
Protection of Prisoners of War under Islamic Law and International Humanitarian Law: Russia-Ukraine Conflict

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Abstrak

Konflik Rusia-Ukraina sejak Februari 2022 telah menimbulkan krisis tawanan perang berskala besar serta laporan penyiksaan, eksekusi di luar hukum, dan kondisi penahanan tidak manusiawi di berbagai tahap penahanan dan pertukaran tawanan perang. Penelitian ini menganalisis perlindungan tawanan perang menurut hukum Islam dan Hukum Humaniter Internasional (HHI), lalu menerapkan kedua kerangka untuk menilai perlakuan terhadap tawanan dalam konflik Rusia-Ukraina. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, kasus, dan hukum Islam, berdasarkan sumber hukum primer, literatur akademik, serta laporan investigasi lembaga internasional. Hasil menunjukkan titik temu kuat antara hukum Islam dan HHI pada perlakuan manusiawi, larangan melampaui batas, dan larangan pembalasan, meskipun berbeda dalam basis epistemologis dan tingkat kerincian norma. Analisis menunjukkan bahwa dugaan penyiksaan sistematis terhadap tawanan Ukraina, insiden Olenivka, dan pelanggaran lain terutama mencerminkan lemahnya penegakan, akuntabilitas, dan akses pengawasan independen, bukan kekosongan norma. Penelitian merekomendasikan penguatan akses ICRC dan dialog lintas tradisi hukum untuk memperkuat kepatuhan terhadap perlindungan tawanan perang.

Keywords :

Prisoners Of War; International Humanitarian Law; Islamic Law; Third Geneva Convention; Russia-Ukraine Conflict

Abstract

The Russia-Ukraine conflict since February 2022 has produced a large-scale prisoner-of-war crisis and reports of torture, extrajudicial executions, and inhumane detention conditions. This study analyzes prisoner-of-war protection under Islamic law and International Humanitarian Law (IHL) and applies both frameworks to assess treatment in the Russia-Ukraine conflict. It employs normative legal

research using statutory, conceptual, case, and Islamic legal approaches, drawing on primary legal sources, academic literature, and investigative reports from international institutions. The findings show strong convergence between Islamic law and IHL on humane treatment, the prohibition of transgression, and the prohibition of reprisals, despite differences in epistemological foundations and normative detail. The case analysis indicates that alleged systematic torture of Ukrainian prisoners, the Olenivka incident, and other violations primarily reflect weak enforcement, accountability, and access to independent monitoring rather than an absence of legal norms. The study recommends stronger ICRC access and cross-tradition legal dialogue to reinforce compliance with prisoner-of-war protection norms.



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INTRODUCTION

Since the Russian Federation launched its full-scale invasion of Ukraine on 24 February 2022, the world has witnessed one of the most intense interstate armed conflicts in recent decades. In addition to causing extensive civilian casualties and infrastructure destruction, the conflict has generated a humanitarian issue characteristic of interstate warfare: the status and fate of prisoners of war. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has reported that, since the beginning of the invasion, thousands of soldiers from both sides have fallen into enemy hands as prisoners of war, many of whom have undergone interrogation, detention, and periodic prisoner exchanges (OHCHR, 2023). The Parliamentary Assembly of the Council of Europe likewise recorded that, by mid-2025, tens of thousands of Ukrainian citizens, both military personnel and civilians, were missing or held in Russian custody (PACE, 2025).

The treatment of prisoners of war is not merely a technical matter of military administration; it directly reflects a state's commitment to humanitarian principles during armed conflict. International Humanitarian Law (IHL), particularly the 1949 Third Geneva Convention relative to the Treatment of Prisoners of War, regulates the fundamental rights of prisoners in detail, including the obligation of humane treatment, the prohibition of torture and degrading treatment, the right to medical care, and the duty of repatriation after the cessation of active hostilities (ICRC, 2023). The Convention emerged from the traumatic experience of the Second World War and was designed to ensure that captivity is not treated as punishment, but as a security measure subject to the principles of honor and human dignity (ICRC, 2020).

Long before modern humanitarian law was codified, the Islamic legal tradition (*fiqh al-siyar*) had developed a body of rules governing the treatment of prisoners of war based on the Qur'an, the Sunnah, and the *ijtihad* of classical jurists. Islam regards war as an exceptional condition that must remain subject to moral and legal restraints, consistent with the principle of *rahmatan lil 'alamin*, which places public

welfare and humanity among the highest objectives of the Sharia. Qur'an 47:4 explicitly provides that, once fighting has ended, prisoners of war may be released either freely or for ransom (Ministry of Religious Affairs of the Republic of Indonesia, as cited in Tafsirweb, 2024). As emphasized by Hamda (2005), this verse constitutes one of the earliest references limiting arbitrary treatment of captives in the pre-modern law of war.

The central question, therefore, is the extent to which these two normative frameworks - developed from very different historical contexts, epistemologies, and sources of authority - can complement one another in assessing contemporary realities, particularly the Russia-Ukraine conflict, which has been marked by allegations of violations of prisoners' rights. Official reports by OHCHR, Human Rights Watch, and Amnesty International have documented patterns of systematic torture of Ukrainian prisoners in Russian detention facilities, the explosion at Olenivka Prison that killed more than fifty Ukrainian prisoners of war, and unlawful trials of members of the Azov Regiment (Human Rights Watch, 2023; OHCHR, 2024). The same reporting also records allegations of torture against some Russian prisoners of war by Ukrainian forces, although with different patterns, scales, and levels of impunity (OHCHR/HRMMU, 2024). These developments underscore that the gap between applicable legal norms and practice on the ground remains a major challenge in the enforcement of contemporary laws of war.

The protection of prisoners of war under Islamic law and IHL is not a new field of study. Hamda (2005) produced one of the earliest and most frequently cited studies comparing prisoner protection under IHL and Islamic law, emphasizing their shared humanitarian principles. Ayomi (2020) examined the treatment of prisoners of war more specifically from the perspective of IHL under the Third Geneva Convention. Basyar (2020) analyzed Islamic war ethics through the framework of just war theory, while El-Zeid and Murphy (2009) and Al-Dawoody (2017) developed more extensive comparative analyses of convergence and divergence between the Islamic law of war (*siyar*) and modern IHL. More recently, Çakmak and Güneysu (2022) traced foundational points of convergence between Islamic law on armed conflict and modern IHL through al-Shaybani's *Siyar al-Kabir*. Yulianti (2024) and Abidin (2023) similarly reaffirmed that, although both legal frameworks share the objective of protecting prisoners of war, they differ significantly in structure and regulation: Islamic law is broader and requires further interpretation, whereas IHL contains more detailed and systematically codified rules.

Important as these studies are, they generally remain at the level of abstract normative comparison between the two legal systems without testing them in depth against an ongoing contemporary armed conflict. Conversely, studies of the treatment of prisoners of war in the Russia-Ukraine conflict - whether conducted by OHCHR, Human Rights Watch, or international legal scholars such as Kaźmierczak (2024) and Szpak and Kufel (2024) - generally focus on compliance with IHL alone, without employing Islamic law as an additional analytical framework. Yet, as shown

by Al-Dawoody (2017) and Nabiebu (2023), the Islamic law of war contains humanitarian principles that are substantively relevant to enriching cross-tradition discourse on prisoner protection, including efforts to build broader normative legitimacy for IHL enforcement in regions with strong Islamic legal-cultural foundations.

On the basis of this literature mapping, the present study does not claim that prisoners of war have never been examined under Islamic law, IHL, or through a comparison of the two. Its novelty lies in integrating normative indicators from both frameworks - the honor of prisoners, humane treatment, the prohibition of transgression, the prohibition of revenge, and the prohibition of exploitation from the Islamic perspective; and humane treatment, the prohibition of torture, the prohibition of cruel and degrading treatment, and the obligations of the Detaining Power from the IHL perspective - in order to systematically assess patterns of treatment of prisoners of war in the Russia-Ukraine conflict using contemporary investigative reports. The article therefore positions itself neither as a purely normative study nor as an investigative report, but as an analytical bridge between the two.

Accordingly, this study addresses three questions: first, how are prisoners of war protected under Islamic law? Second, how are prisoners of war protected under International Humanitarian Law? Third, how should the treatment of prisoners of war in the Russia-Ukraine conflict be assessed when Islamic law and IHL are applied together? The study aims to answer these three questions comprehensively while contributing academically to the development of humanitarian-law discourse that is inclusive of non-Western legal traditions.

METHODS

This study employs normative legal research (*doctrinal legal research*), focusing on legal norms as its principal object of inquiry, whether derived from legislation, international treaties, legal doctrine, or authoritative religious texts (Benuf & Azhar, 2020). This method was selected because the study analyzes written and unwritten legal norms concerning the protection of prisoners of war rather than empirically examining social behavior in the field.

Four complementary approaches are used. First, the statutory approach examines the provisions of the 1949 Third Geneva Convention and the 1977 Additional Protocol I as positive international legal instruments governing the treatment of prisoners of war. Second, the conceptual approach is used to understand key concepts such as combatant status, prisoners of war, humane treatment, and the honor of prisoners within both IHL and Islamic law. Third, the case approach analyzes concrete events in the Russia-Ukraine conflict, including the Olenivka Prison explosion, trials of members of the Azov Regiment and Aidar Battalion, findings of systematic torture in periodic OHCHR reports, and prisoner-exchange practices. Fourth, the Islamic legal approach examines Qur'anic verses, hadith, and

classical and contemporary scholarly views on the status and treatment of prisoners of war while acknowledging differences among schools of Islamic jurisprudence.

The study relies on secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include the Qur'an, authentic hadith relating to prisoners of war, the 1949 Third Geneva Convention, and the 1977 Additional Protocol I. Secondary materials comprise national and international scholarly journals, academic books on humanitarian law and *fiqh al-siyar*, and official reports issued by international institutions such as OHCHR, the ICRC, Human Rights Watch, and Amnesty International. Tertiary materials include legal dictionaries and relevant encyclopedias used to clarify technical terms.

Legal materials were collected through library research by identifying, collecting, and selecting documents relevant to the research topic from scholarly journal databases, the international-law databases of the ICRC and the United Nations, and investigative reports issued by credible human-rights institutions. For contemporary issues concerning the Russia-Ukraine conflict, the search focused on sources published between 2019 and 2026. For general analyses of Islamic law and IHL, the study also relies on classical and foundational sources whose relevance is not limited by publication recency because they function as legal authorities or foundational theories.

The data were analyzed qualitatively using normative-descriptive and comparative techniques. Normative-descriptive analysis systematically presents the rules protecting prisoners of war under Islamic law and IHL. Comparative analysis examines the key indicators of both frameworks: honor of prisoners, humane treatment, prohibition of transgression, prohibition of revenge, and prohibition of exploitation under Islamic law; and humane treatment, prohibition of torture, prohibition of cruel and degrading treatment, health protection, and obligations of the Detaining Power under IHL. These two sets of indicators are then used as analytical instruments to assess findings in investigative reports concerning treatment of prisoners of war in the Russia-Ukraine conflict, while consistently distinguishing independently verified facts, allegations still under investigation, victim testimony, and unilateral claims made by parties to the conflict.

RESULT AND DISCUSSION

Protection of Prisoners of War from the Perspective of Islamic Law

Islam does not regard warfare as a lawless condition, but as an exceptional situation that remains subject to moral and Sharia-based restraints. This principle is stated explicitly in Qur'an 2:190, which commands Muslims to fight those who fight them while simultaneously prohibiting transgression (*i'tida*) in warfare. The verse serves as one of the foundations for the principles of distinction and proportionality in the Islamic tradition of the law of war, demonstrating that the Sharia places humanity as a moral boundary that must not be crossed even in conditions of hostility.

Rules specifically concerning prisoners of war are frequently derived from Surah Al-Anfal and Surah Muhammad, both revealed in the context of the early Muslim community's warfare in Medina. Qur'an 8:67-71 was revealed after the Battle of Badr, when Muslims first confronted the dilemma of determining the fate of a large number of captives. A report cited in *Tafsir Ibn Kathir* states that Prophet Muhammad (PBUH) sought the opinions of his Companions regarding seventy Badr captives. Some, including Umar ibn al-Khattab, proposed execution, while others, including Abu Bakr, proposed release for ransom (Ibn Kathir, as cited in Ibnukatsironline, 2015). Verse 67 was then revealed as a rebuke of the decision to accept ransom before the enemy's military strength had been fully subdued, while verse 69 confirmed the permissibility of lawfully benefiting from the ransom. This account is important to acknowledge candidly in academic analysis because it demonstrates that debates regarding the limits and forms of treatment of prisoners of war emerged from the earliest period of Islamic legal formation and were never entirely uniform even among the Companions.

A more explicit rule on the ultimate fate of prisoners appears in Qur'an 47:4, which states that once fighting has ended and the enemy has been subdued, two options are available for surviving captives: release without compensation (*minnan*) or release for ransom (*fida'an*), whether through payment or prisoner exchange, until the war comes to an end (Tafsirweb, 2024; Tafsirq, 2024). Some exegetes, as recorded in the Tafsirweb version of *Tafsir Ibn Kathir*, differ over whether this verse represents the final rule or was partially abrogated by later verses, particularly Qur'an 9:5. Some jurists hold that the options subsequently became broader, including unconditional release, ransom, execution of captives proven to have committed serious war crimes, or even enslavement as an emergency policy (Tafsirweb, 2024). This disagreement must be emphasized, because reducing Islamic law to the claim that all scholars agreed on a single position regarding authority over prisoners would obscure the historical and methodological complexity of classical jurisprudence.

One of the most frequent sources of misunderstanding in public discourse concerns the status of enslavement of prisoners of war in Islam. Some popular exegetical sources note that the enslavement of male captives, although described as contrary to Islam's basic normative direction, was practiced in the early period as a form of reciprocity for similar treatment by enemies toward captured Muslims (Quran.arina.id, 2024). An encyclopedic account of prisoners of war in Islam, meanwhile, states that on the basis of Qur'an 47:4 the ruler (*khalifah*) may only release adult male prisoners without compensation or for ransom, without authority to enslave them; it also records differing views regarding women and children who participated in battle and whether they could be enslaved when they had joined the enemy's fighting ranks (Wikipedia Bahasa Indonesia, 2025, referring to classical fiqh discussions). The debate indicates that Islamic law on the enslavement of prisoners cannot be reduced to either 'absolutely prohibited' or 'absolutely permitted.' It must instead be understood as the product of a dialectic among Qur'anic texts, the

historical practice of the Prophet and Companions, reciprocity with enemies, and classical juristic *ijtihad*, which continued to develop into contemporary Islamic legal discourse. Most contemporary discussions now maintain that enslavement of prisoners of war is no longer relevant and cannot be practiced within the framework of modern international law (Al-Dawoody, 2017).

Notwithstanding these debates over the scope of authority, there is much stronger scholarly agreement on the obligation to treat prisoners of war humanely during detention. This principle is rooted in Qur'an 76:8-9, which praises believers who provide food to the poor, the orphan, and the captive (*asir*) despite their own need, solely seeking God's pleasure. Many exegetes understand these verses as a normative basis for providing basic necessities - food, shelter, and decent living conditions - to prisoners regardless of their belief or affiliation. This humanitarian principle is reinforced by historical accounts of the Prophet Muhammad's (PBUH) and his Companions' treatment of prisoners from the Battle of Badr, who, according to several reports, were treated well and given food; some were even released without ransom in exchange for teaching Muslim children to read and write (Hamda, 2005).

The prohibition of transgression and the prohibition of revenge against prisoners are also central principles of the Islamic law of war. As Basyar (2020) emphasizes in discussing Islamic war ethics and just war theory, the Islamic conception of *jus in bello* limits violence to persons actively participating in hostilities. Acts such as mutilation, torture, and killing of persons who have surrendered or are no longer capable of fighting (*hors de combat*) constitute serious violations of the foundational principles of the Sharia law of war. These prohibitions are not merely moral recommendations, but integral elements of the *fiqh al-siyar* doctrine developed by classical jurists, including Muhammad al-Shaybani in his *Siyar al-Kabir*, one of the most authoritative works of classical Islamic international law (Çakmak & Güneysu, 2022).

In contemporary Islamic legal thought, Al-Dawoody (2017), who has served as the ICRC's Legal Adviser on Islamic Law and Jurisprudence, shows that the foundational principles of the Islamic law of war - including the protection of non-combatants and prisoners of war - are highly compatible with modern IHL, despite their entirely different epistemological foundations. Islamic law derives from revelation and moral responsibility before God, whereas modern IHL derives from secular agreements among states and a human-rights-based framework (Nabiebu, 2023). This epistemological difference is important because it helps explain why Islamic law is generally broader and requires further contextual interpretation by religious or state authorities, whereas modern IHL is more detailed, technocratic, and directly applicable as positive law (Yulianti, 2024).

Protection of Prisoners of War under International Humanitarian Law

The principal legal framework governing the protection of prisoners of war in modern international law is the 1949 Third Geneva Convention relative to the Treatment of Prisoners of War. Comprising 143 articles, it represents the culmination of a long evolution of international efforts, dating to the nineteenth century, to regulate the treatment of combatants who fall into enemy hands (ICRC, 2023). The Convention developed beyond the 1929 Geneva Convention, the first multilateral treaty specifically devoted to prisoner-of-war protection, and was later reinforced by the 1977 Additional Protocol I, which expanded protection and addressed combatant status in doubtful cases through a presumption of prisoner-of-war status until a competent authority determines the person's actual status (Hamda, 2005).

The most fundamental principle of the Third Geneva Convention is contained in Article 13, which unequivocally requires that prisoners of war be treated humanely at all times. Any unlawful act or omission by the Detaining Power that causes death or seriously endangers a prisoner's health is prohibited and constitutes a grave breach of the Convention (OHCHR, n.d.; ICRC, n.d.). Humane treatment is not simply one rule among many, but an overarching principle informing more than one hundred other provisions of the Convention, from standards of accommodation, food, and clothing to penal and disciplinary regimes applicable to prisoners of war (ICRC, 2023). As former ICRC Legal Adviser Yvette Issar emphasized in the updated Commentary on the Third Geneva Convention, these rules rest on the recognition that the Detaining Power must respect the inviolable human dignity of prisoners regardless of nationality or political affiliation (ICRC, 2023).

The ICRC Commentary on the Third Geneva Convention also identifies ten essential protections for prisoners of war, including protection from violence and intimidation, insult and public curiosity, reprisals, and an absolute prohibition on medical or scientific experiments that are not medically justified - a rule directly shaped by the traumatic experience of medical experimentation on prisoners during the Second World War (ICRC, 2020). Conceptually, the prohibition of reprisals closely resembles the Islamic prohibition of revenge against prisoners discussed above, although the two developed in very different historical contexts.

Beyond the guarantee of humane treatment, the Third Geneva Convention establishes monitoring mechanisms that are crucial to implementation in practice. The Detaining Power must permit ICRC delegates to visit all places where prisoners of war are held and to interview them without witnesses; it may not arbitrarily restrict the facilities or prisoners that may be visited (ICRC, 2020). These provisions make the ICRC an independent monitoring institution central to ensuring state compliance with Convention obligations. Its work includes the Central Tracing Agency, which helps locate prisoners and prevents them from effectively 'disappearing' from official records (ICRC, 2020). The Convention also recognizes the complementary mechanism of a Protecting Power, although this mechanism has rarely operated effectively since 1949; the 1982 Falklands War is frequently cited as

one of the few examples of its full implementation (Digital Commons USNWC, historical study of enforcement of the Third Geneva Convention).

In addition to humane treatment during detention, the Third Geneva Convention regulates other basic rights in considerable detail, including access to medical care, communication with family through the Red Cross, receipt of humanitarian assistance, and protection from being required to perform dangerous or degrading work or work directly connected with the Detaining Power's military operations (ICRC, n.d.). It also requires the prompt repatriation of seriously wounded or ill prisoners and establishes the general rule that prisoners of war must be released and repatriated without delay after the cessation of active hostilities, subject to exceptions for prisoners undergoing legal proceedings for offenses they have committed (ICRC, n.d.).

Ayomi (2020) emphasizes that although the IHL framework governing prisoners of war is highly detailed and systematic compared with many other legal systems, the main challenge lies not in the absence of norms but in weak enforcement mechanisms at the international level, particularly when a state accused of violations refuses to cooperate with independent investigative mechanisms. The Abu Ghraib Prison case analyzed by Triansyah and Saadah (2022) demonstrates a similar pattern: violations of humanitarian principles against prisoners often occur not because the 1949 Geneva Conventions lack clear legal rules, but because institutional accountability is weak and a culture of impunity persists at the operational level. As discussed below, this pattern reappears in a more complex form in the Russia-Ukraine conflict.

Treatment of Prisoners of War in the Russia-Ukraine Conflict

The Russia-Ukraine conflict has generated one of the most extensive bodies of contemporary human-rights monitoring data on the treatment of prisoners of war, due in large part to the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU), which has issued periodic reports since the beginning of the full-scale invasion. OHCHR's first report dedicated specifically to the treatment of prisoners of war was published in March 2023 and covered the period from 24 February 2022 to 23 February 2023. It examined violations of IHL and international human rights law throughout the stages of captivity, from capture and internment to repatriation (OHCHR, 2023).

The most significant finding emerging from subsequent OHCHR reports is a pattern of systematic and widespread torture of Ukrainian prisoners of war in Russian detention facilities. In a report published in October 2024, OHCHR recorded that, of 174 Ukrainian prisoners of war interviewed since March 2023, 169 provided detailed and consistent accounts of torture or ill-treatment while in the custody of the Russian Federation (OHCHR/HRMMU, 2024). Reported abuses included severe beatings, electric shocks, prolonged stress positions, excessive forced labor, sleep deprivation, mock executions, dog attacks, sensory deprivation, threats of violence,

and degrading treatment (OHCHR/HRMMU, 2024). The United Kingdom delegation at an OSCE meeting in October 2024 further stated that 97 percent of interviewed prisoners reported torture or ill-treatment and that 68 percent reported sexual violence, concluding that the pattern likely reflected coordinated policies among state institutions rather than sporadic acts by isolated individuals (UK Statement to OSCE, 2024).

At the same time, the same reporting also records allegations of torture against Russian prisoners of war by Ukrainian authorities, although with significantly different characteristics. OHCHR reported that, of 205 Russian prisoners of war interviewed since March 2023, 104 alleged torture or ill-treatment by Ukrainian authorities. Almost all such conduct reportedly occurred during the initial stage of capture at transit points or unofficial locations and generally ceased once prisoners arrived at official internment facilities, whose conditions were broadly assessed as meeting international standards (OHCHR/HRMMU, 2024). Ten Russian prisoners reported sexual violence. OHCHR also noted that it enjoyed unhindered access to prisoner-of-war detention facilities in Ukraine, enabling open dialogue with the authorities and improvements in detention conditions over time (OHCHR/HRMMU, 2024). This difference in pattern must be stated objectively: both sides have records of alleged violations, but they differ significantly in scale, systematic character, access for independent monitoring, and institutional accountability.

One of the most prominent incidents in the conflict was the explosion at Olenivka Prison in Russian-occupied Donetsk on 28-29 July 2022. It killed more than fifty Ukrainian prisoners of war - most of them members of the Azov Regiment captured after the fall of Mariupol - and injured dozens more (Human Rights Watch, 2023). Russia claimed that the explosion resulted from a U.S.-made HIMARS rocket fired by Ukraine, while Ukraine alleged that Russia deliberately destroyed the barracks housing the prisoners to conceal evidence of torture and prevent an imminent prisoner exchange (Kyiv Independent, 2024). After analyzing satellite imagery and interviewing more than fifty survivors, OHCHR reported in October 2024 that the structural damage was inconsistent with the effects of HIMARS munitions and that the direction of the blast did not correspond with the frontline position at the time, formally rejecting the Russian HIMARS claim (Kyiv Independent, 2024). Nevertheless, according to the sources used in this study, Russia continued to obstruct independent international investigative access and evidence at the site had been compromised; consequently, no party had been legally held accountable for the incident at the time of writing (Kyiv Independent, 2024). Claims identifying specific actors as directly responsible remain allegations requiring further legal verification and must be distinguished from OHCHR findings based on forensic review and independent analysis.

Beyond Olenivka, OHCHR's periodic report covering December 2024-May 2025 documented a more alarming trend: increasing allegations of extrajudicial executions of Ukrainian soldiers after capture. OHCHR recorded credible allegations that

Russian armed forces executed at least 35 captured Ukrainian soldiers during the reporting period, consistent with an upward trend in documented executions since late August 2024 (OHCHR, 2025). In early 2026, the Ukrainian Human Rights Ombudsman claimed that the cumulative number of Ukrainian soldiers 'brutally executed' by Russia since the beginning of the full-scale invasion had reached at least 337, although this figure represents an official Ukrainian claim that must be methodologically distinguished from independently verified OHCHR figures (Kyiv Post/Yahoo News, 2026). The execution of prisoners of war who have surrendered constitutes one of the gravest violations of the humane-treatment principle in Article 13 of the Third Geneva Convention and directly conflicts with the prohibition, under both Islamic law and modern IHL, on killing prisoners who have been rendered incapable of fighting.

Another major concern is the prosecution of Ukrainian prisoners of war, particularly members of the Azov Regiment and Aidar Battalion, before courts in Russian-occupied territories on charges of 'terrorism' and 'attempting to overthrow the government' of internationally unrecognized separatist entities (Amnesty International, 2023; Vishchyk, 2023). Amnesty International maintains that these proceedings violate prisoners' fundamental right to a fair and impartial trial and that intentionally depriving prisoners of this right may constitute a war crime under IHL (Amnesty International, 2023). Vishchyk (2023) further argues that such trials may violate the principle of combatant immunity - under which lawful acts committed in battle by combatants who comply with the law of war cannot be criminally prosecuted by the enemy - as well as the prohibition on exposing prisoners of war to public curiosity and humiliation under the Third Geneva Convention.

Despite these violations, prisoner exchanges have remained one of the few functioning diplomatic channels between the two states, even after Ukraine severed diplomatic relations with Russia in 2022 (Kyiv Independent, 2025). During 2024, Ukraine conducted eleven exchanges that secured the release of 1,358 of its citizens from Russian custody (RBC-Ukraine, 2025). In 2025, Ukraine recorded the release of 2,310 people through various exchanges, including major exchanges under the Istanbul agreements (Kyiv Post, 2026). The Council of Europe reported that, as of 6 May 2025, 64 prisoner-of-war exchanges had taken place since the beginning of the war, some facilitated by third states such as Türkiye and the United Arab Emirates (PACE, 2025). This reveals an important paradox: humanitarian cooperation continues to function despite intense hostilities, yet the process remains non-transparent, slow, and unable to reach all detainees, particularly civilians who, according to the Ukrainian Ombudsman, number in the tens of thousands and in many cases have never received an ICRC visit (Kyiv Independent, 2025).

Comparative Analysis and Relevance of Islamic Law and IHL to Russia-Ukraine POW Treatment

Using an analytical framework that integrates Islamic-law indicators (honor of prisoners, humane treatment, prohibition of transgression, prohibition of revenge, and prohibition of exploitation) with IHL indicators (humane treatment, prohibition of torture, prohibition of cruel and degrading treatment, health protection, and obligations of the Detaining Power), three principal analytical findings can be identified.

First, the pattern of systematic torture of Ukrainian prisoners of war in Russian detention facilities violates both legal frameworks simultaneously and admits no justification under either. From the IHL perspective, such conduct directly violates Article 13 of the Third Geneva Convention concerning humane treatment and the prohibition of acts endangering prisoners' health (OHCHR/HRMMU, 2024). From the Islamic-law perspective, torture, electric shocks, sexual violence, and mock executions clearly conflict with the prohibition of transgression in Qur'an 2:190 and with the prohibition of revenge that forms a core principle of *fiqh al-siyar* (Basyar, 2020). This convergence demonstrates that, despite their different epistemological foundations, the two legal traditions provide mutually reinforcing normative grounds for condemning such practices. The violations therefore cannot be justified by any legal or value framework, including religious or nationalist claims sometimes invoked in wartime propaganda.

Second, the Olenivka incident and allegations of extrajudicial execution of prisoners who had surrendered constitute the gravest violations of the honor and right to life of prisoners of war. In Islamic law, these acts are more clearly prohibited than the historically disputed question of enslavement. As discussed in Subsection 3.1, jurists differ regarding whether particular captives may be executed in exceptional circumstances - for example, prisoners proven to have committed grave war crimes, as illustrated in accounts of two Badr captives executed for crimes committed before their capture (Tafsirweb, 2024). However, mass or arbitrary execution of surrendered prisoners without a fair legal process has no justification within any *fiqh al-siyar* framework. Likewise, under IHL, execution without due process of prisoners of war constitutes one of the most serious war crimes, as repeatedly emphasized in OHCHR reporting (OHCHR, 2025).

Third, differences between Russia's treatment of Ukrainian prisoners and Ukraine's treatment of Russian prisoners - in scale, systematic character, and access for independent monitoring - demonstrate the importance of the IHL principle concerning obligations of the Detaining Power. In Islamic law, this can be compared with the responsibility of the ruler (*khalifah/ulil amri*) for prisoners under state authority (Visimuslim.org, 2018). The Council of Europe explicitly stated that the situation of Russian prisoners of war is 'generally well documented' because the ICRC and other international monitoring bodies have unhindered access to their places of detention in Ukraine, whereas most released Ukrainian prisoners reported

that they had never been visited by ICRC staff or other international monitors while in Russian custody (PACE, 2025). The Council of Europe concluded that Ukraine generally fulfills its obligations under human rights law and IHL, while reports of summary executions, torture, or ill-treatment of Russian prisoners must still be properly investigated and perpetrators held accountable (PACE, 2025). This intergovernmental assessment should be presented objectively and not reduced to unconditional vindication of either party, because allegations of violations by both sides continue to require independent and impartial legal accountability.

These findings reinforce the article's principal novelty claim: the gap between prisoner-protection norms and practice in the Russia-Ukraine conflict does not arise from a lack or ambiguity of legal norms - whether under IHL or Islamic law as a complementary analytical framework - but from deeper structural problems, namely restricted access for independent monitoring, the absence of effective international enforcement mechanisms against states that refuse to cooperate, and a culture of impunity at the operational level, as also observed in historical cases such as Abu Ghraib (Triansyah & Saadah, 2022). By integrating the two frameworks, the article demonstrates that normative arguments for protecting prisoners of war can be built from multiple sources of authority, both secular-international and religious, which ultimately converge on the same principle: respect for the human dignity of prisoners regardless of identity or affiliation. This integration has practical relevance for humanitarian diplomacy and cross-tradition advocacy aimed at strengthening the legitimacy and reach of IHL norms in regions with strong Islamic legal-cultural foundations, consistent with the ICRC's long-standing interreligious humanitarian dialogue with authorities such as Al-Azhar (Al-Dawoody, 2017).

CONCLUSION

The analysis yields three principal conclusions. First, Islamic law protects prisoners of war through a set of principles derived from the Qur'an and Sunnah, including the obligation of humane treatment (Qur'an 76:8-9), the prohibition of transgression (Qur'an 2:190), and rules concerning the ultimate fate of prisoners through unconditional release or ransom (Qur'an 47:4 and 8:67-71). The scope of authority over prisoners, particularly the historical question of enslavement, has never been governed by a single view unanimously accepted by all jurists. It is instead the product of a long dialectic among scriptural texts, historical practice, and classical-to-contemporary juristic *ijtihad*, with most contemporary approaches regarding enslavement as inapplicable within modern international law.

Second, IHL regulates prisoner-of-war protection in far greater detail and in a more systematic form through the 1949 Third Geneva Convention and the 1977 Additional Protocol I. The humane-treatment principle in Article 13 serves as the organizing spirit of the Convention, supported by independent monitoring through the ICRC as a key element of effective implementation in practice.

Third, analysis of the Russia-Ukraine conflict shows that treatment of prisoners of war by both parties - particularly the pattern of systematic torture alleged against Ukrainian prisoners, the Olenivka incident, and alleged extrajudicial executions - simultaneously conflicts with core principles of both Islamic law and IHL. Differences in the patterns of alleged violations, including scale, systematic character, and access for independent monitoring, further demonstrate the importance of the Detaining Power's obligations as a critical determinant of compliance with prisoner-protection norms. The gap between norm and practice identified in this case study therefore arises not from a legal vacuum but from weak enforcement, accountability, and access to independent monitoring.

The study implies a need to strengthen independent monitoring mechanisms, including guaranteed and unrestricted ICRC access to all detention facilities, and to develop dialogue across legal traditions - including Islamic law - as an additional normative basis for strengthening the legitimacy and reach of IHL enforcement, particularly in regions with strong Islamic legal-cultural foundations. The study is limited by its dependence on investigative reports available at the time of writing while the Russia-Ukraine conflict remains ongoing and information concerning prisoner treatment continues to develop. Future research should examine international legal accountability mechanisms that may be applied to states refusing to cooperate with independent investigations and should further explore how religious legal traditions beyond Islam might contribute to cross-cultural discourse on prisoner-of-war protection.

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