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Behind closed doors. Ukraine, unofficial detention and the limits of wartime power

Borshchahivka, UN reports and unofficial detention facilities. What is established, what remains unresolved and the duties of Ukraine's president and government during war.

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AI-generated editorial illustration. Symbolic composition, not a photograph of an actual detention facility.

Analysis of public sources and law. Information current to 3 November 2026. Events in Borshchahivka remain under examination; allegations are not presented as final judicial findings.

War allows a state to mobilise its citizens, investigate espionage and take enemy combatants prisoner. It does not entitle it to hide people from courts, families and lawyers. UN reports show that this boundary has been crossed in Ukraine. Events outside Kyiv once again raise the question of who oversees the places in which people lose control over their own liberty.

This question need not rest on sensational footage. There are reports by international monitors, official inspections by Ukraine's human rights commissioner and investigations by law enforcement bodies. Yet these materials concern different groups: civilians suspected of national security offences, prisoners of war, people subject to mobilisation and Ukraine's own soldiers. Bringing them into one account requires care. They do not prove the existence of a single centrally managed system. They provide grounds for a serious examination of practices involving deprivation of liberty.[1] [7] [9]

1. Borshchahivka: an incident that cannot be settled by a headline

On 2 November 2026, a crowd gathered outside a private house in Petropavlivska Borshchahivka, near Kyiv. The trigger was online allegations that around 40 people were being held there, that torture had occurred and that someone had died. Clashes followed. Police denied reports of unlawful detention and a death. Four service personnel were taken to hospital; the command linked their presence to having previously left their units without authorisation.[2]

According to the Azov 1st Corps of the National Guard, the building was a temporary deployment point for military unit 3121. Mobilised men and soldiers detained after leaving their units without authorisation, known by the Ukrainian abbreviation SZCh, were reportedly awaiting assignment there. An explanation of the building's purpose does not, however, automatically establish the legal basis for each person's presence.[3]

Slidstvo.Info reporters spoke to veteran Maksym Onufriienko, who entered the house with Kyrylo Budanov. He said he had seen no torture site and that the soldiers had sustained their injuries before being brought there. The outlet also described assaults on passers-by by unidentified masked men. These accounts must be considered, but they are not the final findings of an investigation. A visit to a building cannot replace confidential interviews or medical examination.[4]

At the time this analysis was completed, the cited sources contained no independently confirmed finding that the house operated as a torture site. Nor is there a basis for closing questions about detention, access to doctors and the origin of injuries solely on the strength of a denial by an institution concerned. Both investigators and journalists must preserve that distinction.

2. Budanov: 'There are many such buildings'

Budanov, described in current reporting as head of the President's Office, arrived at the scene. UNIAN reported his words:

> **'Таких будівель багато' — 'There are many such buildings.' Translation from Ukrainian; UNIAN's report of 2 November 2026.[5]**

He promised to establish why such facilities existed and what happened inside them. According to his statement, 14 people were being held in the house. The National Guard commander, meanwhile, described the rented property as a staging point before military training.[5]

It would be inaccurate to replace 'buildings' with 'secret prisons' and present that paraphrase as an admission of criminal conduct by the authorities. We also do not know whether the choice of words was deliberate. Nevertheless, the statement carries political weight: a senior representative of the state promised to examine a practice that requires clear rules, oversight and accountability.

The question is not only how many such houses the military rents. It is also how many accommodate people who cannot leave, who decided to place them there and whether they can effectively challenge that decision.

3. Five years: documented practices and the limits of the data

An OHCHR report published in July 2021 provides background, covering the period from 2014 to April 2021. It also examined secret detention at the SBU's Kharkiv regional office. This is an important earlier precedent, but not proof that the same facility operated continuously in subsequent years. Publication dates must be distinguished from the dates of the events described.[6]

The most specific material concerning civilians after the full-scale invasion is the UN report of 27 June 2023. For 24 February 2022–23 May 2023, it documented 75 arbitrary detentions by the Ukrainian side, 65 cases of detention in unofficial facilities and the use of 29 such locations. These included apartments, sanatoriums, basements and SBU premises. It also identified a gym and basement in the SBU's central building in Kyiv, operating from February until at least November 2022; one man described was deprived of liberty for 135 days without formal authorisation for his arrest. Some cases involved concealment of people's whereabouts and denial of access to counsel.[1]

The October 2024 report addressed Russian prisoners of war separately. It identified a basement in Pokrovsk and a garage on military headquarters grounds in Kramatorsk, used between March and October 2023. Of 33 POWs who reported being held in these locations, more than half described severe beatings or electric shocks. Conditions in monitored official facilities were generally assessed as complying with standards for accommodation, hygiene, food and medical assistance. The distinction between transit locations and the official system is therefore fundamental.[7]

In December 2025, the UN again described facilities outside the official internment infrastructure. Its report included accounts of a site in Mykolaiv region where POWs reportedly remained in 2025 for periods ranging from several weeks to seven months. Of 137 interviewees, 77 provided accounts of torture or ill-treatment during questioning, transfer or confinement in transit locations. That finding concerns the interviewed group, not every POW held by Ukraine.[8]

Regarding civilians, a September 2025 report noted steps taken by the Ukrainian authorities to improve procedural safeguards, but also further cases of torture and ill-treatment and limited accountability. It did not provide a complete, current register of secret facilities.[10]

The documented figures are a minimum identified in particular investigations. They cannot be added together as though every number covered separate victims and identical reporting periods. Nor can the 29 locations in the 2023 report be presented as the current number operating in November 2026.

4. A state's own citizens and soldiers

In June 2026, Ukraine's human rights commissioner's office reported suspicions of unlawful deprivation of liberty and torture at the Uzhhorod Territorial Recruitment Centre, or TCC. Its statement described people being handcuffed to a ladder and formal notices of suspicion issued to personnel. This material comes from a Ukrainian oversight institution. It is not equivalent to a final conviction.[9]

In September 2026, an inspection by the commissioner confirmed that a man had spent almost seven days in a basement-level TCC room in Zhydachiv. According to the man, he could not leave independently. The commissioner questioned the legal basis for such a lengthy stay and whether TCC premises were acquiring the characteristics of places of detention. Beds, food and sanitary facilities mentioned in the statement did not resolve the lawfulness of the restriction on liberty.[11]

Proceedings concerning the 211th Brigade form a separate strand. The State Bureau of Investigation, or SBI, described beatings and humiliation of subordinates, including a soldier being tied to a wooden cross-shaped structure. In May 2025, it announced the completion of an investigation concerning the commander, who, investigators alleged, knew about abuse and failed to act. Allegations must not be turned into a verdict, but officially described mechanisms of violence and protection of perpetrators cannot be ignored either.[12] [13]

Not all these cases concern 'secret prisons'. They share a question about actual power over a person: who exercises it, what limits apply and whether that power can be scrutinised without the permission of the person's superior.

5. Military secrecy and a person concealed from the law

Not every unmarked military building is a prison. Not every unit's location must be public. Protecting accommodation from a Russian attack is different from concealing a detention from courts and authorised oversight bodies.

The legal assessment turns on reality. Renaming a site a 'waiting point', 'adaptation centre' or 'temporary facility' does not answer whether a particular person is free to leave. The UN Human Rights Committee also stresses that ordinary restrictions arising from military service do not always

constitute deprivation of liberty. Their degree and character must be assessed, rather than merely the fact that someone wears a uniform.[14]

A proper inspection should therefore establish each person's status. A civilian brought to a recruitment centre, a soldier suspected of an offence and a prisoner of war are not governed by identical procedures. None of these categories, however, creates a legal vacuum in which torture or concealment of a person becomes permissible.

6. A UN convention: a prohibition that survives war

The International Convention for the Protection of All Persons from Enforced Disappearance has bound Ukraine since 13 September 2015; the state acceded on 14 August that year. This is a binding treaty obligation, not a recommendation to be applied voluntarily.[15]

> **'No one shall be held in secret detention.' Article 17(1) of the Convention. The Polish edition quotes the official Polish translation; the English wording is from the UN treaty text.[16] [22]**

Article 1(2) expressly rules out justifying enforced disappearance by a state or threat of war, political instability or another public emergency. Article 2 combines deprivation of liberty involving the state with a subsequent refusal to acknowledge detention or concealment of the person's fate or whereabouts. Lack of telephone contact alone does not automatically establish this classification; the elements of the individual case must be determined.[16]

For a family, the difference between official and secret detention is fundamental. In the former, it is possible to seek a procedural decision and activate remedies. In the latter, relatives must first prove that their loved one is under someone's control at all. That is why recording a detention is a safeguard for life, not merely an administrative formality.

7. Torture: neither 'war' nor 'orders' is a justification

The UN Convention against Torture requires states to take effective steps to prevent such acts. Article 2(2) states:

> **'No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.' Convention against Torture, Article 2(2).[17]**

Paragraph 3 of the same article rejects superior orders or instructions from a public authority as a justification. The Convention also requires a prompt and impartial investigation wherever there are reasonable grounds to suspect torture, protection of complainants and witnesses, and a right to redress. Article 15 prohibits using a statement obtained through torture as evidence, except against

a person accused of torture to establish that the statement was made.[17]

A practical duty follows: an account of violence cannot be disregarded solely because it comes from a deserter, a person suspected of treason or a POW from the enemy's army. Its credibility must be investigated. A person's status does not remove the prohibition on harming them to obtain information or compel obedience.

8. Arbitrary detention: more than a missing stamp

Article 9(1) of the International Covenant on Civil and Political Rights states:

> **'No one shall be subjected to arbitrary arrest or detention.' International Covenant on Civil and Political Rights, Article 9(1).[18]**

The Covenant requires a legal basis and procedure, information about the reasons for arrest and an opportunity for judicial review of the lawfulness of detention. In criminal cases, it requires prompt appearance before a judge or another officer authorised to exercise judicial power. The Human Rights Committee explains that arbitrariness also encompasses injustice, unpredictability, lack of due process and disproportionality; the existence of a domestic provision does not end the assessment.[18] [14]

A document drawn up many days later does not automatically explain the basis on which a person was previously prevented from leaving. Moving someone to another unit does not erase questions about the earlier stage. Effective review depends on the actual times of apprehension, transport, medical examination and first contact with a lawyer.

9. Derogation does not suspend the rule of law

International law recognises exceptional threats to the life of the nation. Article 4 of the Covenant permits temporary derogations from certain obligations, but only to the extent strictly required by the situation, following an official proclamation of a public emergency and consistently with other international obligations. The prohibition of torture in Article 7 cannot be derogated from.[18]

It would be imprecise to claim that Article 9 of the Covenant in its entirety has the same absolutely non-derogable status. In General Comment No. 35, however, the Committee stresses limits on derogations and the need to preserve effective safeguards against arbitrary detention. War is not, in itself, a legal basis for every decision to detain.[14]

Article 15 of the European Convention on Human Rights has a similar structure. It permits derogations strictly required by the situation, but not from the prohibition of torture in Article 3. The European Court of Human Rights explains in its guide that emergency measures must also remain consistent with other international obligations.[19] [20]

The conclusion is specific: even a properly notified derogation does not legalise torture or enforced disappearance. Assessing a particular restriction on liberty requires examination of the applicable legal framework, actual necessity and available safeguards.

10. Ukraine's Constitution protects liberty under martial law

Ukraine's constitutional order itself sets limits on state power. Article 28 prohibits torture and degrading treatment. Article 29 protects personal liberty and establishes judicial safeguards, defence rights, a right to challenge detention and notification of relatives. Article 64 includes both provisions among the rights that cannot be restricted during martial law or a state of emergency.[21]

This does not mean that Ukraine cannot detain anyone. It means detention must fit within constitutional safeguards, and laws and orders cannot be treated as blanket authorisation to circumvent them. Nor can one procedure be mechanically extended to every category of person, particularly POWs protected by the law of armed conflict.

The argument 'there is a war' therefore needs further explanation: which provision authorises the particular measure, who made the decision and who reviews it? Without answers, it serves more to deflect responsibility than to explain the law.

11. President and government: protection as a duty, not just a declaration

Article 102 of the Constitution identifies the president as the guarantor of compliance with the Constitution and of human and citizens' rights and freedoms. Article 116 requires the Cabinet of Ministers to take measures to secure those rights and freedoms. The authorities' constitutional duty therefore extends to detainees, unpopular people and those suspected of serious offences.[21]

In practice, fulfilment of these duties should be visible in how the state operates. Oversight bodies must be able to reach people deprived of liberty. Investigators should obtain records and preserve evidence. A doctor must be able to describe injuries without subordinating the findings to a commander's expectations. A detainee should be able to report violence without fearing punishment after an inspector leaves. These are organisational conclusions drawn from the safeguards described, not an assertion that all of them failed at every facility.

This does not mean that the president or every minister bears personal criminal responsibility for every violation. Establishing such responsibility requires the relevant legal elements and evidence. But the duty to organise effective protection, and political responsibility for the state's response, do not depend on a senior official first being convicted.

12. Responsibility does not end with the person guarding the door

Article 6 of the Convention on Enforced Disappearance covers perpetrators, those ordering the act and participants. Under the conditions it specifies, it also covers superiors: knowledge or conscious disregard of information, effective control, and failure to take necessary and reasonable preventive measures or to submit the matter to the competent authorities are material. This is not automatic liability based on rank or office alone.[22]

A serious investigation should therefore reconstruct decisions. Who ordered the transfer? Who maintained the records? Who authorised questioning? To whom were injuries reported? Who refused assistance and who received the complaint? Such questions allow examination of both the conduct of direct perpetrators and possible omissions by those overseeing the practice.

Institutional accountability also requires an honest assessment of scale. Repeated serious violations may warrant investigation of a wider mechanism. Without further findings, however, they do not justify announcing that all units or the entire state leadership participated in a single plan.

13. POWs: lawful captivity does not authorise torture

A member of the enemy's armed forces may lawfully be interned as a prisoner of war without being charged with an ordinary criminal offence. The Third Geneva Convention governs such captivity. Article 13 requires humane treatment at all times and protection from violence, intimidation and insults.[23]

Article 17 prohibits physical or mental torture and other forms of coercion to obtain information. The initial, 'informal' stage of captivity cannot therefore be treated as a period before basic standards apply. Protection does not begin only when a prisoner is transferred to the Ministry of Justice.[24]

Article 126 provides for visits by authorised delegates, including the ICRC, and interviews with prisoners without witnesses. The exception for imperative military necessity is exceptional and temporary. It is not a basis for permanently removing an entire category of facilities from oversight.[25]

For state practice, continuity is essential: from the moment of capture, it should be possible to establish who is responsible for the prisoner's life, health and movements. Transfer between units cannot mean the disappearance of responsibility.

14. Families have a right to search without intimidation

The Convention on Enforced Disappearance provides for prompt and impartial examination of credible reports and protection of complainants, witnesses and relatives. Article 24 recognises victims' right to know the truth and to obtain reparation. A victim may also be someone who suffered direct harm as a result of a loved one's disappearance.[22]

In the editorial assessment, this means families should not have to organise a livestream to obtain basic information. A state response must exist before a crowd gathers: an accessible reporting channel, a way to verify detention quickly and effective legal assistance.

At the same time, a family's understandable distress does not automatically confirm every detail of an online account. A proper investigation also protects against rumour: it establishes a person's fate, examines evidence and makes it possible to challenge the official account without violence or publicly exposing witnesses to danger.

15. What an inspection in Borshchahivka must establish

Clarifying this case requires much more than an argument over the labels 'deployment point' and 'secret prison'. The following questions are editorial criteria for assessing the credibility of future findings:

- Status and basis: who was each person present, who decided to bring them there and which legal provisions were applied?
- Timing: when did the actual restriction on liberty begin, and was every stage recorded?
- Contact: was the access required by law to counsel, family and appropriate oversight provided?
- Health: what injuries did doctors identify, when might they have occurred and was evidence of the person's earlier health preserved?
- Independence: were interviews with the service personnel conducted without anyone present who might exert pressure?
- Decisions by superiors: who knew of the complaints and what action did they take?
- Evidence: were recordings, transport records, orders and communications relevant to the case preserved?
- Outcome: what violations were established, what charges were brought or why were none brought, and what changed in practice?

Answers need not disclose information enabling a military adversary to locate soldiers. They must enable authorised institutions and those affected to check whether the state acted lawfully. Operational security and accountability require organisation; they are not inherently incompatible.

16. Russia's crimes do not alter Ukraine's obligations

The UN documents widespread and systematic torture of civilians by Russian authorities in occupied territory. Its September 2025 report describes severe beatings, electric shocks, sexual violence and concealment of detainees' fate. This is an essential context of the war and Ukrainians' suffering.[26]

That context does not answer the question of a Ukrainian official's responsibility for a particular act. The prohibition of torture is not reciprocal. A prisoner's protection does not depend on whether their state protects the adversary's prisoners. A citizen suspected of collaborating with the aggressor likewise remains a person under the protection of the law.

This principle matters to Ukraine itself. In the editorial assessment, effective accountability for abuses supports security: it increases the state's credibility, protects soldiers from arbitrary conduct and limits the space for propaganda exploiting real suffering. Concealing a problem does not remove it from the information battlefield; it surrenders control of it to others.

17. A state must be able to say where a person is

The documented cases do not justify claiming that every rented military house is a prison. Nor do they permit the argument that unofficial detention is merely an online fiction. International reports and domestic inspections require a response measured in access to people, records, credible investigations and enforcement of accountability.

The president and government must activate effective protection within their powers. Commanders and officials must act on a legal basis. Investigators must establish the facts, and courts determine responsibility. An assurance that the situation is under control cannot replace any of these roles.

The ultimate test is straightforward: can the state promptly demonstrate where a person is, who deprived them of liberty and why, who is responsible for their health and how they can obtain independent protection? War makes that answer more important.



AI-generated editorial illustration. It does not depict an actual facility, person or evidence in a particular case.

About this article and its sources

This article draws on public OHCHR reports, Ukrainian official statements, reporters' accounts and the texts of treaties and the Constitution. Information current to 3 November 2026. It is not based on the editorial team's own visit to the facilities or interviews with victims. Allegations and witness accounts are identified as such. Reporting proceedings does not mean that a conviction has occurred. The events in Borshchahivka remain an open case. The Polish edition quotes the official Polish translation of the Convention on Enforced Disappearance and supplies editorial translations of other English-language quotations. Treaty quotations in this English edition use the English texts. Dates of a convention's application to Poland are not its dates of application to Ukraine. The artwork consists of symbolic AI illustrations, not documentation of particular places or people.

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