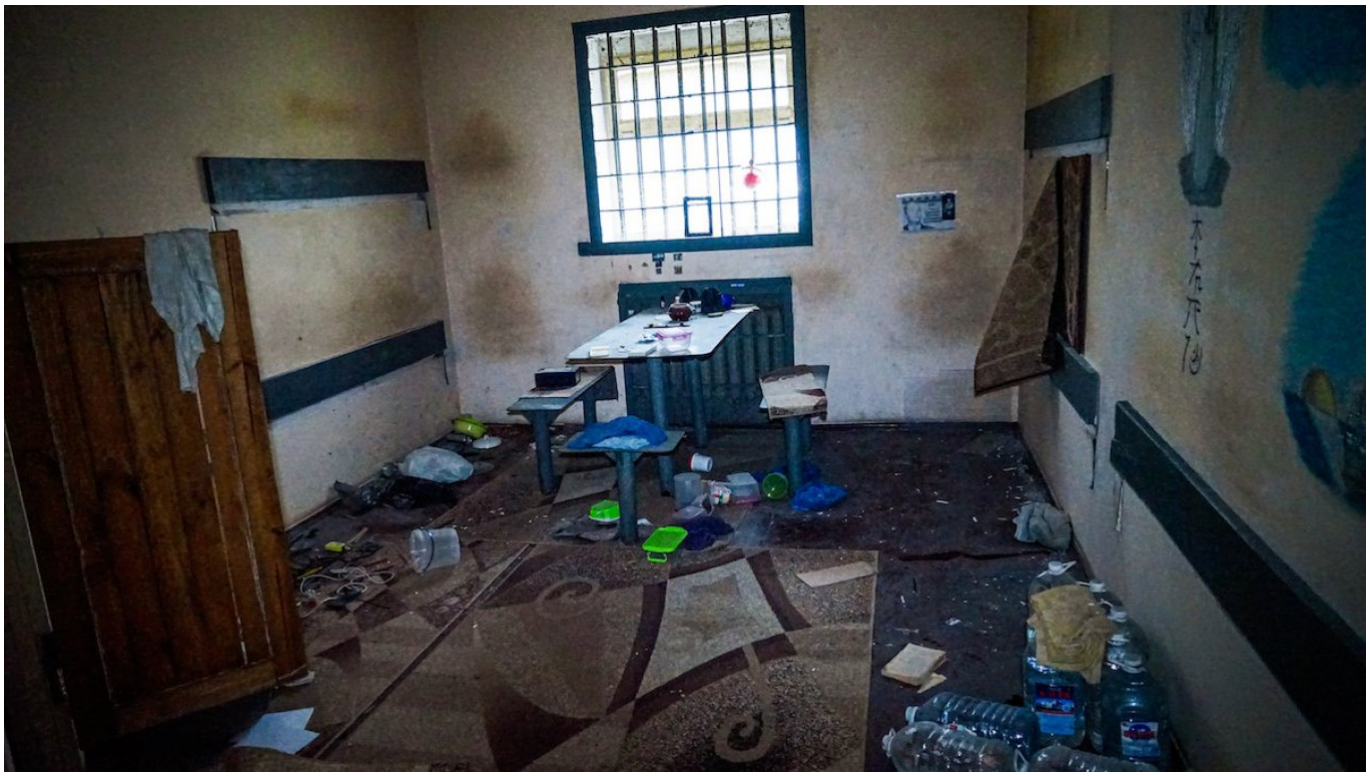
The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

A Long Road to Freedom: How Russia Stole 2,000 Ukrainian Prisoners

Russian troops fleeing Kherson last November took the city's prisoners with them. Many are still stuck in Russia.

By Igor Burdyga

November 15, 2023



Kherson pre-trial detention center **Igor Burdyga / oDR**

When the Russian military retreated from the southern Ukrainian city of Kherson in November last year, they stole a number of prized items: paintings from local museums, World War II memorabilia, monuments to 18th-century military commanders — and 2,000 Ukrainian prisoners.

Almost a year on, more than 1,500 Kherson prisoners still remain in prisons in Russia, while many others, who long ago completed their Ukraine-issued jail sentences, have been released but are unable to get home without a passport.

Ukraine argues that the transfer of its prisoners into Russia's prison system was an example of "forced deportation."

The Kremlin, meanwhile, says the prisoners are guilty of an "illegal border crossing," though continues to consider the Kherson region part of the Russian Federation.

openDemocracy has spoken to Ukrainian prosecutors, legal counsel and a number of former prisoners themselves about life in Kherson prisons under Russian occupation, their forced journeys to Russia, and their struggle to return to Ukraine.

None of your business

On the evening of Feb. 23, 2022, Vadym* fell asleep in his cell feeling optimistic: a Kherson court had finally agreed to consider his request for parole.

The 32-year-old from Mykolaiv, a city in south Ukraine, had served more than half of his sentence in Northern Correctional Colony No. 90 and was in good standing with the prison administration. He already had the right to work outside the prison and even lived in the so-called 'social rehabilitation sector,' which was more like a hostel than a prison.

But the next day, Russia invaded Ukraine. Vadym was awoken by Russian missiles hitting a Ukrainian helicopter unit nearby.

Not all of the 850 inmates in the prison shared Vadym's optimism before the invasion. Another inmate at Colony No. 90, Olexandr, who asked that his surname not be published, said many prisoners were anxious in those final weeks, frequently asking the prison guards: "what will happen to us if there is a war?"

"It's none of your business," was the alleged reply.

By Feb. 28, Russian forces had completely surrounded Kherson city. In Daryevska Colony No. 10, 20 kilometers north of Kherson, 22 prisoners, all veterans of the war in Donbas, wrote letters to the prison authorities, asking to be released so they could join the local territorial defense.

"*The head of Colony No. 90, Yevhen Sobolev, was one of the first officials in Kherson who agreed to cooperate with the Russian authorities*"

One of them, Maksym, told openDemocracy he was put in a punishment cell for this proposal, with the prison administration accusing him of planning a riot. Later, when Russian troops seized Daryevska prison and discovered the letters, the veterans were tortured for wanting to fight.

Ukraine's deputy justice minister Olena Vysotska later blamed the failure to evacuate prisoners on the Kherson regional military administration, claiming the lack of a plan was due to a shortage of places in other prisons in the region. But Oleh Tsvilyi, the chairman of NGO Protection of Prisoners of Ukraine, told openDemocracy that the Ministry of Justice should

have had a plan for the evacuation of prisoners in case of war. The ministry did not respond to a request for comment from openDemocracy.

Vadym said he, too, planned to ask to be released to fight, but ripped up his letter on a guard's advice. "Otherwise I would have gotten the worst of it," he recalled.

Instead of fighting invading Russian soldiers, Vadym found himself killing Kherson chickens. The city authorities decided to use prisoners at a poultry farm whose water supply had been cut off by shelling, ordering the men to kill the birds and distribute them to local residents.

"They transported us there for three weeks, ten hours a day: we had to take the chickens out of their cage and slaughter, then another person would pluck them and another pack them. That was the system," he said.

Slow changes

Busy with this bloody work, Vadym did not immediately notice how the prison was changing under Russian occupation.

The head of Colony No. 90, Yevhen Sobolev, was one of the first officials in Kherson who agreed to cooperate with the Russian authorities and began to persuade his subordinates and colleagues at other prisons to do so. Ukrainian state symbols disappeared from the internal walls and guards removed chevrons with the Ukrainian flag from their uniforms.

Elsewhere, the Russian military almost immediately tried to take control of Kherson pre-trial detention center — where around 300 prisoners were being held — in order to hold residents detained for resisting the occupation. But the prison guards, led by warden Ihor Guryakov, resisted for more than two months, insisting that they would continue to operate according to Ukrainian laws.

On May 11, Russian military police raided the detention center. Russian state media claimed the raid was meant to suppress a riot and prevent prisoners from escaping en masse. Russian soldiers killed one prisoner during the operation. Guryakov, his deputy and the "chief prisoner" (a leading organized crime figure, who was influential in the prison) were held for three days in the basement of the Russian military commandant's office.

After this, Guryakov was filmed by Russian state media saying he had attempted to organize a prison riot on behalf of the Ukrainian security services and had now agreed to work under Russian leadership. Lawyer Liliya Okhrymovych, who is defending Guryakov and his deputy on charges of treason, told openDemocracy that Russian soldiers had beaten and tortured her clients with electric shocks, and threatened their families with violence, ahead of the recorded speech.

Ukrainian prosecutors claim Guryakov and his deputy went on to help Russian forces to create a system of punishment, and tried to hide when Ukrainian troops arrived to liberate the city. Okhrymovych said this is not true, claiming her clients invited senior penitentiary system officials to a meeting to explain themselves on 16 November 2022.

Only after Guryakov was kidnapped did the Ukrainian justice ministry offer some kind of plan

for prisons under Russian occupation. From May 2022, Kherson guards were put on “idle time,” meaning they were officially allowed to not go to work while retaining two-thirds of their salary.

" *"More than half of our prison guards left by the beginning of summer – they didn’t want to work with the Russians"*"

Later that summer, the Ukrainian government suggested prison guards should be excluded from the definition of collaboration. But Ukrainian MPs still do not dare to amend the criminal code on collaboration, a politically difficult area.

As a result, there are far more prison guards accused of high treason and collaboration than any other Kherson officials. Before the full-scale invasion, the region had around 1,000 prison guards; around 100 currently face collaboration charges, according to reports from Ukrainian law enforcement. This includes both those who have been arrested and those who fled with the Russian army to the left bank of the Dnipro river after the city’s liberation.

openDemocracy found five prison sentences for collaboration against Ukrainian prison guards in the Kherson court register: two were pronounced in absentia, and three more were based on guilty pleas by defendants.

Increasing torture

“More than half of our prison guards left by the beginning of summer — they didn’t want to work with the Russians. Of those who stayed, many did really support Putin, and thought [the occupation] would be forever,” former prisoner Vadym recalled.

Lacking guards, Yevhen Sobolev, who took over as head of the Russian ‘department of the penitentiary service for the Kherson region’ in May, decided to move convicts from several prisons to Colony No. 90.

Around 700 people were transferred to Kherson from Daryevka prison, and a further 100 from nearby Snihurivka, where a specialized tuberculosis prison hospital — a disease that has scourged Ukrainian prisons for decades — was on the very front line and had been under fire for three months.

"*As the prisoners were brought under Russian rule, they not only faced the rules of an occupying army, but a shift in the time-old traditions of post-Soviet prisons*"

A former prisoner of Snihurivka, Serhiy, told openDemocracy that Russian soldiers arrived at the prison on May 28, shot their rifles in the air and “gave us 30 seconds to get ready” to leave.

As the prisoners were brought under Russian rule, they not only faced the rules of an occupying army, but a shift in the time-old traditions of post-Soviet prisons. Until then, life in Colony No. 90 had been determined by a balance between the prison administration's code of conduct and *ponyatiya* — the unwritten rules of the criminal community known as "the thieves." That was thrown into disarray by the Russian invasion.

As Olexandr recalled, Russian officials first brought an "enforcer" from the thieves to Colony No. 90. The man, who had been in Krasnodar prison, who "promised the boys: there will be telephones, drugs, and other 'warm stuff' [food, clothes], as long as the prisoners do not get involved in politics."

Under Russian control, Colony No. 90 became tougher every day: searches became more frequent and prisoners could be beaten or sent to a punishment cell for rudeness. In the summer, prisoners were persistently asked to apply for Russian passports. Those who refused or criticized the occupation, were transferred to a pre-trial detention center where, under torture, they were forced to confess to connections with the Ukrainian army wand security services. An assassination attempt against Sobolev, likely by Ukrainian partisans, in June led to another wave of repression at the prison.

Work was no longer a choice for convicts: they were forced, under threat of violence, to renovate premises for the Russian military and build defensive fortifications. Olexandr said he was put in isolation twice for refusing to dig trenches.

"They set up a warehouse in the colony, and trucks with humanitarian aid arrived there. I worked there every day unloading: everything was better than sitting in a cramped barracks. There was also a sawmill: where prisoners made dugouts and barbed wire barriers," recalled Vadym.

Deportation

At the end of August 2022, Ukrainian missiles hit the sawmill and an ammunition depot in the work zone of Colony No. 90. The administration started to suspect prisoners were working as Ukrainian artillery spotters directing the military; several people were taken to an unknown location after interrogation – but still Ukrainian attacks on Russian military targets in Kherson occurred more and more frequently.

In October, the administration of Colony No. 90 announced that all convicts would be transported to another tuberculosis hospital prison in Hola Pristan, a city on the left bank of the Dnipro River. "They didn't explain why they were taking us away, it was impossible to refuse," said Olexandr, who then had less than three months left of his sentence.

"*Some Ukrainian prisoners were luckier than others. Vadym avoided being transferred to Russia on account of his good behavior*"

As the Kherson bridge across the Dnipro was out of action, prisoners were transported by

ferry over several days. By the end of October, more than 2,000 prisoners had been gathered at Hola Pristan prison, originally designed for 500 people.

“They brought everyone in one heap: the sick, the healthy,” said Vadym. “They welded bunks together on the go, we slept in turns, some on the floor, and some even on the street. Of course, no one took care of food for everyone: we ate only porridge for two weeks.”

What happened next was even more unexpected. On Nov. 3, the Ukrainian prisoners were loaded into cars and taken to Crimea — repeatedly being told they’d be shot if they attempted to escape en route. At Simferopol pre-trial detention center, Russian National Guard soldiers and troops from the self-proclaimed ‘Donetsk People’s Republic’ received the prisoners, beating them as they left the vehicles.

From there, the prisoners were taken to Krasnodar, a city in southern Russia. It was there that Oleksandr found out he had tuberculosis. He believes he became infected in the barracks of the Hola Pristan colony or during the transfer period.

Throughout November, the prisoners from Kherson were distributed among Russian prison colonies in the Krasnodar, Rostov and Volgograd regions — with 200 to 300 people sent to each. Ukrainian human rights activists who work on prisons found them quickly, thanks to their network of informal contacts.

Oleh Tsvilyi of Protection of Prisoners of Ukraine told openDemocracy that the Russian prison administrators “often did not understand why so many Ukrainians had been brought to them and what to do with them.”

This led to “hostility,” he said. “People could be beaten if they were found to have pro-Ukrainian tattoos, ‘thieves’ could be fined and put in a punishment cell.

“Other prisoners were told to stay away from the Ukrainians. Fortunately, there were few places like this,” Tsvilyi continued, claiming that most Russian prisoners were kind to the Ukrainians, despite orders to the contrary from guards.

"*Across the city, when the first Ukrainian soldiers were entering Kherson on the morning of Nov. 11, prisoners at the pre-trial detention center opened their cells and left*"

Some Ukrainian prisoners were luckier than others. Vadym avoided being transferred to Russia on account of his good behavior. He and 30 other Ukrainian convicts remained in the Hola Pristan colony to maintain the prison buildings.

From the prison’s empty camp, Vadym watched the Russian military hastily set up positions on the left bank of the Dnipro as Ukrainian forces got closer to the city. Days later, the prisoners managed to catch a signal from Ukrainian television: Ukrainian armed forces had liberated Kherson city.

Across the city, when the first Ukrainian soldiers were entering Kherson on the morning of

Nov. 11, prisoners at the pre-trial detention center opened their cells and left. The guards had fled and left them the keys. In a matter of minutes, 450 prisoners scattered across Kherson. Only a few with life sentences waited around for Ukrainian law enforcement.

Police rounded up prisoners throughout the city over the next few days. Many returned on their own: the period of detention prescribed by the courts had long expired, and no one was rearresting them. Investigators were much more interested in the crimes of the occupiers and their accomplices.

Prosecutor Pavlo Mashkovskyi was put in charge of investigating the deportation of Ukrainian prisoners, though he admitted to openDemocracy that the Ukrainian penal system was responsible for its employees and wards, but abandoned them to occupation.

Mashkovskyi is yet to find any document detailing Russia's transfer of prisoners. It is not even known how many people were deported: the official investigation estimates more than 1,700, while human rights activists suggest 2,500, and the UN human rights monitoring mission to Ukraine says approximately 1,600.

This summer, Mashkovskyi brought charges of violating the laws and customs of war against Yevgeny Sobolev, as the head of the Federal Penitentiary Service in the region, and Alexey Soroka, the head of the colony in Gola Prystan. Though Sobolev is believed to be in occupied territories, a Ukrainian court found him guilty of collaboration in absentia last month, and sentenced him to 13 years in prison with confiscation of property.

Released but not free

Inside Russia's prison system, the Kherson prisoners faced consistent invitations to take up Russian passports, having 'automatically' received citizenship after Russia's "referendums" in occupied Ukraine.

Ukrainian prisoners in some camps were also asked to join Russian private militaries, though openDemocracy is not aware of anyone who agreed. "Most [prisoners] had up to a year or two left on their sentences," said Olexandr. "It's not worth going to kill your own people for that."

Olexandr was released from a prison in Krasnodar in April 2023, after completing treatment for tuberculosis. A certificate of release was formally issued by the Hola Pristan prison on March 23. With this in hand, Olexandr received the remains of his personal belongings, his old civilian clothes and 2,000 Russian rubles for the journey home. But Russian police officers were waiting for him at the prison gates.

"I tried to get around them, but they shouted: 'Sasha, we're coming for you.'" he recalled. He was taken to a police station and fined 2,000 rubles for illegally crossing the Russian border.

Since the beginning of the year, more than a hundred Kherson prisoners have been released from Russian colonies. All that openDemocracy was able to speak with, as well as all encountered by various human rights organizations, have reported similar experiences to Oleksandr. After they are taken to police stations and fined, the prisoners are issued with a forced deportation order from Russian courts — despite the Kremlin officially considering the

entire Kherson region as Russian territory.

But as deportation from Russia to Ukraine is impossible, the men are placed in immigration detention centers, which have slightly better conditions than Russian prisons.

Two NGOs have been looking for a way to bring home these Ukrainian citizens all year: Tsvilyi's Protection of Prisoners of Ukraine and UnMode, which works to support prisoners and ex-prisoners with a history of drug use in several former Soviet countries.

Tsvilyi suggested a route through Kolotilovka, the last semi-official checkpoint on the Ukraine-Russia border. But crossing without a passport is banned and most of the prisoners either did not have a passport at the time of arrest or lost it while being moved to Russia — meaning the Russian migration service would not facilitate their crossing.

Aidana Fedosik, the executive director of UnMode, said activists then focused on a route through Latvia, as "it was used by many civilian Ukrainians who were leaving Russia or the occupied territories." But after Latvian border guards stopped 14 Kherson prisoners in February because of their criminal convictions, Fedosik organized a new route through Georgia.

She even opened a shelter for Kherson prisoners on the outskirts of Tbilisi, Georgia's capital. There, Olexandr waited for the Ukrainian consulate to issue him a so-called "white passport," a certificate to return home. But the process dragged on: in April, the Ukrainian government decided that the simplified procedure for processing such documents did not apply to prisoners, and confirming the identity of prisoners from Kyiv took many months.

Georgian authorities have already stopped former Kherson prisoners crossing the Verkhnyi Lars land crossing with Russia several times, but after the intervention of the Ukrainian consulate and human rights activists, they were eventually allowed into the country. The last group was allowed through on Oct. 25, but only after the six prisoners spent 15 days in a room at the Verkhnyi Lars crossing.

That process, according to another prisoner's lawyer, Anna Skrypka, "forced" the Ukrainian foreign ministry to move quickly and confirm the prisoners' identities. The very next day after crossing the border, the six Kherson prisoners received "white passports" at the consulate, Skrypka said, and a day later the six left for home.

Skrypka hopes that a new Russian procedure for confirming the identity of foreign citizens, signed off by Vladimir Putin in October, will speed up the transfer of Ukrainian prisoners who have been released in Russia.

However, neither human rights activists, nor official ombudspersons, nor the heads of the Ukrainian and Russian penitentiary systems are yet to find a solution to the problem of returning all Ukrainians deported from Kherson's prisons.

As of November 2023, there are at least 1,500 Kherson prisoners whose sentences have not yet ended being held in Russian prisons, according to estimates by human rights activists. Oleh Tsvilyi suspects that some of them will be sent to new prisons that Russia is building in the parts of Kherson that are still under occupation. Vadym worked at one of these prison

construction sites until his release in September 2023. He now lives in Kyiv, earning money through day-to-day work.

Although Tsvilyi does not have exact figures, he notes that many Ukrainian prisoners in Russia are increasingly agreeing to receive a Russian passport and stay in the Russian Federation.

“[Russian] propaganda convinces them that, back in Ukraine, they will be punished for having a Russian passport, sent back to prison to finish out the sentence they’ve already served in Russian camps, or, on the contrary, immediately sent to fight. But this isn’t the case,” he said.

**Names have been changed, or surnames withheld, to protect identities.*

This article was first published *by openDemocracy Russia.*

Original url:
https://www.themoscowtimes.com/2023/11/15/a-long-road-to-freedom-how-russia-stole-2000-ukrainian-prisoners-a83119