsible for war crimes investigations.	In fact, the data was provided by the Main Investigation Department of the Security Service of Ukraine, which is the structural unit responsible for investigating war crimes.	The Mission has also received aggregated data from the Main Investigation Department of the Security Service of Ukraine, the Ukrainian state agency responsible for war crimes investigations.

VII. The Right to a Fair Trial F. Establishment and Operation of a National Information Bureau (pp.37-38, also p. 2, p.53)	The Mission has thus concluded that an NIB related to POWs has been established by the Russian Federation, and it appears to be performing some of the tasks foreseen by Article 122 of GCIII, particularly in transmitting information about POWs to the CTA Bureau. The Russian NIB, however, is not fully transparent, may be difficult to reach for inquiries, and the information transmitted by it is not always complete, which limits its overall effectiveness in fulfilling the full range of tasks assigned under Article 122 of GCIII.	The experts conclude that the Russian side nevertheless created an NIB and, apparently, performs certain tasks required under Article 122 GC III, including transmitting information on prisoners of war to the ICRC. At the same time, they state that the Russian NIB is not fully transparent, is difficult to contact, and does not always provide complete information, which limits its overall effectiveness in fulfilling the full range of functions envisaged by Article 122 GC III. In this context the Ukrainian side stresses that an irregular quasi-structure created by the Russian military cannot be regarded as a national-level information bureau. Article 122 GC III obliges a party to the conflict to establish an official Information Bureau on Prisoners of War under the authority of its government. The experts have not produced any evidence that the Russian Ministry of Defence had a mandate from the Russian state to establish such an institution. Therefore, recognition of such a de facto "NIB" as fulfilling Article 122 GC III is illogical and cannot be accepted.	The wording need correction by the experts.
XII. Recommendations A. To the Russian Federation (9) (p.55)	Ensure that the National Information Bureau (NIB) operates in full compliance with Article 122 of GCIII, and that it fulfils all tasks assigned under this provision.	The experts conclude that the Russian side nevertheless created an NIB and, apparently, performs certain tasks required under Article 122 GC III, including transmitting information on prisoners of war to the ICRC. At the same time, they state that the Russian NIB is not fully transparent, is difficult to contact, and does not always provide complete information, which limits its	To establish a fully compliant NIB under Article 122 GC III

		overall effectiveness in fulfilling the full range of functions envisaged by Article 122 GC III. It is also noted that there is no website of the Russian NIB and it is impossible to find any information about it or contact details other than a telephone number. The experts also mention that as early as March 2022 Russian NGOs appealed to state authorities to create such a bureau and to inform the public about its activities.	
XII. Recommendations A. To the Russian Federation (7) (p.55)	Immediately provide humane conditions of detention corresponding to the guarantees foreseen by Article 22(1) of GCIII.	The provisions of Section II of GCIII needs to be fully implemented by the Russian Federation	Immediately provide humane conditions of detention corresponding to the guarantees foreseen by Article 22(1) of GCIII and to intern Ukrainian prisoners of war in accordance with Section II GC III and to establish dedicated POW camps.
II. Introduction and Mandate E. Overview of the Factual Situation (p.12) XI. General Conclusions (p.51)	Other figures help provide an indication of the large scale of the phenomenon as well. According to information provided to the Mission by the Ukrainian Security Service, 222 places of detention of POWs have been identified, generally preexisting pre-detention centers or penal colonies. Among them, 29 are situated on the occupied territories of Ukraine and 193 on the territory of the Russian Federation, spread across 54 regions (oblasts).	During meetings with OSCE experts, representatives of the Coordination Headquarters on the Treatment of Prisoners of War provided updated information: as of now, the Ukrainian side is aware of 300 such sites, including 97 in the temporarily occupied territories of Ukraine and 6 in the Republic of Belarus.	The data needs update by the experts.

Prof. Hervé Ascensio (France)
Prof. Veronika Bílková (Czech Republic)
Prof. Mark Klamberg (Sweden)

Paris-Prague-Stockholm, 18 August 2025

His Excellency
Mr. Yurii Vitrenko, Ambassador,
Permanent Mission of Ukraine to the International Organizations in Vienna

cc Ms. Maria Telalian Director of the Office of Democratic Institutions and Human Rights (ODIHR) and
Representatives of 41 invoking Participating States and of Ukraine

Your Excellency,

On 24 July 2025, the delegations of 41 OSCE participating States, after the consultation with Ukraine, invoked the Moscow Mechanism under paragraph 8 of the Moscow Document. They requested that ODIHR enquire with Ukraine whether it would invite a mission of experts *"To establish the facts and circumstances surrounding possible contraventions of relevant OSCE commitments, violations and abuses of human rights, and violations of IHL, including possible cases of war crimes and crimes against humanity, related to the treatment of Ukrainian POWs by the Russian Federation; To collect, consolidate, and analyse this information including to determine if there is a pattern of widespread and systematic torture, ill-treatment and execution of Ukrainian POWs and soldiers hors de combat and/or at detention facilities by the Russian Federation in the temporarily occupied territories and in Russia; and To offer recommendations on relevant accountability mechanisms".* Following on this inquiry, Ukraine established, on 15 August 2025, a mission composed of the three experts undersigned below. The mission of experts shall deliver its report by 8 September 2025.

The mandate of the mission pertains to events which originate in the territory of Ukraine and concern Ukrainian citizens. We therefore consider that your country might be in possession of information and materials relevant for the completion of our mission. Since, by virtue of Paragraph 6 of the Moscow document, *"the mission may receive information in confidence from any individual, group or organization on questions it is addressing",* we would like to invite Ukraine to collaborate with our mission. We would particularly welcome information from, and contacts with, the following authorities:

- the Office of the Prosecutor General
- the Ministry of Defence
- the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine
- the National Information Bureau for Prisoners of War, Forcibly Deported and Missing Persons
- the Coordinating Headquarters for the Treatment of Prisoners of War
- the Ukraine Parliament Commissioner for Human Rights
- Relevant civil society organizations

We would be grateful to receive copies of any written communications, such as letters, that any of these offices, or indeed any other Ukrainian authorities, may have addressed to authorities of the Russian Federation concerning the subject matter of the present mandate. We would also appreciate if you could provide the total number and a list of Ukrainian prisoners of war who have been detained or released by the Russian Federation since March 2014.

We thank you in advance for acknowledging receipt of this letter and for kindly providing a response. In view of the timeframe envisaged for the Mission, we would be grateful to receive your reply by 24 August 2025.

Yours sincerely,

Hervé Ascensio | Veronika Bílková | Mark Klamberg

Prof. Hervé Ascensio (France)
Prof. Veronika Bílková (Czech Republic)
Prof. Mark Klamberg (Sweden)

Paris-Prague-Stockholm, 18 August 2025

His Excellency
Mr Alexander Lukashevich, Ambassador
Permanent Representative of the Russian Federation to the OSCE

cc Ms Maria Telalian,
Director of the Office of Democratic Institutions and Human Rights (ODIHR)

Representatives of 41 invoking Participating States and of Ukraine

Your Excellency,

On 24 July 2025, the delegations of 41 OSCE participating States, after the consultation with Ukraine, invoked the Moscow Mechanism under paragraph 8 of the Moscow Document. They requested that ODIHR enquire with Ukraine whether it would invite a mission of experts *"To establish the facts and circumstances surrounding possible contraventions of relevant OSCE commitments, violations and abuses of human rights, and violations of IHL, including possible cases of war crimes and crimes against humanity, related to the treatment of Ukrainian POWs by the Russian Federation; To collect, consolidate, and analyse this information including to determine if there is a pattern of widespread and systematic torture, ill-treatment and execution of Ukrainian POWs and soldiers hors de combat and/or at detention facilities by the Russian Federation in the temporarily occupied territories and in Russia; and To offer recommendations on relevant accountability mechanisms".* Following on this inquiry, Ukraine established, on 15 August 2025, a mission composed of the three experts undersigned below. The mission of experts shall deliver its report by 8 September 2025.

The mandate of the mission pertains to events which, while originating in the territory of Ukraine and concerning Ukrainian citizens, also involve acts purportedly carried out by persons acting on behalf or under the control of the Russian Federation. Since, by virtue of Paragraph 6 of the Moscow Document, *"the mission may receive information in confidence from any individual, group or organization on questions it is addressing",* we would like to invite the

Russian Federation to cooperate with our mission and to share with us any information it may have that could assist us in fulfilling our mandate. We would particularly welcome information from, and contacts with, the following authorities:

- the National Information Bureau,
- the Office of the High Commissioner for Human Rights in the Russian Federation,
- the Ministry of Defense of the Russian Federation.

We would be grateful to receive copies of any written communications, such as letters, that any of these offices, or indeed any other Russian authorities, may have addressed to authorities of Ukraine concerning the subject matter of the present mandate. We would also appreciate if you could provide the total number and a list of Ukrainian prisoners of war who have been detained or released by the Russian Federation since March 2014.

We thank you in advance for acknowledging receipt of this letter and for kindly providing a response. In view of the timeframe envisaged for the Mission, we would be grateful to receive your reply by 24 August 2025.

Yours sincerely,



Hervé Ascensio | Veronika Bílková | Mark Klamberg

Permanent Mission of Ukraine
to the International Organizations
in Vienna

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№ 4131/36-180/7-103734

Vienna,
22 August 2025

Dear professors,

In response to your letter of 18 August 2025 let me sincerely thank you for your willingness to act as experts of the mission of the OSCE Moscow Human Dimension Mechanism to address the facts and circumstances surrounding possible contraventions of relevant OSCE commitments, violations and abuses of human rights, and violations of IHL, including possible cases of war crimes and crimes against humanity, related to the treatment of Ukrainian POWs by the russian federation in its war of aggression against Ukraine.

As you are well aware this OSCE Mechanism was invoked on 24 July 2025 by 41 OSCE participating States in close cooperation with Ukraine.

We believe that your mission's activities and future report will significantly contribute to the international efforts and accountability mechanisms to ensure justice and hold to account the masterminds and perpetrators of russia's crimes.

The Ukrainian Side stays ready to maintain fruitful cooperation with your mission of experts and looks forward to your forthcoming visit to Ukraine on 25-30 August 2025.

Please accept, dear professors, the assurances of my highest consideration.

Yurii Vitrenko

Ambassador,
Permanent Representative of Ukraine to the International Organizations in Vienna

Prof. Hervé Ascencio
Prof. Veronika Bílková
Prof. Mark Klamberg

Paris
Prague
Stockholm