

War Criminals and Life Imprisonment



UKRAINE has an awful history, at the heart of what Timothy Snyder calls “the blood lands”. It suffered a more or less complete disregard for the value of human life and society for decade after decade from the 1880s onwards. It was here that what I call ‘the long holocaust’ began, following the assassination of Tsar Alexander II in March 1881. In Russian Poland, Lithuania, and largely in what is now Ukraine, attacks on Jews, Jewish property, communities, and institutions were widespread from the Baltic to the Black Sea. The murder of Jews in pogroms became commonplace. Despite the efforts of the Tsarist authorities to suppress the disorders antisemitism within the state bureaucracy, the intelligentsia, amongst merchants, and peasants, ensured popular support for the onslaught against Jews. These attacks

continued well into the twentieth century. There were pogroms in Odessa, Yekaterinoslav, Kiev, Kishinev, Simferopol, Romny, Kremerchug, Nikolayev, Chernigov, Kamenets-Podolski, Yelizavetgrad, and in hundreds of smaller towns and villages in Ukraine and Moldova (Bessarabia).

This history of terror was followed in the period 1941-1944 by the actions of Wehrmacht soldiers, SS troops, and the einsatzgruppen of the Third Reich, operating in Poland, the Baltic States, and Ukraine, murdering literally millions of Jewish men, women, and children.

All this took place in Ukraine, a country and a region brutalised beyond measure by war, disintegrating empires, and ruthless dictatorships from 1914 to 1945. The Holodomor – the Ukrainian famine of 1932-1933 which killed millions – was brought about by the seizure of all foodstuffs, farm animals, seeds and agricultural equipment, village-by-village, house-by-house, by shock detachments of armed Young Communist League and Communist Party members, sent by the Stalin and his henchmen in Moscow. Unsurprisingly, this spawned an anti-communist backlash among Ukrainian nationalists that culminated in the fascist movement led by Stepan Bandera. It was a movement that concentrated on killing Jews and Poles in order to create an ethnically pure Ukraine. This anti Soviet campaign of partisan soldiers murdering and fighting in the forests and rural areas of Ukraine did not end until Stalin's death in 1953.

It is important to understand that Ukraine was not at any time before the Maidan events in Kyiv of 2013-2014 a functioning democracy. Release from the Soviet Union in 1991 plunged the country into a maelstrom of economic and political chaos in which criminal oligarchs and politicians sponsored by Moscow attempted to keep a grip on power, using everything from poisoning opponents, to shooting unarmed civilians. Paradoxically, it was not until the Russian invasion of Ukraine in 2014 and the election

of President Petro Poroshenko, followed by the victory of anti-corruption candidate, Volodymyr Zelenskyy, in 2019, that Ukraine had any plausible claim to being a democracy.

Since the invasion of 24th February 2022 many of Ukraine's fledgling civil and democratic rights have been abrogated by the introduction of martial law, and the presumption that all men under the age of sixty must be deemed liable for military service or directed into the service of the state and civil society. This suppression of Ukraine's democratic rights is the direct responsibility of Vladimir Putin's decisions to rain guided missiles and artillery shells down on to the farms, villages, and cities of the country, sparing nothing from houses, flats, maternity homes, theatres, and schools, to nuclear power stations.

In such circumstances, even in mature democracies like Britain, draconian regulations, arbitrary detention of suspected enemies, and 'enemy aliens', would be resorted to. Consequently, the general public and many of the state's functionaries cannot be counted upon to act in an even-handed and liberal manner.

This is the atmosphere in which 21-year-old, Sergeant Vadim Shishimari was sentenced this week to life imprisonment as a war criminal, and murderer. He confessed to shooting 62-year-old Oleksandr Shelipov in the village of Chupakhivka. Vadim says he was ordered to kill Oleksandr because he was on the phone and suspected of talking with Ukrainian armed forces. Mrs Shelipova, Oleksandr's wife, says she's sorry for Vidim, but she cannot forgive him.

This tragedy tells us more about the war than streams of videos and statistics. Sergeant Shishimari says he was ordered to shoot Mr Shelipov – he was 'obeying orders' like all the long line of murderers in Ukraine's long history of casual killings, and carefully orchestrated massacres. Consequently, there will be little sympathy for this lad sent off to rot in gaol at the age of 21.

Yet, we must address the context of this killing. They had lost their tank, and were attempting to escape in a car they had 'requisitioned'. They'd been primed by Vladimir Putin to believe that Ukraine was awash with fascists, Nazis no less, and that any civilian talking on the phone might be an enemy. The savagery of Vadim Shishimari and his three pals, was clearly occasioned by grievous military set-backs, and the vindictive fear they harboured for all and sundry around them.

However, Shishimari, along with his comrades did commit a war crime. Shooting an unarmed civilian is undoubtedly a war crime. Vadim's actions are of a piece with the conduct of Russian Federation forces in this war. Russian units of various sizes have been shooting, shelling, and executing, defenceless civilians throughout. This has, on occasions, been accompanied by torture and rape. It is *par-for-the-course* when demoralised, very young, and undisciplined soldiers, taking heavy casualties, are allowed to run amok by their commanders.

Yet it appears to be more than that; something else is in play other than the spontaneous decay of morals. Their conduct was an expression of Russian military culture. It is an army notorious for the violence and humiliation meted out to squaddies during training. This has been the practice in Russia since the days, at least, of Tsar Nicholas II, when soldiers sang in a trench song:

Sure, we'd like some tea
But give us with our tea
Some polite respect
And please have officers
Not slap us in the face.

From the War with Finland in 1940, to the fall of East Prussia in 1944, Berlin in May 1945, Budapest in 1956, and Prague 1968, on to Afghanistan, and Georgia, Soviet and Russian military commanders have been accustomed to

squander the lives of their soldiers. They appear to have little regard for their men's welfare, and are even accustomed to abandoning their bodies on the battlefield. The barbarism which unfolds must surely be the result of what amounts to a tradition of indifference to the well-being of raw recruits, and trains them by promoting and normalising a brutal disregard for the lives of others.

I have no doubt, no doubt at all, that Ukrainian soldiers, will have committed war crimes, murders and rapes too. This will, however, be on a much more limited scale for three reasons. Firstly, they are fighting on their own territory. Secondly, the rank and file are organised by a layer, of what in Britain, we would call 'non-commissioned officers' – responsible to the chain of command – but capable of imposing discipline and of exercising a wide measure of local tactical initiative which helps to maintain fighting spirit and morale. Thirdly, they are the soldiers of a democracy, subject to popular scrutiny and strategic control by a democratic government, which even under martial law and the suspension of civil liberties, can be held to account by the media and the judiciary.

The Russians will conduct 'war crime' trials of their own, but they will be 'show trials' without authentic judicial authority or coherence. They will, no doubt, produce Nazis *out of the hat* from amongst Ukrainian prisoners of war. Some will be sporting swastika tattoos and other insignia associated with Stepan Bandera and Ukraine's wretched fascist past. These 'war criminals', identified by the Russian authorities, will be offered *tit-for-tat* to the world's media in the desperate hope that somebody will believe them.

Russian judges, whether in the puppet administrations of occupied Ukraine or those in Moscow, will have little chance of being believed, because the crimes committed by their own

soldiers are so widespread, that the slaughter of civilians can be considered routine. The bodies of Ukrainian civilians uncovered daily, are difficult to explain and Russian assertions that they are staged by Kyiv, will hold about as much water as the idea that the civilian neighbourhoods of Mariupol were destroyed by Ukrainian shelling.

So, Vadim Shishimari on the threshold of his life as an adult has been dragged by Vladimir Putin, and the military traditions of his country, into an underworld of criminality created by a past and a politics insensible to the suffering of individuals.

Mrs Shelipova says, Vadim cannot be forgiven, but he can be pitied.

Let us hope that Vadim will serve seven or eight years, and be released 'on licence', into a peaceful, industrious, and independent Ukraine.

