

Ukraine sentences Russian soldier to life in prison

Jason Melanovski, Andrea Peters

25 May 2022

A Ukrainian court sentenced a Russian soldier to life in prison on Monday in what can only be described as a politically motivated show trial conducted by Kiev for its propaganda value.

Twenty-one-year-old Russian tank commander Vadim Shishimarin pled guilty to the killing of 62-year-old civilian Oleksandr Shelipov, but said he was ordered to carry out the shooting. The soldier claims that his commander was worried that the man, who was talking on his cell phone, was reporting the position of Russian forces to Ukraine's military.

The trial was not intended to, nor could it have, established the real guilt or innocence of the young soldier. The Ukrainian regime, nationalist and ferociously anti-Russian, is dominated militarily by far-right forces that have been tormenting Russian soldiers and Russian Ukrainians they accuse of aiding the enemy. It is carrying out its own war crimes, which, while receiving little coverage in the Western press, are documented.

There is no reason to believe that Shishimarin's confession was given voluntarily, as the Ukrainian state is known for systematically violating prisoners' rights and subjecting them to cruel treatment. A 2015 report by Amnesty International about the torment of detainees by Kiev as well as separatists in the Donbass, reported, "Former prisoners described being beaten until their bones broke, tortured with electric shocks, kicked, stabbed, hung from the ceiling, deprived of sleep for days, threatened with death, denied urgent medical care and subjected to mock executions." It made clear that Kiev was as guilty as its opponents of the brutality.

While Shishimarin appeared to be in decent health at the trial, the psychological and physical treatment he was subjected to beforehand and the threats made against him are completely unknown. There would have been no way for him to bring such evidence into a courtroom stacked with prosecutors, judges, government officials and witnesses seeking only one outcome—a guilty verdict.

Even if he was not mistreated, he would have no doubt been terrified, locked up in a Ukrainian prison without any access to Russian diplomatic officials or human rights monitors. Under these conditions, he would have been unable to resist the self-declaration of guilt expected of him.

That Shishimarin's trial took place in a totally undemocratic and partial forum was made clear by his attorney, Viktor Ovsyannikov, who himself is hated by Ukraine's far right because he defended former Ukrainian President Viktor Yanukovych against charges of high treason leveled against him in absentia.

Ovsyannikov noted to the *Guardian* that Shishimarin was already widely presumed to be a war criminal before the trial. The attorney said that he was threatened for representing the Russian soldier.

"How can you defend a war criminal?" Ovsyannikov says he was repeatedly asked, adding, "My family, friends and colleagues support me. They know someone has to do it. But there are other people who 'invited' me to go to Moscow or Donbas [the area in eastern Ukraine claimed by Russia-backed separatists]."

Furthermore, the trial itself was of highly questionable legality under international law. First, the Geneva Conventions state that "in no circumstances whatever shall a prisoner of war be tried by a court of any kind which does not offer the essential guarantees of independence and impartiality as generally recognized." This was clearly not the case in Shishimarin's trial.

Second, according to the third Geneva Convention, prisoners of war like Shishimarin should be tried in a military court and not a civilian one. The reason for this, according to American University Law Professor Robert Goldman, is that the laws governing these issues are highly complex and specialized, and only military courts are trained in this area. Holding war crimes trials in civilian courts is "unprecedented."

In a recently published statement in *The Conversation*, Goldman explains, "[A]n issue central to the Russian soldier's case—whether the civilian killed could be seen as a legitimate target—is a highly technical area that only an expert of the law of war will understand.

"Under protocol I of the Geneva Conventions, a treaty added in 1977, a civilian loses immunity when he or she directly participates in hostilities.

"And this is where it gets tricky. If the Russian soldier believed that the civilian he shot posed an immediate threat, say by reporting his position to Ukrainian military, then it would not be unreasonable for the defense to argue that the civilian was a legitimate target. Indeed, in the current trial, the court heard that the Russian soldier was ordered to shoot the man for that very reason—his superior believed the civilian may have been using a cellphone to give away their location."

The International Committee of the Red Cross has also expressly warned against the holding of war crimes trials during hostilities, as an accused person like Shishimarin can be given no meaningful chance to "to prepare his defense."

Moscow, for its part, called the charges "outrageous" and "staged." Kremlin spokesman Dmitri Peskov noted, however, "We do not have many opportunities to protect his interests on the ground, as foreign institutions actually have no activity [in Kiev]. But this does not mean that we will not consider the possibility of making attempts through other channels."

Shishimarin's trial was entirely motivated by a political agenda. The US and NATO are preparing for all-out, direct war with Russia. Justifications have to be found, particularly under circumstances

where 90 percent and more of the world's population do not want a third world war and do not want to see all of Europe and beyond transformed into a killing field. Russia and its soldiers must be seen as war criminals and Ukraine's forces must be viewed as virtuous defenders of freedom and democracy, or the war propaganda project falls apart.

Shishimarin's sentence was announced as Ukrainian President Volodymyr Zelensky was appearing virtually at the World Economic Forum in Davos. In his remarks, he accused Russia of "becoming a state of war criminals." The world's financial elites applauded.

Following the announcement of Shishimarin's life-long imprisonment, Ukrainian Prosecutor Andriy Sunyuk made clear that the trial was carried out as part of Kiev's ongoing military efforts and for its publicity value on the international stage.

Making clear that the authorities are preparing similar show trials in order to send a message, Sunyuk stated, 'I think that all other law enforcement agencies will move along the path that we have traveled.'

"This will be a good example for other occupiers who may not yet be on our territory but are planning to come, or for those who are here now and plan to stay and fight. Or maybe they will think that it's time to leave here for their own territory," he said.

Kiev is moving quickly to charge other captured Russian soldiers with war crimes as it loses territory in the country's eastern Donbass region. Ukrainian Prosecutor General Iryna Venediktova said that this month she is preparing more than 40 cases for trial and that there are more than 11,000 ongoing investigations.

Shishimarin's trial and sentencing has been celebrated in the Western media and subject to no criticism by press outlets housed in states guilty of the most savage brutalization of the innocent—Abu Ghraib; Guantanamo Bay; extraordinary rendition; the bombing of schools, hospitals, and civilian infrastructure, and on and on. Not a single high-level individual who ordered any of these crimes has ever been held responsible. When the working masses of the world take power, the court dockets will be filled not by 11,000 cases as in Ukraine today, but hundreds of thousands.

The only limited political objection raised in the press to Shishimarin's trial is that holding it during wartime is of questionable strategical value, as Moscow will likely respond in kind by prosecuting Ukrainian soldiers. According to Goldman, Russia is now holding "around 2,000 Ukrainian soldiers." Many of these are members of the neo-Nazi Azov Battalion, which has committed documented war crimes against both Russian forces and Ukrainian civilians.

As France's *Le Monde* newspaper confirmed on May 16, in a video widely shared on social media, Azov members can be identified shooting the knees of defenseless Russian soldiers. Former French soldier Adrien Bocquet, who traveled to Ukraine to serve as a volunteer medic with the Azov Battalion in Kiev and then Lviv, has said that he witnessed Azov troops shelling civilian areas in Bucha, where Russian forces have been accused of killing ordinary people.

Civilians in the recently captured city of Mariupol have also accused Azov of deliberately shooting at fleeing cars and kidnapping residents in order to have them serve as human shields at the Azovstal plant.

The Ukrainian military broadcasts and celebrates its own violations of international law on social media. In a sympathetic report, the *Washington Post* recently revealed that Kiev is tormenting the families of dead Russian troops, with the aid of US-made facial recognition technology, by sending them photos of their sons' blood-

soaked bodies.

But should Russia prosecute captured Ukrainian troops as war criminals, the trials will be denounced. The hypocrisy of these objections will be so blatantly obvious that some, as expressed in the recent observations of American University Law Professor Goldman, are concerned. Nonetheless, the groundwork is already being laid for an attempted cover-up of the hypocrisy by the promotion of the line that while Russia's courts are known for their violations of modern judicial standards, Ukraine's are a shining example of a well-functioning liberal democracy.

This is completely untrue, and those painting this portrait know it. Western powers have long identified Ukraine's judiciary as dishonest, crooked and dysfunctional, and demanded that Kiev clean up its act in order to receive foreign loans and make the country business-friendly.

In December 2020, the Atlantic Council published an editorial describing Ukraine's "corrupt judiciary as a criminal syndicate." In September 2021, Radio Free Europe/Radio Liberty, hardly a pro-Russian outlet, published an article detailing the frustrations of Western diplomats over the Zelensky government's failure to implement judicial reforms. In January 2022, Transparency International ranked Ukraine 123rd out of 180 countries on its corruption scale, giving Kiev a score of just 32 out of 100.

The grotesque character of Ukraine's courts is a problem for the US and the EU only when it cuts across their financial interests. When it comes to preparing for war against Russia, it is highly useful.

It must be said, however, that the Russian government is also responsible for Shishimarin's life-long imprisonment. The young man from Ust Illyinsk, a town of about 87,000 in Irkutsk Oblast in Siberia, was described by his Ukrainian attorney as "an ordinary person, just like you or me," who "began to understand what he had done."

"The only thing he desires now is to go back home. I am under this impression that he perceives this as some kind of a dream," he added.

Shishimarin was sent by the Kremlin to kill or be killed in an invasion that, albeit provoked by the US and NATO, is itself a criminal act with no progressive content. It is serving only to further divide the working masses of the two countries, spreading death and destruction in the process. The Russian troops dying and being captured in Ukraine are cannon fodder in the desperate effort of the Russian capitalist elite to maintain its stranglehold over an important portion of the highly valuable Eurasian landmass.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact