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Rotten to the Corps: Understanding the Human Rights Consequences of Military Failure Through the Eyes of Russian Prisoners of War

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Understanding the Human Rights Consequences of Military Failure Through the Eyes of Russian Prisoners of War

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This work is dedicated to the Soldiers I served alongside, without whom I would not have gained the understanding and appreciation of proper military leadership needed to conduct this study. Special thanks to all Chapman University faculty advisors for helping me bring the suffering of these desperate people to the public eye. May all prisoners of war of all nations one day return home, and live to create a prosperous and more peaceful world for their children.

ABSTRACT

Rotten to the Corps: Understanding the Human Rights Consequences of Military Failure Through the Eyes of Russian Prisoners of War

by Captain Gary Braden Mercer

The February 24th, 2022, Russian invasion of Ukraine and the subsequent unresolved conflict it created has threatened the human rights of combatants and noncombatants alike on both sides, with discernable battlefield factors of Russia's military failure contributing to human rights abuses and war crimes. Sixty interviews with Russian prisoners of war conducted by Ukrainian journalists published online were analyzed to determine which specific factors of Russia's military failure contributed to human rights abuses and war crimes in Ukraine. Training, logistics and equipment, and the failure of the officer corps were identified as factors of military failure which contributed to human rights abuses and war crimes. Training was measured through the sub factors of insufficient training and correlation of the prisoner's peacetime profession and military occupation at time of capture. Logistics and equipment were operationalized through the subfactors of inferior equipment and shortage of food, water, shelter, or ammunition. The failure of the officer corps was measured through the subfactors of officer absence, and conduct unbecoming of an officer. These factors of Russia's military failure in Ukraine appear in prisoner of war interviews with varying levels of saliency, with insufficient training being the most prevalent factor with fifty five out of sixty prisoners of war reporting insufficient training. The temporal focus of this study extends from the initial invasion to early fall of 2023, thus spanning several major key phases of the conflict and including prisoners of war from a wide array of military, civic, and ethnic backgrounds. Russian prisoners of war report harrowing abuses against combatants and noncombatants alike, and the

identified factors of this study serve as consistent linkage between Russian military failure and the prisoners' testimonies of witnessing human rights abuses and war crimes. This work seeks specifically to give agency to the human rights of Russian combatants who are being forced to participate in the conflict against their will under threat of physical violence, and affirms conscientious objection as a human right.

TABLE OF CONTENTS

Page

LIST OF TABLES

Page

LIST OF FIGURES

Page

LIST OF ABBREVIATIONS

Abbreviation	Meaning
GRU	Russian: ГРУ “Main Intelligence Directorate” (Military Intelligence)
LOAC	Law of Armed Conflict
NATO	North Atlantic Treaty Alliance
NCO	Non-Commissioned Officer
POW	Prisoner of War
PPE	Personal Protective Equipment
UCMJ	Uniform Code of Military Justice

Introduction

On February 24th, 2022, the Russian Federation invaded Ukraine in a combined-arms offensive by air, land, and sea with over 100,000 troops following a protracted buildup on the Ukrainian border.[1] This invasion initiated the greatest security crisis on European soil since the Second World War, and was the onset of the ongoing 2022 Ukraine War. The 2022 invasion was preceded by the 2014 Russian invasion of Crimea and the Donbass region of Ukraine, and the 2022 invasion is largely held as a drastic escalation of the underlying conflict which began with the 2013 Maidan Revolution.[2] Analysts and onlookers generally expected Ukraine to crumble under the pressure of Russia's conventional armed forces which were considered second only to those of the United States, but instead, Ukraine managed to achieve one of the greatest military upsets in modern history by managing to repulse Russian efforts to capture Kyiv and eventually halting the Russian advance along each axis of the invasion's approach.[3] The causes of this failure have been widely questioned, and will likely serve as a major case study and counterexample for future military forces. A major consequence of the conflict is a threat to the human rights of those individuals forced to fight as combatants and those forced to survive the onslaught of the war as non-combatants, a consequence which is ostensibly amplified by specific military factors of Russia's failure in Ukraine.

But which of these factors of military failure have had a discernible impact on the human rights of non-combatants and combatants on either side of the conflict? How could this

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[1] Samuel Ramani, *Putin's War on Ukraine: Russia's Campaign for Global Counter-Revolution* (London: Hurst, 2023).
[2] Samuel Ramani, *Putin's War on Ukraine: Russia's Campaign for Global Counter-Revolution* (London: Hurst, 2023).
[3] Samuel Ramani, *Putin's War on Ukraine: Russia's Campaign for Global Counter-Revolution* (London: Hurst, 2023).

information be empirically determined given the ongoing nature of the conflict at the time of this study, and the contested informational environment regarding every aspect of the conflict? This study posits that there is no better voice of reason to clear the fog of war than those who have braved it themselves. To truly understand Russia's military catastrophe in the 2022 Ukraine war and how specific factors of this failure negatively affected human rights, we must gain an understanding of the conflict through the eyes and lived experiences of the Russian survivors themselves. This is feasible through the analysis of open-source interviews with Russian prisoners of war being held in Ukrainian captivity which are freely available on the internet. 60 Russian prisoner of war (POW) interviews conducted by the Ukrainian non-profit organization "Look for Your Own" were analyzed for trends of military failure which had a discernable impact on human rights and the Law of Armed Conflict (LOAC). Interviews were mostly one-on-one, with a few two-person group interviews selected for specific empirical value. Analysis of Russian POW interviews identified training, logistics and equipment, and a failure of the officer corps with varying levels of empirical saliency to be identifiable factors of Russian military failure in Ukraine which contributed to human rights abuses and breaches of the Law of Armed Conflict.

The analysis central to this study finds that the increased threat to the human rights and protections under Law of Armed Conflict to participants on both sides of the 2022 Ukraine War is not limited to non-combatants or just Ukrainians, but dually to everyday Russian civilian non-combatants forced to become combatants, and to Russian combatants forced to fight under threat of physical violence and crippling civic penalty for life. This study specifically focuses on the lowest common denominator in interstate conflict: the human beings on either side of the front lines having their lives violently ended, suffering crippling lifelong injuries, being deprived of

seeing loved ones again, and otherwise having their individual lives flagrantly disrupted by a conflict which was thrust upon them by the failures of their political leadership. The author's lived experience as an active-duty United States Army Officer for four years of exemplary service makes him suited to conduct research on the topic, and ensures proper authority to convey many aspects of military affairs and the individual experience of being an unwilling combatant in an inter-state conflict.

This work is not meant to pick political sides in the conflict, rather it focuses on the common suffering of frontline combatants and non-combatants alike through analysis of how specific elements of Russia's military failure have negatively impacted the human rights of these individual human beings on both sides of the conflict. Western governments and state militaries around the globe ought to take heed of aspects of Russian military failure which have negatively impacted human rights, as avoiding these specific failures will allow them to avoid the human rights abuses resultant from such failures by learning from Russia's example. The study which follows is a jarring reflection of the hellish reality of 21st century frontline combat.

Literature Review

Existing literature on Russia's military failure in Ukraine, the relationship between breaches of the law of armed conflict and humanitarian law and discernable battlefield variables, and the causes of grave breaches and human rights abuses by combatants during conflict exist separately from each other within existing literature. This study attempts to fill the gap in the literature created when these concepts are considered collectively, and seeks to expand existing scholastic work by suggesting that identifiable factors of military failure are related to human rights violations and grave breaches of the law of armed conflict. This study is novel in that it suggests combatants being forced to fight against their will by threat of physical violence or

lifelong civic penalty are having their human rights dually threatened by identifiable factors of military failure, whereas traditional approaches in which combatants are typically only conceptualized as perpetrators focus on human rights violations committed against non-combatants or opposing combatants. This literature review will examine existing literature on Russia's military failure in Ukraine, existing scholarly explanations for why combatants commit war crimes and grave breaches, and lastly identify pre-existing literature related to the operational variables identified in this study.

Russia's failure to meet its military objectives in the 2022 Ukraine War has been examined by existing literature, with Dreuzy and Gilli arguing that Russian forces have struggled to achieve their objectives since day one of the 2022 invasion. Dreuzy and Gilli argue that Russia's military failure was driven by three discernable factors: mismatch between grand strategy and defense planning due to the Russian military having the primary conventional and nuclear defense objective of deterring NATO rather than conventionally invading Ukraine, inaccurate intelligence assessments, and an overly-centralized and autocratic Russian government which undermines command structures and undermines quality of military equipment and assets through endemic corruption.[4] The findings of this study therefore academically enmeshes itself well with Dreuzy and Gilli's argument, as a mismatch between grand strategy and defense planning could create a mismatch in *training* outcomes due to unclear strategic goals, confusing command structures create difficulties for the *officer corps*, and widespread corruption which results in reduced quality of equipment given to combatants is a direct reflection of a failure of *logistics and equipment*.

[4] Pierre de Dreuzy, and Andrea Gilli. "Russia's Military Performance in Ukraine." Edited by Thierry Tardy. War in Europe: Preliminary Lessons. *NATO Defense College*, 2022. http://www.jstor.org/stable/resrep41406.8.

Wasielewski provides further nuance by emphasizing that a consequence of Russia's hundreds of years of history of densely centralized power and autocracy is a state reluctance to "decentralize decision making authority"[5] which includes the Russian military. Wasielewski argues that a significant military consequence of this historical centralization of power is the lack of an effective non-commissioned officer (NCO) corps, and a top-down command structure which is slow and inadept at decision-making.[6] Wasielewski corroborates that corruption has been a major impediment for the Russian military, with significant consequences for Russian military logistics.[7] Wasielewski characterizes the Russian military as relying on imperialism, corruption, and brutality, and that these traits make it unfit for modern warfare.[8] This study aligns with Wasielewski's claims regarding the NCO corps, as an effective *officer corps* relies upon a competent and trusted NCO corps in efficacious modern militaries. Officers are too few in number to be everywhere at once, so the presence of experienced and trusted non-commissioned officers enable commissioned officers to not only better achieve their battlefield objectives through decentralized decision-making, but to dually enforce human rights law and the law of armed combat through trusted NCO subordinate leaders. Wasielewski's assertations regarding the Russian military's historical reliance on brutality to compel the behavior of its members and occupied non-combatant populations is relevant to this study in that it implies the Russian officer corps has been rotten from its inception, and that operation in contravention of

[5] Philip Wasielewski, "The Roots of Russian Military Dysfunction," *Foreign Policy Research Institute*, August 10, 2023, https://www.fpri.org/article/2023/03/the-roots-of-russian-military-dysfunction/.
[6] Philip Wasielewski, "The Roots of Russian Military Dysfunction," *Foreign Policy Research Institute*, August 10, 2023, https://www.fpri.org/article/2023/03/the-roots-of-russian-military-dysfunction/.
[7] Philip Wasielewski, "The Roots of Russian Military Dysfunction," *Foreign Policy Research Institute*, August 10, 2023, https://www.fpri.org/article/2023/03/the-roots-of-russian-military-dysfunction/.
[8] Philip Wasielewski, "The Roots of Russian Military Dysfunction," *Foreign Policy Research Institute*, August 10, 2023, https://www.fpri.org/article/2023/03/the-roots-of-russian-military-dysfunction/.

humanitarian law and the law of armed conflict is the historical norm for the Russian state and its officer corps.

There is an established existing literature on the reasons combatants commit war crimes and abuses. Talbert and Wolfendale view the actions of those accused of war crimes as dependent on the attitudes displayed by the perpetrator at the time of the crime, rejecting the "situationist" defense that certain battlefield conditions may situationally defend the actions of accused perpetrators.[9] Our study's assertion that combatants forced to participate in a conflict are experiencing a violation of their human rights does not conflict with Talbert and Wolfendale's argument, as not all combatants forced to fight in a conflict commit violations of humanitarian law and the law of armed conflict. A portion of these compelled combatants may become perpetrators of inexcusable violations and ought to be held accountable to the furthest extent in accordance with Talbert and Wolfendale, but these perpetrators ought not diminish or obfuscate the risk to the human rights of those compelled combatants that abide by humanitarian law and the law of armed combat. Many POW conscripts identified in this study's analysis emphasize that when ordered to fire their weapons, they would often shoot in unaimed random safe directions when ordered to fire because they did not want to kill anybody.

Zapotoczny presents training and indoctrination as variables in his analysis of the causes for war crimes through his case studies of the Japanese, German, Russian, and American militaries, and details how the training and indoctrination of these military forces played a part in specific war crimes and atrocities.[10] Zapotoczny's analysis demonstrates the importance of our study's findings on training, and concurs with his findings regarding training and indoctrination.

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[9] Mathew Talbert and Wolfendale Jessica, *War Crimes: Causes, Excuses, and Blame*, *Oxford University Press*, 2018

[10] Walter S. Zapotoczny, *Beyond Duty: The Reason Some Soldiers Commit Atrocities*, *Fonthill Media LTD*, 2017

The analysis of training as a factor of military failure which results in war crimes and human rights abuses is therefore established in the literature, and is further demonstrated by the analysis of the POW dataset at the core of our study.

Literature on training and its relation to war crimes and human rights is well established. Wolfendale argues that military culture and training have been utilized to justify perpetrator behavior, and bases her argument on a claim that the majority of perpetrators of war crimes believe they are behaving correctly under a moral framework while committing the abuse.[11] Given the Russian military's established culture of military bullying and abuse known as *Dedovshchina*,[12] Wolfendale's findings are in accordance with our own. Connell et al.'s assessment on training in the Russian military and the impacts of recent reforms on battlefield actions in Ukraine find that Russia's military training doctrine prior to the invasion had attempted to reform itself out of an effort to improve training, but that these efforts failed to produce quality training in actuality and that Russian forces were woefully untrained prior to the 2022 invasion.[13] Connell et al. make a significant further critique into the next factor of military failure identified by our study: the Russian officer corps.

Connell et al. depict Russian officers as woefully incompetent, deciding on *thunder runs* which constituted of troops in vehicular columns pushing as far as possible into opposing territory as possible with little care for the welfare of their troops only to be ambushed by

[11] Jessica Wolfendale, "Military Culture and War Crimes", *Routledge Handbook of Military Ethics*, 108-122, (2015)
[12] Anna U. Lowry "Saving Private Sychev: Russian Masculinities, Army Hazing, and Social Norms." *Berkeley Journal of Sociology* 52 (2008): 73–100. http://www.jstor.org/stable/41035634.
[13] Michael Connell et al., "Training in the Russian Armed Forces," *CNA*, September 2023, https://www.cna.org/reports/2023/09/training-in-the-russian-armed-forces.

Ukrainian defenders and entire units annihilated with few survivors taken prisoner.[14] The incompetence of an officer corps has a direct impact on human rights, as the officer corps has responsibility to maintain humanitarian law and the law of armed combat. There is an established literature on this concept, which has been referred to in the literature as the command responsibility for war crimes.[15] Command responsibility for war crimes implies that commissioned officers of the officer corps are beholden to report and address all alleged abuses of the law of armed conflict by any combatant under a commissioned officer's authority, or that a commissioned officer must act if they have knowledge one of their subordinates has committed an abuse.[16] The Russian officer corps has utterly failed in regards to command responsibility by the reality of the conduct of many of its commissioned officers in contravention to the principle of command responsibility, and as a result, has concordantly created a threat to human rights and the law of armed conflict in Ukraine.

Watling, Danylyuk and Reynolds present the Russian officer corps as complicit in cross-border smuggling operations prior to the 2022 invasion, and primarily describe the Russian officer corps' relationship with unconventional combatant forces namely the Wagner group.[17] Watling, Danylyuk and Reynolds' description of corrupt Russian officers facilitating illicit smuggling prior to the invasion demonstrates our study's operationalization of conduct unbecoming of an officer prior to the invasion, thus demonstrating identifiable potential pre-

[14] Michael Connell et al., "Training in the Russian Armed Forces," *CNA*, September 2023, https://www.cna.org/reports/2023/09/training-in-the-russian-armed-forces.
[15] "Command Responsibility for War Crimes." *The Yale Law Journal* 82, no. 6 (1973): 1274–1304. https://doi.org/10.2307/795564.
[16] "Command Responsibility for War Crimes." *The Yale Law Journal* 82, no. 6 (1973): 1274–1304. https://doi.org/10.2307/795564.
[17] Jack Watling, Oleksandr V. Danylyuk, and Nick Reynolds, "Preliminary Lessons from Russia's Unconventional Operations During the Russo-Ukrainian War, February 2022–February 2023", *RUSI*, March 2023, https://static.rusi.org/202303-SR-Unconventional-Operations-Russo-Ukrainian-War-web-final.pdf.pdf.

existing evidence of this variable in the immediate time period prior to the 2022 invasion. Watling, Danylyuk and Reynolds' depict GRU officers in Africa and Syria to "routinely embed" themselves with Wagner group forces, which notably implies that Russian private military contractors are sometimes unofficially led and enabled by commissioned Russian officers.[18] The implication that Wagner combatants are demonstrably able to at least be sometimes led by commissioned officers in other conflicts raises the question of why this model is not replicated in Ukraine. Wagner group combatants interviewed as prisoners of war in the dataset of our study emphasize a lack of commissioned officers in their units, thus implying that Watling, Danylyuk and Reynolds' representation of the relationship between commissioned GRU officers and Wagner group combatants is different in Ukraine than in other conflicts in which Wagner participates. Our study suggests that the reason for this disparity is an acute shortage of commissioned officers due to battlefield losses which has resulted in officer absence in these formations in Ukraine.

Literature on Russian military logistics and equipment in the 2022 Ukraine War shares a consensus regarding Russia's logistical failure in the war and is generally critical of Russian logistics doctrine as a whole, but fails to address the impact this failure had on human rights. Fasola describes Russian logistical capabilities as formidable within its own borders, but its expeditionary logistics capabilities as "…patently unfit for sustained, high-attrition, expeditionary operations."[19] Martin, Barnet, and McCarthy further posit that the Russian logistics operation for the 2022 invasion was doomed from the start due to glaringly insufficient

[18] Jack Watling, Oleksandr V. Danylyuk, and Nick Reynolds, "Preliminary Lessons from Russia's Unconventional Operations During the Russo-Ukrainian War, February 2022–February 2023", *RUSI*, March 2023, https://static.rusi.org/202303-SR-Unconventional-Operations-Russo-Ukrainian-War-web-final.pdf.pdf.
[19] Nicolò Fasola, "How Russia Fights." *NATO Defense College*, 2022. http://www.jstor.org/stable/resrep42192.

numbers of sustainment personnel in relation to combat personnel, and the assumption that logistical hubs such as railheads would be indefinitely accessible despite Ukrainian attack capabilities with long-range standoff munitions.[20] Martin, Barnet, and McCarthy emphasize Trif's analysis of the ineptitude of Russian logistics force structure and doctrine, in which Trif argues that Russia's logistical reliance on railroad networks makes Russian logistical capabilities "mediocre at best" in an expeditionary environment beyond the reach of railroad logistics, and limited by a poor ratio of logistics troops to dedicated combat troops.[21] Trif concedes that the Russian military has made improvements to its logistical capabilities over time, but emphasizes that it is still severely disadvantaged by a force structure which has less combat vehicles in a Russian battalion tactical group than comparable United States military units despite having greater logistical needs created by additional artillery.[22] This assessment is compounded by Martin, Barnet, and McCarthy's comparison of the ratio of logistics support troops to dedicated combat troops between the Russian military and the United States Army prior to the invasion, with Russian battalion tactical groups described as having only 150 out of its 700-900 members serving as logistical support in stark contrast to the U.S. Army's utilization of ten support troops for every one dedicated combat soldier.[23]

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[20] Bradley Martin, D Sean Barnett, and Devin McCarthy, "Russian Logistics and Sustainment Failures in the Ukraine Conflict: Status as of January 1, 2023", *RAND*, July 2023, https://www.rand.org/pubs/research_reports/RRA2033-1.html.

[21] Robert-Cristian Trif, "The Attack of the Russian Federation on Ukraine – Approach Regarding the Land Logistics Support of Military Actions", *Bulletin of Carol I National Defence University*,12(1):143-153, April 2023, DOI: 10.53477/2284-9378-23-12.

[22] Robert-Cristian Trif, "The Attack of the Russian Federation on Ukraine – Approach Regarding the Land Logistics Support of Military Actions", *Bulletin of Carol I National Defence University*,12(1):143-153, April 2023, DOI: 10.53477/2284-9378-23-12.

[23] Bradley Martin, D Sean Barnett, and Devin McCarthy, "Russian Logistics and Sustainment Failures in the Ukraine Conflict: Status as of January 1, 2023", *RAND*, July 2023, https://www.rand.org/pubs/research_reports/RRA2033-1.html.

Ti provides a further assessment of Russian logistical failure in Ukraine by notably arguing that Russian officers worsened the situation by sending soft-skinned logistics convoys of vulnerable supply trucks, as required by Russian logistics doctrine when railways end, to go unprotected in largesse and chaotic convoys into Ukrainian territory during the invasion.[24] Ti's analysis therefore reflects a nexus between two of the factors identified in our study: logistical failure and a failure of the officer corps. It is conceivable that the Russian officer corps could have lessened the severity of the initial failure of the Russian logistical effort if they had been more competent, but due to the described limitations to Russian logistics doctrine and capabilities before the 2022 invasion, the Russian military faced a crippling logistical handicap before the first Russian combatant even stepped foot across the border into Ukraine in February 2022. The literature has focused heavily on the causes of Russian logistical failure in Ukraine and the strategic consequences for the Russian military, but has largely overlooked the consequences of Russia's logistical failure on the human rights of Russian combatants and Ukrainian non-combatants in Ukraine. The impact of Russian logistical failure on human rights in Ukraine will therefore serve as the most novel academic contribution of this study.

Theoretical Background

To understand the relationship between military failure and human rights abuses, a theoretical understanding of why combatants commit war crimes and human rights abuses will be established. War crimes and human rights abuses have existed for all of human history, and identifiable limits for conduct in warfare in some form is a common trait across cultures across

[24] Ronald Ti, "Russian Military Logistics." *International Centre for Defence and Security* (ICDS), 2022. http://www.jstor.org/stable/resrep54364.

global history, with some exceptions and variations.[25] The World Wars served as the foundations for what would become the internationalization of the law of land warfare and human rights through the subsequent post-war Universal Declaration of Human Rights and Geneva Accords, thereby in theory fundamentally transforming the legal parameters of armed conflict to a hypothetically universal international standard.[26] This international legal standard has been enforced when it has been logistically and politically feasible, such as through ad-hoc post-conflict international criminal tribunals and national domestic courts, with varying levels of efficacy for the administration of justice for perpetrators.[27]

The modern and post-modern international efforts to create and enforce a legal schema for the law of land warfare and human rights have been maligned by a morbid trend which has become increasingly pronounced in recent history and following the Industrial Revolution: as the 19th, 20th, and 21st, centuries progress, an alarmingly greater proportion of the casualties attributable to armed conflict have become civilian non-combatants instead of combatants themselves.[28] The macabre shift towards civilians constituting the majority of casualties in warfare has been argued to have driven the development of the conceptualization of the law of armed conflict and humanitarian law in an effort to counteract this shift, with the blurring of

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[25] Michael S. Bryant, *A World History of War Crimes: From Antiquity to the Present* (London: Bloomsbury academic, 2016).
[26] Marc S. Groenhuijsen, Antony Pemberton, Rianne M. Letschert, Roelof H. Haveman and A.L.M. de Brouwer. "Genocide, Crimes Against Humanity and War Crimes: A Victimological Perspective on International Criminal Justice." in R. M. Letschert, R. Haveman, A. M. de Brouwer, & A. Pemberton (Eds.), Victimological Approaches to International Crimes: Africa, 9-34, *Supranational Criminal Law*; No. 13, 2011.
[27] George S. Yacoubian, "Evaluating the Efficacy of the International Criminal Tribunals for Rwanda and the Former Yugoslavia: IMPLICATIONS FOR CRIMINOLOGY AND INTERNATIONAL CRIMINAL LAW." *World Affairs* 165, no. 3 (2003): 133–41. http://www.jstor.org/stable/20672661.
[28] Marc S. Groenhuijsen, Antony Pemberton, Rianne M. Letschert, Roelof H. Haveman and A.L.M. de Brouwer. "Genocide, Crimes Against Humanity and War Crimes: A Victimological Perspective on International Criminal Justice." in R. M. Letschert, R. Haveman, A. M. de Brouwer, & A. Pemberton (Eds.), Victimological Approaches to International Crimes: Africa, 9-34, *Supranational Criminal Law*; No. 13, 2011.

distinctions between combatants and civilians further complicating the situation. To illustrate this trend, the First World War saw 30% of its casualties constituted by non-combatants, the Second World War saw 50% of its casualties from non-combatants, and for the Second Indochina War 70%.[29] The Iraq War only further demonstrates this trend, with estimates placing non-combatants at 85% of those killed in 20 years of conflict from March of 2003 through March of 2023.[30] This unsettling and ongoing trend thus demonstrates the importance of understanding the causes for these war crimes and human rights abuses, and presents a need to better understand the specific battlefield factors which contribute to the perpetration of war crimes and human rights abuses.

The ubiquitous nature of war crimes and human rights abuses in the historical record, when considered in conjunction with the phenomenon of increased proportions of civilian casualties in warfare over time in the 20th century, proposes a question of marked theoretical importance to the empirical goals of this study: *why do combatants commit war crimes and human rights abuses, and what specific battlefield factors are identifiable as contributory to these misdoings?* The causes of war crimes and human rights abuses have a range of theoretical explanations, ranging from whether individual military leaders take the law of land warfare and human rights law seriously,[31] to economic conditions in the home countries of those accused of

[29] Marc S. Groenhuijsen, Antony Pemberton, Rianne M. Letschert, Roelof H. Haveman and A.L.M. de Brouwer. "Genocide, Crimes Against Humanity and War Crimes: A Victimological Perspective on International Criminal Justice." in R. M. Letschert, R. Haveman, A. M. de Brouwer, & A. Pemberton (Eds.), Victimological Approaches to International Crimes: Africa pp. 9-34, *Supranational Criminal Law*; No. 13, 2011

[30] Neta C. Crawford, "Blood and Treasure: United States Budgetary Costs and Human Costs of 20 Years of War in Iraq and Syria, 2003-2023", pp. 14, *Watson Institute*, March 2023 https://watson.brown.edu/costsofwar/files/cow/imce/papers/2023/Costs%20of%2020%20Years%20of%20Iraq%20War%20Crawford%2015%20March%202023%20final%203.21.2023.pdf

[31] Richard A. Falk, "Son My: War Crimes and Individual Responsibility". *The Vietnam War and International Law*, Volume 3, Princeton: Princeton University Press, 1972, pp. 327-345. https://doi.org/10.1515/9781400868247-019

abuses.[32] Causes of war crimes and human rights abuses are very complex and no two conflicts are exactly alike, but in the context of the ongoing 2022 Ukraine war, Russian POWs in Ukrainian captivity have provided evidence that three factors have stood out as particularly salient in the specific conflict: training, logistics and equipment, and a failure of the professional officer corps. These three areas will be further explored for theoretical importance.

Training

Proper training in individual and collective military tasks are fundamental pre-combat requirements which must be successfully accomplished for a military force to be successful in their battlefield objectives, to survive combat as an individual combatant, and to avoid violations of human rights and the law of land warfare. Appreciation and application of the law of land warfare is a component of training which must be instilled upon combatants prior to combat, as combatants will fight in a manner that is reinforced through training to be acceptable.[33] Training which reinforces and teaches the law of land warfare is a necessary component of training prior to combat. Unit culture serves as a further training medium by which combatants are conditioned to acceptable and unacceptable behaviors under the standards of established military unit culture.[34] Zimbardo's 1971 Stanford Prison experiment demonstrated that when people are placed in a novel situation for which they have no training or experience, they have no existing course of action to base their behavior on.[35] Untrained combatants have a limited capacity to

[32] Walter S. Zapotoczny, *Beyond Duty: The Reasons Some Soldiers Commit Atrocities* (Stroud: Fonthill Media, 2017).
[33] Wolfendale, Jessica, "Military Culture and War Crimes", *Routledge Handbook of Military Ethics*, 108-122, (2015)
[34] Wolfendale, Jessica, "Military Culture and War Crimes", *Routledge Handbook of Military Ethics*, 108-122, (2015)
[35] Craig Haney, Curtis Banks, and Philip Zimbardo. "Interpersonal dynamics in a simulated prison." *The Sociology of Corrections (New York: Wiley, 1977)* (1973): 65-92.

draw from experience to guide their behavior, thus resulting in violations of human rights law and the law of land warfare when these unprepared individuals are faced with the reality of frontline combat. A unit which is characterized by a culture of respect, reinforces following rules and regulations even when unobserved, and teaches its members to value and respect the dignity of human life stands more prepared to adhere to the laws of land warfare and human rights law than a unit with a culture characterized by the opposite. Warrior codes serve as an example of military culture evident in the historical record as a component of training in military organizations throughout history and across cultures in military forces, and demonstrate that social codes of behavior in military units provide expectations for acceptable and unacceptable behaviors of combatants when deployed to the battlefield.[36]

The presence of twenty five out of sixty conscripts in the POW interview dataset represents another dimension of training's relation to violations of the law of armed combat and human rights law which must be explained. Article 18 of the Universal Declaration of Human Rights states, "[everyone] has the right to freedom of thought, conscience and religion."[37] This article has been further interpreted to extend to conscientious objection on numerous occasions, and was most recently reaffirmed in 2017.[38] Conscientious objection is the term which has come to represent the expression of the objection to conscription into a state military based on moral or religious principles, according to the United States Selective Service System's official definition.[39]

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[36] Shannon E. French, "Military Ethics in Variant Cultural Traditions: Warrior Codes Revisited", *Routledge Handbook of Military Ethics*, 108-122, (2015)
[37] UN General Assembly, "Universal Declaration of Human Rights," Article 18, (Paris, 1948)
[38]Office of the High Commissioner for Human Rights, "Analytical report on conscientious objection to military service", UN Symbol A/HRC/35/4, May 2017.
[39] United States Selective Service System, "Conscientious Objectors," accessed March 15th, 2024, https://www.sss.gov/conscientious-

Concerns pertaining to conscientious objection raise questions regarding the human rights of Russian conscripts who are being forced against their will into the armed forces and face impressment into combatant status, as any dissent or resistance against this directive is punished by the "refusenik" being branded as a traitor and prone to betrayal on their official state identity documents for life. Russian conscripts are not the only population within the Russian military impacted by impressment into combatant status, as volunteer active-duty combatants face immediate conscription at the conclusion of their contracts, and are given the same branding of disloyalty should they fail to follow illegal orders or display dissent. Russian men are supposed to be protected from conscription under article 59(3) of the constitution of the Russian Federation if they are conscientious objectors,[40] but based on the testimony of the POWs in the dataset, this is a right which is being wholly denied to Russian conscripts captured in Ukraine. Based on the presence of twenty-six POWs in this data set out of sixty being conscripts captured in Ukraine, it is ascertainable that Russian conscripts are facing threats to their own human rights through physical compellation to fight on the front lines, and further intensified by the lack of training. These conscripts then dually pose a threat to the human rights of Ukrainian non-combatants and combatants alike as they have not received proper training in the law of armed combat and human rights law.

The failure to provide realistic training for combatants prior to combat makes combatants significantly less likely to survive combat, and less likely to follow the law of land warfare and humanitarian law due to lack of training on how to comply with international law. The result of

objectors/#:~:text=A%20conscientious%20objector%20is%20one,of%20moral%20or%20religious%20principles.

[40] Constitution of the Russian Federation, "Chapter 2. Rights and Freedoms of Man and Citizen", Article 59(3), accessed April 27, 2024, http://www.constitution.ru/en/10003000-03.htm.

poor training is therefore an increased threat to the human rights of both non-combatant civilians, as combatants are forced to fight with inadequate knowledge to maximize their chances of surviving the hellish reality of front-line combat, and without regard for the human rights of non-combatants. Military unit training must be made to replicate conditions as closely in combat as possible, as training realism is a key trait of training effectiveness.[41] Realistic training increases confidence between military leaders and subordinates, and most importantly prepares combatants for coping with the anxiety inherent to performing battlefield duties.[42] The ability to control nerves under pressure better enables combatants to adhere to the law of land warfare and human rights law, as they are more capable of making decisions under the pressures of combat, and thus more capable of making better judgements under pressure to avoid war crimes and human rights abuses.

Wolfendale reminds us that training includes more than just instruction in battlefield tasks, extending to training acquired through unit culture and norms:[43] Military culture includes formal and informal instruction which reinforces presuppositions about "the enemy," and has the capacity to create a unit culture which creates an "othering" effect to justify killing and prepare combatants to behave in an accordant way on the battlefield. The military unit creates a culture of acceptable and unacceptable behaviors based upon which behaviors and attitudes are reinforced through punishment or encouragement by the officer corps leadership of the unit. A unit culture characterized by crime, disrespect, bullying, and corruption results in a unit with a

[41] Jim Greer, "Training: The Foundation for Success in Combat" *2019 Index of U.S. Military Strength,* 37-45*,* The Heritage Foundation, 2019, https://www.heritage.org/sites/default/files/2018-09/2019_IndexOfUSMilitaryStrength_CHAPTERS_GREER.pdf.
[42] Sara Mackmin, "Why Do Professional Soldiers Commit Acts of Personal Violence That Contravene the Law of Armed Conflict?" *Defence Studies* 7, no. 1 (2007): 65–89. doi:10.1080/14702430601135610.
[43] Wolfendale, Jessica, "Military Culture and War Crimes", *Routledge Handbook of Military Ethics*, 108-122, (2015).

disregard for the human rights of the people they may encounter on the battlefield, whereas a unit conditioned by a competent officer corps to comport itself in a way which is observant of human dignity and respect produces a military organization more likely to adhere to humanitarian law and the law of armed combat.

Training can additionally be analyzed through effective talent management. Combatants, especially conscripts, all usually have some form of pre-war employment or livelihood. A combatant will be most effective in a battlefield occupational area which has relation or similarity to their pre-war civilian occupation, especially if there is insufficient training time or resources prior to combat. For example, a civilian truck driver is going to be naturally more apt to operate armored vehicles or heavy machinery and would be better trained for a similar military occupation once conscripted. The failure to properly place conscripts into military occupations which correlate with their civilian experience results in an outright dearth of pre-existing experience in whatever field the conscripts are placed in. Untrained conscripts that lack relevant pre-war occupational experience are ill-prepared to survive the realities of frontline combat, and unprepared to understand the law of land warfare and human rights law.

Logistics and Equipment

The failure to provide logistical support and properly functioning military equipment is a threat to the human rights of both combatants, and non-combatant civilians alike. Though state militaries like the Russian military may be logistically prepared at the onset of war, protracted conflict proves disastrous to logistics.[44] As Sun Tzu stated, "[if] you expose the army to a

[44] Per Skoglund, Tore Listou, and Thomas Ekström, "Russian Logistics in the Ukrainian War: Can Operational Failures Be Attributed to Logistics?". *Scandinavian Journal of Military Studies* 5 (1): 99–110, 2022, https://doi.org/10.31374/sjms.158.

prolonged campaign, the state's resources will be inadequate."[45] Malfunctioning ordnance can fly off-target and cause unintended civilian casualties, and combatants provided glaringly inadequate equipment have a markedly reduced chance of surviving the unforgiving ordeal of combat. The failure to provide basic logistical support for food, hydration, shelter, and field sanitation results in combatants that are starving, dying of thirst, and living in generally inhumane conditions. Vegetius argued that "...where forage and provisions have not been carefully provided, the evil is without remedy."[46] The secondary effect of these inhospitable conditions for combatants is an increased threat of human rights violations of non-combatants, as desperate combatants dying of starvation, dehydration, and exposure will be more likely to commit acts of violence in a state of desperation for survival.[47] Combatants who fail to have their basic needs met for survival will look to any possible external sources in their immediate surroundings out of desperation, thus presenting a direct threat to the human rights of non-combatants.

Military equipment which does not properly operate as intended poses significant risk to the operator or user of the equipment, their fellow combatants, and non-combatants alike. Protective equipment such as body armor, helmets, vehicular armor, and other like technologies collectively referred to as personal protective equipment or PPE, is directly correlative with a combatant's chances of surviving combat.[48] Offensive weapons which either fail to function or

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[45] Sun Tzu, *The Art of War*, Chapter 2, 71 (New York, New York: Barnes and Noble Publishing, 1994).
[46] Flavius Vegetius Renatus, "The Military Institutions of the Romans", 71, (Harrisburg, Pennsylvania: The Military Service Publishing Company, 1944).
https://babel.hathitrust.org/cgi/pt?id=mdp.39015005889210&seq=9
[47] Benoît de Courson, Willem E. Frankenhuis, Daniel Nettle and Jean-Louis van Gelder, "Why is violence high and persistent in deprived communities? A formal model" *The Royal Society Publishing*, 2023.
https://royalsocietypublishing.org/doi/epdf/10.1098/rspb.2022.2095.
[48] Qian-ran Hu, Xing-yu Shen, Xin-ming Qian, Guang-yan Huang, Meng-qi Yuan,
"The personal protective equipment (PPE) based on individual combat: A systematic review and trend analysis", *Defence Technology*, Volume 28, 2023, 195-221, https://doi.org/10.1016/j.dt.2022.12.007.

operate unsafely pose a high risk to the life and limb of the operator. Lack of functioning communications equipment is a bane to troops in a combat situation, as a lack of direction and collective action creates significant risk to troops in contact. Faulty offensive munitions fly off course with capacity to fall on unintended non-combatant targets, thus demonstrating how improper equipment threatens the human rights of combatants and combatants alike. The testimony of two Russian prisoners of war interviewed in this study directly demonstrates this relationship, with the Grad rocket artillerymen both attesting to the poor quality and resultant lack of accuracy of their munitions meaning they often flew off-course into civilian areas.

The presence of up to one hundred thousand conscripted Russian prisoners in Ukraine further complicates the threat which inept battlefield logistics makes to human rights.[49] Convicted criminals forced to fight at gunpoint thereby purely motivated by survival have already demonstrated their indifference with legal statues and the rule of law through their pre-combatant status as convicted prisoners, and as a result should not be trusted to refrain from committing war crimes and human rights abuses when forced to bear arms in a foreign country. The Wagner group is often written off as an incapable organization which utilizes mercenaries in human wave tactics in Ukraine, but the group's success in its global reach demonstrate the group's efficacy and capacity it has to threaten human rights.[50] When combatants are forced to choose between starvation and thirst or illegally appropriating resources from non-combatants,

[49] Isabel van Brugen, "Exclusive: Russia Has Recruited Over 100,000 Convicts Since Ukraine War Began" *Newsweek,* December 2023, https://www.newsweek.com/russia-recruited-prisoners-convicts-ukraine-war-1849292.
[50] Armed Conflict Location & Event Data Project, "Moving Out of the Shadows Shifts in Wagner Group Operations Around the World." Armed Conflict Location & Event Data Project, 2023. http://www.jstor.org/stable/resrep52618.

especially when a proportion of these combatants are already conscripted prisoners, the impact logistics can have on human rights becomes self-evident.

Failure of the Officer Corps

The commissioned officer corps is the moral heart and soul of a modern military organization. Commissioned officers are expected to be the metaphorical standard bearers for modern military forces, serving as the senior planners of military operations and chief supervisors during the execution of military operations. Commissioned officers are expected to be competent in all military tasks in which their troops must be proficient, as they are supposed to be the chief planners of military operations and must themselves understand the tasks of which they demand completion by their subordinates. Commissioned officers give orders to their subordinates which are expected to be executed without hesitation, lest the order is illegal and in the commission of a crime. Resisting an authoritative figure giving an order even when against the moral conscious of the subordinate has however proven antithetical to the psychology of obedience, as demonstrated in Stanley Milgram's Shock Experiment.[51] Commissioned officers are expected to be the bearers of responsibility for all conduct under their command, including the prevention of war crimes, in what is legally referred to as the principle of command responsibility.[52] Commissioned officers are expected to be better educated on the law of land warfare, and are resultantly expected to play a central role in the prevention of human rights abuses and war crimes by subordinate personnel by the duty to intervene.[53] Commissioned

[51] Stanley Milgram, "Behavioral Study of Obedience" *Journal of Abnormal and Social Psychology* 1963, Vol. 67, No. 4, 371-378, https://www.psy.miami.edu/_assets/pdf/rpo-articles/milgram-1963.pdf
[52] "Command Responsibility for War Crimes." *The Yale Law Journal* 82, no. 6 (1973): 1274–1304. https://doi.org/10.2307/795564.
[53] "Command Responsibility for War Crimes." *The Yale Law Journal* 82, no. 6 (1973): 1274–1304. https://doi.org/10.2307/795564.

officers are expected to lead from the front during combat and to be physically *present* with their troops during military operations, and must refrain from conduct unbecoming of a military officer.

The United States Military Uniform Code of Military Justice Article 133 defines conduct unbecoming of an officer to include any, "action or behavior in an official capacity which, in dishonoring or disgracing the person as an officer, seriously compromises the officer's character as a gentleman."[54] Conduct unbecoming of an officer may include any range of illegal, immoral, or unethical behaviors or orders, including criminal acts, public intoxication, making defamatory statements about another officer while in public, falsifying official statements, or engaging with prostitution.[55] Conduct unbecoming of a military officer results in a failure to uphold the law of land warfare and human rights law, as this conduct includes corruption, assault and battery, theft, illegal detention, and murder on the battlefield.

The Russian officer corps suffers from a history of corruption, with well-documented examples from the 1990s demonstrating the Russian military's historical pre-disposition to officer unbecoming officer conduct.[56] The Russian officer corps' precursor Soviet officer corps was even more notorious for high-ranking officers misusing their positions for self-enrichment, and regularly engaged in behaviors which may be interpreted as conduct unbecoming of an officer.[57] The Russian military has long suffered an established military bullying culture known

[54] UCMJ, art. 133, 10 U.S.C. 933.
[55] UCMJ, art. 133, 10 U.S.C. 933.
[56] Jennifer G. Mathers, "Corruption in the Russian Armed Forces." *The World Today* 51, no. 8/9 (1995): 167–70. http://www.jstor.org/stable/40396751.
[57] Jennifer G. Mathers, "Corruption in the Russian Armed Forces." *The World Today* 51, no. 8/9 (1995): 169. http://www.jstor.org/stable/40396751.

as *dedovschina*,[58] an institutionalized culture of misconduct which is a direct reflection of conduct unbecoming of an officer. The Russian officer corps of the 21st century is therefore descended from an established legacy of unbecoming officer conduct, and given that there are still senior officers in the Russian officer corps who served in the Red Army before the dissolution of the Soviet Union, this legacy is one which is yet to pass with time.

Commissioned officers that do not uphold the law of land warfare and fail to prevent human rights abuses present an increased threat to the human rights of civilian non-combatants, as they will not properly uphold the law of land warfare and intervene when an abuse is committed. The human rights impact posed by incompetent commissioned officers that fail to be physically present on the battlefield is compounded by potential officer shortages due to battlefield losses. Losses either result in an outright physical absence of the officer corps on the battlefield, or the promotion of unqualified lower-ranking combatants to commissioned officers that do not understand or respect the law of land warfare and human rights law. Without a competent and physically present officer corps to lead and restrain enlisted combatants in a military force, war crimes and human rights abuses may continue unabated when they may otherwise be prevented by a competent officer corps which upholds the law of land warfare and human rights law under command responsibility.[59]

Russia's officer corps has experienced staggering losses, with some open-source intelligence sources claiming up to 648 Junior Lieutenants, 986 Senior Lieutenants, 594 Captains, 401 Majors, 209 Lieutenant Colonels, 87 Colonels, 6 Major Generals, and one

[58] Jennifer G. Mathers, "Corruption in the Russian Armed Forces." The World Today 51, no. 8/9 (1995): 167–70. http://www.jstor.org/stable/40396751.
[59] "Command Responsibility for War Crimes" The Yale Law Journal, vol. 82 no.6, (1973): 1274-1304. https://doi.org/10.2307/795564.

Lieutenant General had been killed alongside 465 reserve officers of varying ranks and grades.[60] The United States has only lost one general officer in combat since the Second Indochina War, a conflict which took over a decade of intense conflict south-east Asia to accumulate the loss of six general officers as a result of enemy action,[61] whereas the Russian military has experienced the loss of seven general officers in just roughly two years of fighting. The loss of experienced officers, specifically senior leaders educated in the law of land warfare, human rights, and illegal orders results in impaired combat efficacy and a reduced capacity to uphold the law of land warfare and human rights law. Heavy officer corps losses fundamentally undermine the Russian military and its capacity to complete battlefield objectives and prevent war crimes and human rights abuses, as officer losses result in a diminished physical officer corps presence, and desperate battlefield promotions of unqualified and inexperienced enlisted personnel to the officer corps. The loss of senior officer leadership compounds the issue of the Russian top-down command and control structure, as the loss of the centralized officers at the top of this system presents a significant strategic loss.

This unqualified and inexperienced corps of newly promoted officers has additionally proven generally incapable of restraining enlisted combatants who are often conscripted prisoners forced to fight against their will from committing war crimes and human rights abuses. Given Russian political exile and prominent dissenter Vladimir Osechkin has claimed up to one hundred thousand Russian prisoners were fighting in Ukraine, the Russian officer corps' capacity

[60] Killed In Ukraine (KIU), "Russian Officers Killed in Ukraine" Open-Source Datasheet, https://docs.google.com/spreadsheets/d/1InyFVmu1LoSjqcWTHe4iD9cR8CNiL-5Ke5Jiz_Mlvwc/edit#gid=1093884946.
[61] Robert S. Rush, "General and Flag Officers Killed in War," War on the Rocks, August 12, 2014, https://warontherocks.com/2014/08/general-and-flag-officers-killed-in-war/.

to restrain its forcibly enlisted recruits from committing war crimes and human rights abuses in Ukraine is limited at best, and nonexistent at worse.[62]

Methods and Operationalization

To uncover the reality of the situation on the battlefield amidst a complex and contentive informational environment like in Ukraine, insight may be gleaned front from individuals who have witnessed the realities of frontline combat firsthand. Who better to ask about the reality of the situation on the Russian side of the trenches in the Ukraine War than Russian service members themselves? A population of Russian service members which may be ethically analyzed are those in Ukrainian captivity as prisoners of war or any who have willingly defected to the Ukrainian side. The methods selected for determining what elements of Russian military failure in Ukraine contributed to grave breaches of the law of armed conflict and human rights abuses were the second-hand analysis of sixty open source publicly available interviews with Russian prisoners of war and defectors in Ukrainian captivity. A dataset of sixty Russian POW interviews selected for analysis were conducted ethically by a team of Ukrainian journalists that interview Russian POWs as part of a prisoner exchange program sponsored by the non-profit organization "Look for Your Own" which seeks to facilitate dialogue about the war and facilitate prisoner exchanges. POW interviews were analyzed for data trends in areas related to specific elements of military failure which contributed to war crimes and human rights abuses.

The three factors of military failure identified in the interviews have varying level of saliency across all sixty interviews, and have been identified and analyzed to demonstrate which

[62] Isabel van Brugen, "Exclusive: Russia Has Recruited Over 100,000 Convicts Since Ukraine War Began" *Newsweek,* December 2023, https://www.newsweek.com/russia-recruited-prisoners-convicts-ukraine-war-1849292.

elements of Russian military failure in the Ukraine War have most contributed to violations of the law of armed conflict and human rights law. Identified factors of military failure include training, the Russian Officer Corps, and logistics and equipment, all three of which were composed of and analyzed through the medium of two subfactors identified within each variable. Training was identified and analyzed though the subfactors of insufficient training, and whether the POW's peacetime or former profession had any relation to their military occupational specialty (MOS) when captured. The failure of the Russian Officer Corps was analyzed through the presence of the subfactors of officer absence, and conduct unbecoming of an officer. Logistics and equipment were operationalized through the subfactors of faulty or inferior equipment, and shortage of food, water, shelter, or ammunition.

Training was operationalized through the subfactors of insufficient training, and lack of previous profession relation to combat MOS. Evidence of insufficient training was considered present in an interview by POW remarks which demonstrated a lack of proper training prior to being sent to combat. These statements included direct statements regarding insufficient training, descriptions of limited training iterations and time, and lack of training in key battlefield tasks prior to being expected to perform them. Lack of previous profession relation to combat MOS was determined by generously comparing whether the skill set possessed in the POW's previous profession had any relation to the job they ended up being assigned to perform in combat. For example, a baker is generally not going to be as pre-prepared to be an infantryman as a security guard would be. This is especially important to consider given the simultaneous occurrence of insufficient training, as pre-existing experience may be all a combatant has to draw on for survival when improperly prepared.

The failure of the Russian Officer Corps was measured through the subfactors of officer absence, and conduct unbecoming of an officer. Officer absence, or lack of presence, was measured through POW statements which indicated the absence of Russian officers through willful lack of physical presence on the battlefield during key moments, or through expressions indicating a lack of presence due to a shortage of Russian officers. Conduct unbecoming of an officer was measured through POW statements which indicated Russian officers committing a wide array of malicious activities, including corruption, looting, murder, assault and battery, kidnapping, public intoxication, threatening behavior, intimidation, false statements, issuance of illegal orders, illegal detention, sexual harassment and assault, bribery, forgery, or failure to prevent abuses under their command through negligence.

The factor of logistics and equipment was operationalized through the subfactors of faulty or inferior equipment, and shortage of food, water, shelter, or ammunition. Evidence of faulty or inferior equipment was determined by the presence of POW statements which described their equipment malfunctioning, describe being issued equipment which was glaringly insufficient for their survival of frontline combat, or comparatively describe their equipment as inferior to that of Ukraine. Shortage of food, water, shelter, or ammunition were identified through POW statements which reflected a shortage of food or water, lack of provision of shelter from the elements, and limited supply of ammunition.

Limitations

There are several discernable limitations to this study, the foremost being that the researcher is not fluent in Ukrainian nor Russian. Interviews were translated directly from the provided video transcript which accompanied each interview video. The researcher understands enough basic Russian to trust the content of the translation for the prisoner of war interviews, but

lack of fluency meant only interviews which had been translated into English could be selected for the dataset out of the hundreds of interviews available for analysis. Only a portion of the overall interviews conducted are translated into English, as the journalists conducting the interview are more focused on reaching Ukrainian and Russian speaking audiences. Some conversational nuance may be lost due to lacking the fluency required to understand the Russian language in its full contextual form as would a native speaker.

The POW interviews are conducted by two independent Ukrainian journalists, but the presence of a Ukrainian intelligence services watermark on some of the interviews raises questions about the state of duress the POWs were in during questioning. POWs in interviews selected for analysis universally attest to them receiving humane treatment under the law of armed conflict, but just because answers are not being demanded of them at gunpoint doesn't mean they aren't giving testimony under duress. All of the POWs being interviewed have just survived unspeakably traumatic experiences which often occurred only days or weeks prior to being interviewed, many are recovering from battlefield injuries, and all of them have seen death in a capacity and scale which is usually confined to nightmares. Questioning the POWs so recently after capture bodes well for recency in their accurate recollection of events, but may be perceived as putting them in emotional and mental duress for having to recall horrific experiences while answering interview questions. These men are scared prisoners of war uncertain of their fates, and though they may report better treatment in Ukrainian captivity than by their own forces, they are still being held in a foreign country in captivity and will therefore be exposed to a degree of duress while giving interviews.

The consequence of analyzing existing interviews is a lack of ability to have consistent questions asked and discussion topics. Interviews selected for analysis generally covered the

same topics of discussion, but sometimes some questions do not get asked due to the direction which the interview takes. Some of the interviews which were found to lack evidence of identified elements of military failure therefore may have failed to capture additional evidence, as a lack of reference to a particular factor of military failure during an interview was operationalized as a lack of evidence even when the question about that factor was not asked in that particular interview.

It must be considered that Russian prisoners of war may potentially only be giving conservative accounts of their experiences out of fear of reprisal from the Russian government upon exchange. Russian POWs may be further hindered in their willingness to give honest answers out of the interest of being exchanged in a prisoner of war exchange sooner, as answers which present a dissenting or negative view of the Russian government may make them less of a priority for exchange. It should be noted that during many of the calls home the journalists facilitate for the prisoners of war as part of the interview format, the family members of the POWs would decline to answer the interviewers' questions out of a stated fear of government reprisal. This is not to say that POWs did not give honest answers out of fear of reprisal in all of the cases, only that this fear may have dulled the true extent of their criticisms for some POWs interviewed.

The final limitation of this study is the recency of the events involved, and the ongoing nature of the 2022 Ukraine War at the time of writing. The recency of events in the 2022 Ukraine War means that academia is yet to fully catch up, and as a consequence, source material and peer reviewed studies are limited for the time being. Many sources referenced in this study have been published in the immediate aftermath of the conflict, but the options available are limited compared to other research topics. The 2022 Ukraine War's status as an ongoing conflict which

galvanizes political opinions makes it difficult to study, as there is an actively contested information environment regarding events in the conflict by both sides. To exemplify how this contested information environment is present in this study, the interviewers state during interviews that the Russian government has tried to discredit POW accounts by claiming there are armed men just outside the camera's shot coaxing the POW's answers at gunpoint. The Ukrainian interviewers attempt to discredit these claims by asking POWs to confirm they are not being forced to answer, and exhaustively ask the POWs for their consent to participate in the interview. If the POW decides they no longer wish to continue with the interview, it immediately stops per the cessation of their consent. This back-and-forth game of informational warfare is an example of how the contended information environment of an ongoing conflict can create limitations for study.

Table 1: Data Findings

Theoretical Factor of Military Failure	Training	
Sub-Factor	Lack of Previous Profession Relation to Combat MOS	Insufficient Training
Interviews With Evidence n=60	41	55
% of Interviews with Evidence/60	68.33%	91.66%

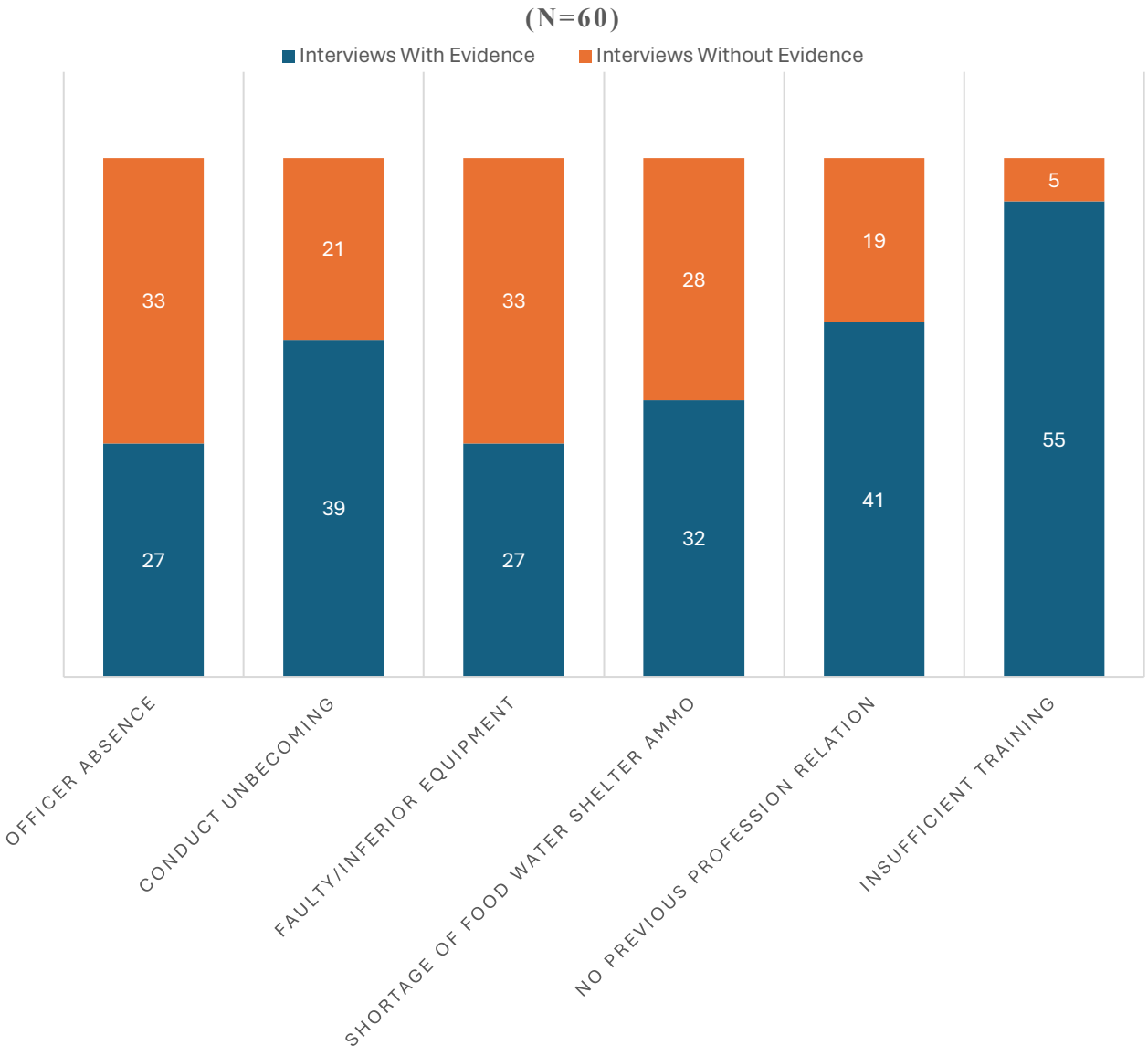
Logistics and Equipment	
Officer Absence	Conduct Unbecoming of an Officer
27	32
45%	53.33%

Failure of the Officer Corps	
Officer Absence	Conduct Unbecoming of an Officer
27	39
45%	65%

Secondary Demographic Data n=60	
Conscripted into 155th Naval BDE:	5
Ethnic Russian Minority:	7
Initial Invasion Participation	12
Conscription Status	25 Conscripts / 28 Contractors/ 7 Prisoners
Officer/Enlisted	7 Officers / 53 Enlisted
Against War/Russian Government	54
Ignored Disqualifying Medical Exemptions	11

Interview Time Range	
Earliest Interview Publication date	Latest Publication date of interview
7-Jun-22	11-Oct-23

Figure 1: Visual Representation of Prevalence of Factors of Military Failure



Data Analysis

There is a significant presence of both training sub-variables in the POW interview dataset. 41/60 interviews having evidence of the POW's peacetime profession mismatched to their combat military occupational specialization at time of capture represents roughly two-thirds

of POWs interviewed, with these combatants not vocationally assigned within the military based on prior experience. The consequence is a threat to the human rights of Russian combatants placed into combat jobs for which their previous experience did not prepare them, thus making the less likely to survive. There is a dual threat to Ukrainian combatants and non-combatants, as these misplaced Russian individuals have limited capability to understand the law of armed combat due to lack of relevant prior professional combat and training experience.

Russian conscripts put into a military profession which fails to correlate to at least to some degree with their peacetime or previous profession results in conscripts being put in new unfamiliar positions for which they are untrained. This unfamiliarity exposes vocationally mismatched and untrained conscripts to similar conditions to the aforementioned Stanford prison experiment,[63] thus making them predisposed to threatening Ukrainian combatants and non-combatants' rights under the law of armed combat and human rights law. These Russian conscripts are dually having their own human rights threatened by the higher likelihood of them being killed in combat due to vocational mismatch from their previous experience. This threat is further amplified considering the evidence of conscripts and professional soldiers alike failing to receive proper training, meaning the only experience these combatants have to fall back on for survival in combat is their previous peacetime profession. If this peacetime profession has little to no relation to the battlefield duties being performed by the Russian combatant, and when combatants aren't properly retrained when given military occupational specialties unrelated to their former profession, they stand poised to face frontline combat with a marginally reduced chance of survival in a war in which they are being forced to fight.

[63] Craig Haney, Curtis Banks, and Philip Zimbardo. "Interpersonal dynamics in a simulated prison." *The Sociology of Corrections (New York: Wiley, 1977)* (1973): 65-92.

Insufficient training is the most prevalent of any metric measured for analysis at 55/60 POWs interviewed providing evidence of insufficient training. The majority of Russian combatants in Ukraine not receiving training prior to combat is a significant indicator for Russian military failure, and demonstrates a grave threat to the human rights of Russian combatants being forced to fight in Ukraine. These individuals are unprepared to survive the unforgiving crucible of 21st century frontline combat, and therefore are having their human rights violated by their own state. Ukrainian citizens and combatants have their human rights threated by this lack of training, as they are forced to face Russian combatants that do not understand the Law of Armed Conflict and illegal orders.

Russian combatants that receive insufficient training face threats to their own human rights, and dually threaten the human rights of Ukrainian non-combatants and combatants alike. The presence of evidence of insufficient training in 55/60 interviews in the dataset implies that improper training is endemic amongst the Russian armed forces as a whole, and the most prevalent factor of military failure identified in this study to negatively impact human rights. Russian combatants with insufficient training stand less of a chance to survive fighting on the front lines out of a lack of preparation in key tasks needed to survive frontline combat, and given Russian combatants are forced to fight by threat of physical violence and permanent legal branding of traitor, insufficient training is resulting in the degradation of Russian combatants' human rights. Insufficiently trained Russian combatants threaten the human rights of Ukrainian combatants and noncombatants, as insufficiently trained Russian combatants specifically untrained in the law of armed conflict and the issuance of illegal orders stand predisposed to serve as a greater threat to the human rights of Ukrainians than they would if they were properly trained and experienced in human rights law and the law of armed conflict.

Nearly half (27/60) of the POW interviews analyzed presented evidence of officer absence, either in the form of a shortage or lack of officers to even be present, or from outright absence from the battlefield during significant battlefield actions. This may not be as strong of an indicator as the training variables, but the implications of even 45% of Russian combatants providing evidence that the officer corps is absent should not be understated. Even at 45% frequency, this trend has the capability to be disastrous for the officer corps in terms of tactical efficiency, and more importantly the compliance of human rights law and the law of armed combat. If just under roughly every other Russian combatant in Ukraine is experiencing an absence of their officer corps leadership and command, this still represents a wide enough problem to impact the human rights of Russian conscripts doomed to failure by their leadership, and Ukrainian combatants and civilians forced to be confronted with an opposing force with a largely absent officer corps unable to restrain its desperate enlisted personnel.

The presence of conduct unbecoming of an officer in 39/60 POW interviews analyzed is an even more significant factor than presence, as it is more frequent in interviews analyzed, and has the capacity to demonstrate that for even the officers that were present per POW accounts, their unprofessional and unbecoming conduct significantly degraded the officer corps capacity to enforce human rights law and the law of armed combat. Many of the POW accounts of conduct unbecoming of an officer are direct violations of human rights and the law of armed combat, thus demonstrating the relation between officer misconduct and human rights and the law of armed conflict.

POW accounts of such misconduct includes evidence of corruption, public intoxication, murder, illegal detention, physical and verbal harassment, intentionally misleading subordinates, false statements, and the failure to prevent looting. The accounts of the 39 Russian POWs who

made statements indicative of experiencing conduct unbecoming of an officer by members of the Rusisan officer corps represent a direct reflection of the impact the failure of the officer corps has had on the enforcement of the law of armed conflict and human rights law in the Ukraine War. A reoccurring trend amongst Russian POWs who reported conduct unbecoming of an officer was being instructed by a commissioned Russian officer to avoid being captured at all costs, and formally commanded to commit suicide by holding a live grenade to the chest instead of surrendering to Ukrainian combatants. This command is in direct contravention to humanitarian law and the law of armed combat, as it is illegally ordering the subordinate combatant to commit suicide, thus failing to respect their right to dignity and respect as a human being under multiple articles of the Universal Declaration of Human Rights,[64] and their protections as prisoners of war under Article III of the 1949 Geneva Convention.[65] POWs explain that the Russian officer corps' motivation for this behavior is a lack of desire to expend state time and resources on POW exchanges. It is notable that the POWs who report receiving and disobeying this illegal order through their capture describe other Russian combatants as taking it seriously and killing themselves with grenades to avoid capture as ordered. This is direct evidence of an illegal order from Russian commissioned officers resulting in the depravation of the human rights of Russian combatants, as Russian combatants forced to fight in the conflict against their will are being ordered by commissioned officers to forgo the remainder of their own lives and forfeit the protections entitled to prisoners of war.

[64] UN General Assembly, "Universal Declaration of Human Rights," (Paris, 1948).
[65] ICRC Database, "Treaties, States Parties and Commentaries, Convention (III) relative to the Treatment of Prisoners of War" Geneva, 12 August 1949, Article 3, https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3.

The outcome of 27/60 interviews presenting evidence of faulty or inferior equipment demonstrates that nearly half of POWs interviewed report their equipment as either faulty or glaringly insufficient. This represents a threat to the human rights of Russian combatants as insufficient equipment such as non-bulletproof armor plates and helmets make combatants significantly less likely to survive combat, and threatens Ukrainian civilians in that faulty ammunition such as grad rockets can fly far off-course hitting unintended civilian targets.

The Russian POWs conscripted from the Russian Navy into makeshift infantry assault units present in the dataset regularly mention that their ballistic armor protection vests they were issued were only meant as floatation devices with limited ballistic capabilities, and that combatants with these defective vests were being deployed in mass frontal infantry assaults on Ukrainian positions with shockingly high casualty rates. Other Russian POWs mention their issuance of Soviet-era Kolpak helmets, issuance of small arms and combat vehicles in states of critical disrepair, lack of encrypted communications, inferior drones, and usage of defective or expired artillery munitions. Faulty or inferior equipment like those described by Russian POWs in the dataset negatively impacts the human rights of Russian combatants forced to fight in Ukraine by making these individuals markedly less likely to survive the realities of frontline combat. The capability of a combatant's equipment to keep them alive in combat is directly proportional to their likelihood of survival, thus making combatants issued equipment which will objectively fail to provide adequate protection against battlefield hazards such as bullets and shrapnel more likely to be killed in a war in which they are forced to fight, therefore depriving these under-equipped individuals of their human rights by increasing the likelihood they are killed in frontline combat.

Over half of POWs (32/60) interviewed indicated a critical shortage or lack of food, water, shelter, or ammunition, thus representing a discernable threat to the human rights of Russian combatants and Ukrainian non-combatants. Desperate Russian combatants dying of hunger, thirst, or exposure with limited means of self-defense will be driven to commit human rights abuses and breaches of the law of armed conflict out of desperation for survival. Russian combatants that failed to receive food, water, shelter, or ammunition were driven to looting Ukrainian houses and civilian properties to satisfy their basic needs out of desperation.

Russian POWs in the interview dataset regularly described having to eat food looted from Ukrainian residences and needing to break open pipes to quench their thirst out of lack of Russian military provisions, thus representing a direct translation of Russian logistical military failure to an outcome of increased violations of the law of armed conflict and human rights law. POWs looting from Ukrainian residences out of desperation for provision of basic needs represents a clear and present threat to the human rights of Ukrainian non-combatants. Conversely, the forcing of Russian combatants into desperate survival scenarios through the failure of Russian military logistics threatens the human rights of the Russian combatants themselves, as they are being forced by their own state military against their wills to live in conditions unfit for human habitation, and in appalling conditions which are characterized by ubiquitous shortages of the basic resources combatants need as human beings for survival.

Secondary Ethnographic Data Analysis

In addition to the primary factors of military failure identified by this study, a limited range of secondary ethnographic data was collected to enable a more academically nuanced analysis of the study's primary empirical factors, and to capture a wider set of trends from the dataset. Secondary ethnographic information included Russian ethnic minority status,

membership in the 155th Naval Assault Brigade, participation in the initial February 2022 invasion, conscription status, ratio of commissioned officers to enlisted combatants, presence of expressed dissent against the Russian government or the Russian war effort, and indication of combatants being forced to serve despite medical exemptions.

There is well documented evidence that Russian ethnic minorities are facing a disproportionate chance of being killed in Ukraine, with one analysis finding that, "Buryats and Tuvans are approximately four times more likely to be killed in Ukraine than ethnic Russians."[66] This POW interview dataset does not reflect this trend, with only seven of the sixty interviews being conducted with a Russian POW that identified as a member of a Russian ethnic minority. This may however be the result of survivorship bias, as this dataset only implies that Russians who do not identify as a member of an ethnic group instead are more likely to survive combat and be captured as a prisoner of war than ethnic minority Russian combatants. This would correlate with the aforementioned analysis' findings that Russian ethnic minority groups are dying at disproportionate rates to the non-ethnic national counterparts, as a high number of fatalities only means less potential surviving prisoners of war. Less surviving prisoners of war may be interpreted to result in less individuals still alive to give their accounts based on the sheer lack of survivors amongst their ethnic groups due to such disproportionate casualty rates.

The time range on the interviews included for analysis in the dataset based on publishing date ranges from June 7th, 2022, to October 11th, 2023. The time period of the conflict analyzed was therefore the 23rd of February, the start of the Russian invasion, through October of 2023.

[66] Alexey Bessudnov, "Ethnic and regional inequalities in Russian military fatalities in Ukraine: Preliminary findings from crowdsourced data" *Demographic Research*, Vol 48, Art 31, 883–898, June 2023, DOI: 10.4054/DemRes.2023.48.31

This time range demonstrates that the Russian prisoners of war interviewed in the dataset reflect a wide temporal distribution, thus providing a capacity to conduct analysis beyond just the initial invasion. Only 12/60 POWs interviewed in the dataset were part of the initial invasion, meaning the majority of POW interviews analyzed were reflective of the time period following the initial invasion. This trend is further demonstrated by conscription status, as POWs tend to identify as conscripts more regularly as the conflict progresses over time. Conscription status was found to be a split between 25 regular conscripts, 28 professional contractor combatants, and 7 prisoners either from the Wagner group or Russian state-controlled Ministry of Defense penal units. Prisoners were operated separately from conscripts and professional combatants, as the volunteer status of these troops is highly questionable. Prisoners represented in the dataset claim that they were incentivized to sign six-month contracts with Wagner and the Russian Ministry of Defense by assurances that their crimes would be expunged by their service, thus making their true status as volunteers or conscripts as odious.

Capturing the split in the dataset between commissioned officers and enlisted combatants is significant due to the focus of this study. The dataset included 53 enlisted personnel, and 7 commissioned officers. Commissioned officers are less represented in the study as there are simply less commissioned officers than enlisted combatants in any military force. It is important to still include commissioned officers for analysis when possible, as it is necessary to see if representatives of the officer corps deny or corroborate claims of abuse by the enlisted personnel in the dataset. The highest-ranking commissioned officer and most senior Russian POW included in the dataset was a pro-war major who denied many claims regarding the Russian military, followed by a few captains and the remainder being comprised of lieutenants. Commissioned officers included in the dataset, especially the lieutenants, generally corroborated the claims

leveled towards their officer class by enlisted POWs with limited exceptions. The presence of 53 enlisted personnel is beneficial for the analysis of this study, as it primarily gives a voice to junior combatants instead of creating a platform for Russian commissioned officers to defend and obfuscate their misconduct.

5 out of the 60 Russian prisoners of war in the dataset identify themselves as part of a unit called the 155th Naval Brigade, and describe it as an ad-hoc marine infantry assault unit comprised of untrained Russian Navy sailors forced into land combat. These POWs state that they were forced into the 155th when their contracts with the Russian Navy as professional sailors were due to expire, and that they were forcibly recruited for the assault unit regardless of experience or vocational area. These POWs represent a markedly salient representation of the findings of this study, as POWs in the 155th Naval Brigade and like units universally report a near complete lack of training, glaringly insufficient equipment such as ballistic protective vests that provide minimal protection due to being primarily floatation vests, and being led by forcibly recruited naval officers with zero experience in land combat or operations. A similar historical trend is observable in Germany at the end of the Second World War, with untrained Kriegsmarine sailors having to be desperately employed at the end of the war due to a lack of German manpower.[67] The forcible recruitment of naval combatants may therefore demonstrate a significant shortage in Russian manpower in regard to land combat, resulting in Russian naval conscripts being forced to fight on land under conditions which are especially prone to human rights abuses under the factors of military failure identified in this study.

[67] Axel Urbanke, *From Submariners to Tank Killers - Marine-Panzerjagd Regiment 1 (1ST NAVAL ANTI-TANK REGIMENT) and the Fighting Near Hamburg in April-May 1945, Luftfahrtverlag,* January 2022.

Russian prisoner of war interviews were analyzed for evidence of the POW expressing dissent for either the Russian government, the Russian military, or the Russian war effort. 55 out of 60 POWs interviews made statements which were derisive of the Russian government or the Russian war effort, thus demonstrating a significant level of dissent amongst POWs interviewed in the dataset. POWs that did not make derisive statements generally declined to answer questions regarding the topic. POW interviews indicating dissent spanned the ethnographic categories of the dataset, with dissent present amongst commissioned officers, enlisted, professional combatants, and conscripts alike. These dissenting statements indicate that the Russian side of the conflict is being fought by largely unwilling combatants, thus demonstrating that Russian combatants are being deprived of their human rights by being forcibly made to participate in the conflict against their will as empirically demonstrated by such salient dissent.

The final piece of secondary demographic data captured was whether POWs made statements which indicated the Russian military failing to heed medical exemptions for military service. 11 out of the 60 interviews analyzed contained evidence of medical exemptions being ignored for either the POW being interviewed, or for other conscripts as witnessed secondhand by the POW. The prevalence of medical exemptions being ignored is therefore a less observable trend than most of the others identified, however it still implies a threat to the human rights of a concerning proportion of Russian conscripts. POWs that give evidence of medical exemptions being ignored describe their own medical conditions being written off by Russian military doctors eager to sign documents falsely indicating the conscript is healthy, thus representing a flagrant violation of ethical medical practice and by extension the human rights of the conscripts. Even if this is occurring to only a minority of Russian POWs in the dataset, the failure to observe

medical exemptions when conscripting combatants represents a grave risk to the human rights of those Russian servicemembers and conscripts which experience this abuse.

Conclusion and Implications

The ongoing 2022 Ukraine War between Ukraine and the Russian Federation represents a major threat to the human rights and protections under the law of armed conflict to non-combatants and combatants alike on both sides of the conflict. Specific factors of Russian military failure are identifiable which have directly and indirectly contributed to increased threats to human rights and protections under the law of armed conflict. 60 open-source interviews with Russian prisoners of war were analyzed for trends related to reoccurring factors of Russian military failure which were consequential for non-combatants and combatants alike on either side of the conflict.

Identified factors of military failure included training, logistics and equipment and a failure of the officer corps. Training was operationalized through the sub-factors of proper training and whether the POW's combat military occupation was related to their previous peacetime profession. Logistics and equipment were operationalized through the sub-factors of measuring shortages of food, water, shelter and ammunition, and observation of inadequate or inoperable equipment. The failure of the Russian officer corps was operationalized through the sun-factors of presence and conduct unbecoming of an officer. These factors were present across the 60 interviews with varying levels of salience, with insufficient training constituting the most common sun-factor in the dataset at 55/60 of the POWs reporting insufficient training.

The significance of this work is that it suggests specific factors of military failure or incompetence have the capacity to create an increased risk to human rights and protections under

the law of armed conflict. This study is significant furthermore in that it posits that the human rights risk created by these factors of military failure can threaten the human rights and protections of not only non-combatants, but combatants as well. The dialogue surrounding combatants and human rights violations rarely considers the reality that combatants may have had their human rights violated by being forced to participate in the conflict as a combatant in the first place. Combatants forced to participate under the threat of physical violence or severe civic penalties and societal shaming ought to be reconsidered as potential victims being deprived of their human rights rather than solely the perpetrators of abuses. Politicians, academics, and societies alike tend to forget that state militaries are not inhuman monolithic institutions to be wielded by the state. State militaries are living breathing organizations comprised of sometimes millions of individual human beings with lives, families, and names just like any other profession: these individuals experience loss, seek love, have hopes and aspirations, and are otherwise often just trying to survive in what will likely be the most traumatic and difficult period of their lives. It is important to remember that combatants in any conflict are still human beings, and their status as combatants should not diminish the acknowledgment of their own human rights.

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