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The Transfer of Soviet Prisoners of War from Afghanistan to Switzerland, 1982-1984

By Liliane Stadler, December 2020

THE COLD WAR INTERNATIONAL HISTORY PROJECT
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Christian F. Ostermann and Charles Kraus, Series Editors

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The Transfer of Soviet Prisoners of War from Afghanistan to Switzerland, 1982-1984

Liliane Stadler

This Working Paper forms a part of my doctoral thesis on Swiss foreign policy towards the Soviet occupation of Afghanistan from 1979 to 1992. It is about the transfer of the first group of a small number of Soviet prisoners of war from Afghanistan to Switzerland between 1982 and 1984. I explore how this transfer came about, what difficulties it encountered and what ethical questions it raised for those involved. My argument is that, like much of Switzerland's involvement in Afghanistan over the course of the 1980s, this prisoner transfer was brought to the Swiss by third parties. They did not seek it out on their own. What is more, the Swiss created neither a clear plan of action nor a set of contingency plans for themselves in the event that things did not go according to plan. Rather, it was only as events unfolded that the Swiss government began to truly appreciate the complexities involved in the operation.

In relating both these events and their associated complexities, I have thus far relied on recently declassified archival material from the Swiss Federal Archives in Bern, as well as on interviews with individuals who came into direct contact with the Soviet prisoners of war in official and in private capacity. I have been unable to visit the archives of the International Committee of the Red Cross (ICRC) for the purpose of this Working Paper, as its materials remain classified from 1975 onwards. However, the Swiss Federal Archives do occasionally contain material from the ICRC where they concern correspondence with the federal authorities. I should also reiterate that this paper will only cover the period of 1982 to 1984.

In 1982, Geneva hosted two distinct sets of diplomatic discussions concerning the ongoing Soviet occupation of Afghanistan. The UN-mediated talks between the government of Pakistan and the Karmal regime of Afghanistan took place behind closed doors, mostly at the United Nations Headquarters on the Place des Nations. At the same time – unknown to the negotiating parties at the UN – a second, clandestine, set of talks on Afghanistan took place five minutes' walk from the Place des Nations at the Permanent Mission of the Soviet Union. This set of talks brought together the Soviet Mission and their next-door neighbours, the ICRC. From 13 January to 22 January, 1982, these two parties met repeatedly to arrange

the transfer of Soviet prisoners of war captured by the Afghan resistance, to a neutral third-party state.[1] In exchange for organizing the logistics of this transfer, the ICRC was supposed to regain access to Afghan territory for the first time since its expulsion following the Soviet invasion of 1979. In particular, the ICRC hoped to regain access to the political prisoners held at the Pul-e-Charkhi prison complex in Kabul.[2]

According to the memorandum of understanding signed by the ICRC and the Soviet Union on 22 January, 1982, the Soviet prisoners of war were to be transferred to India via Pakistan.[3] The only problem was that the Afghan resistance – collectively known as the mujahideen – had not been party to this agreement. They were the ones who held the prisoners concerned and refused to accept India as a neutral third-party state. Instead, they demanded that the prisoners be transferred to Pakistan. This in turn was unacceptable to the Soviet Union on account of alleged Pakistani interference in Afghan domestic affairs, which is how all sides finally settled on neutral Switzerland.

This all happened without the knowledge of the Swiss authorities.[4] In fact, the Swiss had had little to do with Afghanistan since having closed their honorary consulate in Kabul in October of 1979. The Swiss Foreign Ministry was only informed of the plans to transfer Soviet prisoners of War to Switzerland on 10 May 1982 – four months after the original discussions began. They brought the matter to the attention of the Federal Council – the executive body of the Swiss government – straight away.[5] The council in turn approved the plans two days later, informing neither parliament nor the public and without entering into a separate agreement with either the Soviet Union or the ICRC on the matter.[6] Instead, the council authorized the foreign ministry to propose a series of amendments to the arrangement

[1] Comité International de la Croix-Rouge (CICR), Protocole d'Entente donnant suite aux entretiens qui ont eu lieu à la mission permanente de l'URSS à Genève du 13 au 22 Janvier 1982, 22 January 1982, Schweizerisches Bundesarchiv (CH-BAR, Berne), Switzerland.
[2] n.a., Internement de membres des forces armées soviétiques capturés en Afghanistan par les mouvements de la résistance afghane, 18 May 1982, CH-BAR, Berne, Switzerland.
[3] CICR, Protocole d'Entente donnant suite aux entretiens qui ont eu lieu à la mission permanente de l'URSS à Genève du 13 au 22 Janvier 1982, 22 January 1982, CH-BAR, Berne, Switzerland.
[4] n.a., Internement de membres des forces armées soviétiques capturés en Afghanistan par les mouvements de la résistance afghane, 18 May 1982, CH-BAR, Berne, Switzerland; Edouard Brunner, Correspondence to unknown, 2 June 1982, CH-BAR, Berne, Switzerland.
[5] Jean De Courten, Correspondence to Kirile L. Keline, Conseiller, Mission permanente de l'URSS, 15, avenue de la Paix, 1211 Genève, 11 May 1982, CH-BAR, Berne, Switzerland; Pierre Aubert, Internement de membres des forces armées soviétiques capturés en Afghanistan, 18 May 1982, CH-BAR, Berne, Switzerland.
[6] Nationalrat, Kommission für auswärtige Angelegenheiten: Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.

between the ICRC and the Soviet Union. In the end, it was agreed that the maximum period of internment for a Soviet prisoner of war in Switzerland was to be two years. Should the Soviet Union and the Afghan resistance both indicate their consent, the prisoners could be repatriated prior to the end of the two-year period of internment. The Soviet Union was to be liable for the costs arising from the internment of its soldiers on Swiss territory and the Swiss authorities alone would determine the place and the conditions of internment.[7] In agreement with the Soviet Union and the ICRC, the Federal Council approved these provisions on 19 May, and gave the operation a green light.

Nine days later, the first three prisoners landed at Zurich International Airport on Swissair flight SR195.[8] Their names were Valeri Didienko, Yuri Povarnitsine, and Viktor Sintchuk. Prior to enlisting in the armed forces, Valeri Didienko had worked as a crane operator in the Ukrainian Soviet Socialist Republic (SSR), was a foot soldier, and was nineteen years old at the time.[9] Yuri Povarnitsine was twenty years old at the time of his arrival in Switzerland, held the rank of sergeant, and had worked as a truck driver in his native Russia prior to the invasion of Afghanistan.[10] Nineteen-year-old Viktor Sintchuk, finally, was also a native of the Ukrainian SSR, where he had worked as a driver before joining the army.[11] Their mujahideen captors had handed them over to the ICRC at the Afghani-Pakistani border a few days prior, where they had been briefed on their transfer to Switzerland, as well as subjected to a preliminary medical examination.[12] From there, a delegate and a medical practitioner from the ICRC, as well as a small contingent of guards accompanied them to Karachi and onto a direct flight bound for Zurich.[13]

Upon their arrival, the ICRC released a short press statement on what had transpired.[14] Interestingly, it received hardly any attention from the press at the time. The Swiss Foreign

[7] n.a., No Title, 17 September 1982, CH-BAR, Berne, Switzerland.
[8] Conseil Fédéral, Internement de membres des forces armées soviétiques capturés en Afghanistan, 19 May 1982, CH-BAR, Berne, Switzerland; n.a., Internement de membres des forces armées soviétiques capturés en Afghanistan par les mouvements de la résistance afghane, 18 May 1982, CH-BAR, Berne, Switzerland.
[9] n.a., Personalien der sowjetischen Internierten, N.d., CH-BAR, Berne, Switzerland.
[10] n.a., Personalien der sowjetischen Internierten, N.d., CH-BAR, Berne, Switzerland.
[11] n.a., Personalien der sowjetischen Internierten, N.d., CH-BAR, Berne, Switzerland.
[12] n.a., Internement de membres des forces armées soviétiques capturés en Afghanistan par les mouvements de la résistance afghane, 18 May 1982, CH-BAR, Berne, Switzerland.
[13] n.a., Internement de membres des forces armées soviétiques capturés en Afghanistan par les mouvements de la résistance afghane, 18 May 1982, CH-BAR, Berne, Switzerland.
[14] International Committee of the Red Cross (ICRC), Afghanistan: Le CICR transfère des Soviétiques en Suisse, 28 May 1982, CH-BAR, Berne, Switzerland.

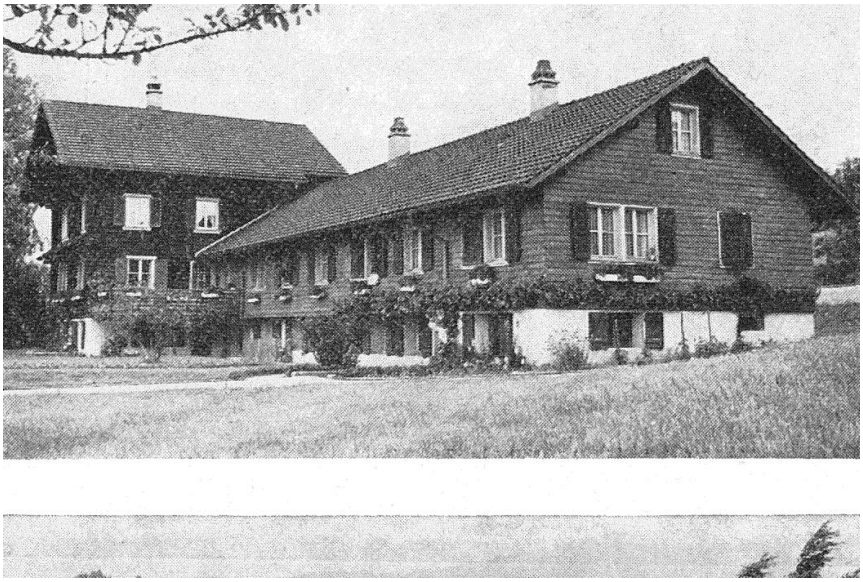
Ministry published no press release, but instead circulated a policy brief internally on how to respond to potential inquiries from the press.[15] Above all, the policy stressed that "no indication whatsoever should be given as to the temporary place of custody" to which the three Soviet prisoners had been transferred.[16] If asked, staff would be permitted to reveal that the duration of imprisonment had been capped at two years or until hostilities in Afghanistan had ceased, whichever came first. They could add that the authorities had so far registered three Soviet prisoners of war on Swiss territory with further arrivals planned but no numbers specified. The prisoners would be treated with dignity and in a non-punitive fashion in accordance with the Third Geneva Convention on the Treatment of Prisoners of War of 1949, of which both Switzerland and the Soviet Union were signatories.[17] Interestingly, this particular point became a difficult subject with the press when the foreign ministry did eventually take a public stance on the issue in the fall of that year.

In the meantime, the federal authorities began to encounter their first problems with the Soviet prisoners. The main problem arose from the fact that they were not actually held as prisoners at first. On 7 August, three days prior to the arrival of two further prisoners from Afghanistan, there occurred an incident at the asylum centre of St. Johannsen in Gals, where Didienko, Povarnitsine and Sintschuck were secretly being held.[18] At 11:00 in the morning, Povarnitsine forced his way into the main office of the section where he was being held and demanded to be paid Swiss francs 700 in cash.[19] Sintchuk appeared in the office shortly thereafter, accompanied by their translator, Linda Howard, whom he held hostage. Together, they sealed themselves into the office and repeatedly demanded to be paid the aforementioned sum. Fortunately for the hostages, a member of staff had alerted the police.

[15] n.a., Garde temporaire de ressortissants soviétiques capturés en Afghanistan – « Sprachregelung », 28 May 1982, CH-BAR, Berne, Switzerland.
[16] Own translation from «Aucune indication ne devra être donné sur le lieu de la garde temporaire des trois ressortissants soviétiques,» in n.a., Garde temporaire de ressortissants soviétiques capturés en Afghanistan – « Sprachregelung », 28 May 1982 CH-BAR, Berne, Switzerland.
[17] III Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, ICRC, accessed 17 March 2019, https://ihl-databases.icrc.org/ihl/INTRO/375?OpenDocument; n.a., Garde temporaire de ressortissants soviétiques capturés en Afghanistan – « Sprachregelung », 28 May 1982 CH-BAR, Berne, Switzerland.
[18] Andres Koellreuter, interviewed by Liliane Stadler, 17 December, 2018; n.a., No Title., 17 September 1982, CH-BAR, Berne, Switzerland.
[19] B. Eichenberger, Sowjetische Internierte; Polizeieinsatz vom 7. August 1982, 7 August 1982, CH-BAR, Berne, Switzerland.

Five police officers were dispatched from the nearby towns of Erlach and Ins. They arrived at St. Johannsen by 12:30, one and a half hours after the hostage situation had begun.[20] Sintchuck quickly gave himself up to the police, but Povarnitsine made an escape attempt. It took a guard dog, tear gas, and the combined strength of several policemen to finally bring him in.[21] After that, the directorate of St. Johannsen moved both him and Sintchuck to the disciplinary ward. Didienko was made to join them as well, despite the fact that there had been no evidence of his involvement.[22] Once they were locked up again, the director of St. Johannsen wrote a flustered letter to the police directorate of the canton of Berne in which the facility was located. He explained in detail what had come to pass and argued staunchly that given the circumstances, it would henceforth be impossible to keep the Soviet prisoners at his facilities.[23] He requested their immediate relocation elsewhere and demanded that the Ministry of Justice "not consider any further internment of Russians in our facilities."[24] After a short spell in the disciplinary ward, Povarnitsine, Sintchuck and Didienko were moved to the high-security prison of Thorberg, fifty minutes' drive from Gals.[25] Eventually, all current and future Soviet prisoners of war were moved to an isolated site of former military barracks on the Zugerberg in the canton of Zug, to be guarded by a team of experienced former police officers and border guards.[26]

[20] B. Eichenberger, Sowjetische Internierte; Polizeieinsatz vom 7. August 1982, 7 August 1982, CH-BAR, Berne, Switzerland.
[21] B. Eichenberger, Sowjetische Internierte; Polizeieinsatz vom 7. August 1982, 7 August 1982, CH-BAR, Berne, Switzerland.
[22] B. Eichenberger, Sowjetische Internierte; Polizeieinsatz vom 7. August 1982, 7 August 1982, CH-BAR, Berne, Switzerland.
[23] B. Eichenberger, Sowjetische Internierte; Polizeieinsatz vom 7. August 1982, 7 August 1982, CH-BAR, Berne, Switzerland.
[24] Own translation from «Wir bitten die Internierung weiterer Russen in unserer Anstalt abzusetzen,» in B. Eichenberger, Sowjetische Internierte; Polizeieinsatz vom 7. August 1982, 7 August 1982, CH-BAR, Berne, Switzerland.
[25] Andres Koellreuter, interviewed by Liliane Stadler, 17 December, 2018; n.a., No Title, 17 September 1982, CH-BAR, Berne, Switzerland.
[26] n.a., No Title, 17 September 1982, CH-BAR, Berne, Switzerland.



Internment facilities for prisoners, Zugerberg, 1972 [27]

By this time, the first ICRC delegates had arrived in Afghanistan.[28] For a period of roughly two months, beginning on 14 August, the Afghan authorities provided them with regular access to the prison of Pul-e-Charkhi near Kabul, where they visited several hundreds of inmates and drew up a list of the most urgently needed medical supplies.[29] Yet the operation came to a sudden stop, when, for no apparent reason, the authorities demanded that the ICRC cease its visits and expelled the organization from the country once more.[30] The delegates returned to Geneva on 8 October amidst a state of confusion and frustration, which extended to the ICRC as a whole, as well as to the Swiss Foreign Ministry. The Karmal regime in Afghanistan had been neither a party to the formal agreement of 22 January between the ICRC and the Soviet Union, nor to the subsequent alterations proposed by the Swiss. Who could therefore be called to account and how?

As a first step, Alexandre Hay, the president of the ICRC, called on Edouard Brunner – the head of the Directorate for International Organizations at the Swiss Foreign Ministry – to mediate between the ICRC and the Soviet Union. Brunner duly met with the Soviet chargé d'affaires in Berne on 11 October and promised to Hay that Secretary of State Raymond

[27] Loosli, Das Militärstrafdetachement auf dem Zugerberg, *Der Fourier: Offizielles Organ des Schweizerischen Fourier- Verbandes und des Verbandes Schweizerischer Fouriergehilfen* 45 (1972), 428.
[28] n.a., Président CICR et Hocke ont informé 8 octobre CFA et Soussigné de ce qui suit, 11 October 1982, CH-BAR, Berne, Switzerland.
[29] n.a., Président CICR et Hocke ont informé 8 octobre CFA et Soussigné de ce qui suit, 11 October 1982, CH-BAR, Berne, Switzerland ; n.a., Afghanistan, 11 January 1983, CH-BAR, Berne, Switzerland.
[30] Edouard Brunner, Correspondence to Ambassadors, 19 November 1982, CH-BAR, Berne, Switzerland.

Probst would personally address the issue during his upcoming visit to Moscow on 17 October.[31] In his own meeting with the chargé d'affaires, Brunner primarily explained that Switzerland lacked a direct diplomatic channel to the Karmal regime in the absence of a Swiss embassy or consulate there, but knew that the Soviet Union entertained close relations to the Afghan authorities. He therefore in turn asked the Soviet Union to mediate between the Karmal regime and the ICRC and to convey the ICRC's concerns about the sudden interruption of its operations in Kabul.[32]

However, the escape attempt in Gals and the renewed expulsion of the ICRC from Afghanistan were not the only problems surrounding the transfer arrangement for the Soviet prisoners at the time. By the fall of 1982, the Swiss press had begun to catch on to the arrangement and started asking questions.[33] For the first time since the beginning of the transfer Edouard Brunner therefore took a public stance on the subject in a pre-recorded televised address on 29 October. In response to growing speculation in the press, he tried to explain to the public why Switzerland had become involved in the affair in the first place. "Five months ago," he announced, "the Federal Council has accepted the transfer of members of the Soviet armed forces captured in Afghanistan by the Afghan resistance, to Switzerland."[34] He continued that, "This action is a novel gesture of our willingness to serve in the humanitarian domain, a willingness [however] that stems from our neutrality and that forms a long-standing tradition in our country."[35] As a precedent for this tradition, he cited over a hundred thousand prisoners of war who had been sheltered in Switzerland over the course of the Second World War.[36] In fact, I have yet to find a similar case of a prisoner transfer to

[31]n.a., Président CICR et Hocke ont informé 8 octobre CFA et Soussigné de ce qui suit, 11 October 1982, CH-BAR, Berne, Switzerland.
[32] n.a., Président CICR et Hocke ont informé 8 octobre CFA et Soussigné de ce qui suit, 11 October 1982, CH-BAR, Berne, Switzerland.
[33] Ahmed Huber, Polit-Apéro, *Sonntags-Blick*, 20 June 1982, CH-BAR, Berne, Switzerland; Michel Broillet, « Un des soldats soviétiques fait le mur, » *Tribune de Genève*, 11 June 1982, CH-BAR, Berne, Switzerland.
[34] Own translation from «Le Conseil fédéral a accepté, voici 5 mois, le transfert en Suisse de membres des forces armées soviétiques capturés en Afghanistan par les mouvements de résistance,» in Edouard Brunner, Internés militaires soviétiques : Déclaration prononcé par M. l'Ambassadeur E. Brunner, le 18.10.1982 en vue de l'émission télévisée Tell Quel (29 octobre 1982), 18 October 1982, CH-BAR, Berne, Switzerland.
[35] Own translation from «Cette action est une nouvelle marque de la disponibilité de la Suisse dans le domaine humanitaire, disponibilité qui s'inscrit dans le cadre de notre politique de neutralité et constitue une tradition de notre pays», in Edouard Brunner, Internés militaires soviétiques: Déclaration prononcé par M. l'Ambassadeur E. Brunner, le 18.10.1982 en vue de l'émission télévisée Tell Quel (29 octobre 1982), 18 October 1982, CH-BAR, Berne, Switzerland.
[36]Edouard Brunner, Internés militaires soviétiques : Déclaration prononcé par M. l'Ambassadeur E. Brunner, le 18.10.1982 en vue de l'émission télévisée Tell Quel (29 octobre 1982), 18 October 1982, CH-BAR, Berne, Switzerland.

neutral Switzerland between 1945 and 1982. To the best of my knowledge, it was the first time that Switzerland acted as a neutral host state as described in the Third Geneva Convention of 1949. Switzerland's provisions of good offices as a protecting power in bilateral diplomacy and in domains such as conflict mediation tend to be much better documented in the literature.[37]

Brunner's carefully phrased address appeared to raise more questions than it answered, and did little to abate the debate about the ethics and the logistics of the prisoner transfer in the press. In light of this, a parliamentary inquiry into the dealings of the foreign ministry and the ICRC followed. The parliamentary body to review the issue was the so-called Committee for Foreign Affairs of the National Council. With approximately 200 seats, the National Council was the bigger of the two chambers of the Swiss parliament. The purpose of the council's various parliamentary committees was twofold: to discuss political issues behind closed doors prior to them being debated openly in parliament, and to continuously hold the executive branch of government accountable to the legislative branch.

On 22 November, Edouard Brunner's superior, Secretary of State Raymond Probst, was called to testify before the committee. In light of the ongoing speculation in the media, his task was to respond to four principal questions. First, why was the government taking in prisoners of war from a country it was not close to and from a conflict it was not involved in? Second, what was the legal status of the prisoners that had arrived so far? Third, were they really prisoners of war and fourth, what would happen to them upon their release? These questions were inherently intertwined. They were also in and of themselves important because they revealed both the novelty of the arrangement and the conundrum that the Soviet prisoners posed for Swiss foreign policy at the time. What is more, for the purpose of this paper, they allow us to pause and consider both the ethical implications of the events described so far, as well as the principles of international humanitarian law that were at stake.

In response to the first question on the rationale behind the involvement of the Swiss government, Secretary of State Raymond Probst primarily argued that "the Federal Council

[37] Daniel Trachsler, Gute Dienste – Mythen, Fakten, Perspektiven, *Bulletin 2004 zur schweizerischen Sicherheitspolitik* (2008), 33-64; Konrad Walter Stamm, *Die Guten Dienste der Schweiz: Aktive Neutralitätspolitik zwischen Tradition, Diskussion und Integration* (Bern: Lang, 1974); Nicolas Rion, Une occasion risqué pour la diplomatie Suisse: Protection des intérêts étrangers et bons offices en Inde et au Pakistan (1971-1976), *Politorbis* 40(2006), 44-52; Raymond Probst, *Good Offices in the Light of Swiss International Practice and Experience* (Dordrecht: Martinus Nijhoff, 1989).

was acting in accordance with the inherent nature of [Swiss] foreign policy."[38] In providing assistance in a delicate matter when asked to do so, he argued, the Federal Council was fulfilling a duty derived from the so-called principle of *disponibilité*. *Disponibilité* denotes Switzerland's willingness to put its good services at the disposal of other states and according to Probst, it in turn rested on Switzerland's long-standing tradition of neutrality.[39] More specifically, it implied that as a neutral state, Switzerland could not take sides in a conflict, but it could readily assist conflict parties in mediating their differences or in conforming to the principles of international humanitarian law governing armed conflict.

According to Probst, such was the case in the current situation revolving around the Soviet prisoners of war, captured by the mujahideen in Afghanistan. In a quick update on the present situation, he informed the committee that four Soviet soldiers and one sergeant officer were currently in Swiss custody, all aged between 19 and 22 years old.[40] He also announced that two further prisoners would in fact be joining them the following day and he asked the committee to treat this bit of news with strict confidentiality at least until the ICRC had released a press statement on the matter.[41] The available evidence suggests that the committee complied with Probst's request and that they did not interfere with the foreign ministry's plans to continue transferring Soviet prisoners of war from Afghanistan to Switzerland.

However, the committee was genuinely concerned about the legal status of these prisoners. Were they prisoners of war in accordance with the Third Geneva Convention or not? What were the implications of their legal status for the duration of their imprisonment in Switzerland and for the terms of their release? Probst's response to these questions was straightforward but arguably insufficient. "These young people," he claimed, "are neither

[38] Own translation from «Le Conseil fédéral s'est conformé à une constante de notre politique étrangère,» in Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten: Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[39] Edouard Brunner, Correspondence to unknown, 2 June 1982, CH-BAR, Berne, Switzerland.
[40] Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[41] Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten: Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982 CH-BAR, Berne, Switzerland.

refugees, nor asylum-seekers or dissidents."[42] Instead, they were prisoners of war whose captivity had commenced in Afghanistan and which had been carried over into a neutral state "in conformity with the Third Geneva Convention and in virtue of the special accords concluded by the parties and the ICRC."[43] The only issue was that the Third Geneva Convention was nowhere explicitly invoked in any of the agreements concluded between the Swiss, the Soviet Union, and the ICRC, so it was therefore not entirely clear as to whether the different parties were aware of their obligations towards the prisoners under international humanitarian law.

This was especially disquieting for the Swiss parliamentarians, because they had no assurance as to how the prisoners would be treated in the event that they were to return to the Soviet Union after their release. After all, what the aforementioned agreements did call for was the repatriation of the prisoners at the end of their period of confinement.[44] Probst had this to say on the subject: Prior to bringing any Soviet prisoners of war to Switzerland, the ICRC had explained to each of them the steps of the procedure and that it would inevitably involve repatriation.[45] What was more, Probst reassured the commission that all of the Soviet soldiers currently in detention were willing to return home.[46]

That was not what many of the parliamentarians in the room had gathered from the press, however. Councillor Rudolf Friedrich from the *Freiheitlich Demokratische Partei* (FDP) – the Democratic Freedom Party – was first to respond to Probst, having initially been the one to call for Probst to testify in the first place. He clarified that he had not asked him to do so because he was against the operation, but because it had been heavily criticized especially in

[42] Own translation from «Dans leur statut actuel, ces jeunes gens ne sont pas des réfugiés, ni des demandeurs d'asile, ni des dissidents,» in Raymond Probst, Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[43] Own translation from «Conformément à la 3ème Convention de Genève et en vertu d'accords spéciaux conclu par les parties avec le CICR,» in Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[44]Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[45] Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3. December 1982, CH-BAR, Berne, Switzerland.
[46]Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.

the press.[47] Apparently, the ICRC had primarily wanted to regain access to Afghan prisons, from which it had been expelled in 1980, in exchange for offering the extraction of Soviet prisoners of war and their transfer to Switzerland. What one was hearing now, however, was that the former part of the operation had failed. "Is that so?" he asked.[48] This question must have come up because Probst did not actually address it in his opening statement. As to the legal status of the Soviet prisoners, Friedrich thought it still unclear despite Probst's explanations. "On one hand, they are prisoners of war. Yet according to the agreement, they are to be repatriated after two years."[49] Surely the latter diverged from the stipulations on prisoners of war contained in the Third Geneva Convention?[50] What was more, could the Swiss trust the Soviet reassurances about the safe repatriation of the prisoners? How would the soldiers be treated upon their return?[51] Would not the Swiss government have to assume that they would be tried and prosecuted? Afterall, prisoners of war were treated akin to deserters in the Soviet Union and potentially faced the death penalty.[52] Finally how, if at all, would the government respond should some of the soldiers were to apply for asylum in Switzerland at the end of their two years in order to escape this fate?[53]

Councillor Georg Stucky (also from the FDP) interjected that he had heard from the warden of the detention facility on the Zugerberg that he himself was still unclear about the legal status of his Soviet inmates. He had never actually received any instructions about how

[47] Neue Zürcher Zeitung, Die internierten Rotarmisten in der Schweiz, 10 November 1982, CH-BAR, Berne, Switzerland ; Véroniqe Pasquier, Les principes du CICR, 24 heures, 11 November 1982, CH-BAR, Berne, Switzerland; Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3. December 1982, CH-BAR, Berne, Switzerland.

[48] Rudolf Friedrich in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.

[49] Own translation from «Einerseits werden sie als Kriegsgefangene betrachtet, andererseits sollen sie laut Abmachung nach zwei Jahren repatriiert werden,» in Rudolf Friedrich in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.

[50] III Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949, art. 12, ICRC, accessed 17 March 2019, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=24B808D9F30473BEC12563CD0051AB63.

[51] Jacques de Watteville, interviewed by Liliane Stadler, 11 December, 2018.

[52] Paul Bucherer-Dietschi, interviewed by Liliane Stadler, 16 October, 2018.

[53] Rudolf Friedrich in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.

to treat them.[54] Turning first to Friedrich and then to Stucky, Probst began by acknowledging the fact that the delegates of the ICRC had been expelled from Afghanistan earlier in the year. At the time of the Soviet invasion of Afghanistan, he explained, there had been an ICRC delegation in the country, but they were sent away. Only because of the agreements on the transfer of Soviet prisoners to Switzerland were the ICRC delegates re-admitted and allowed to visit political prisoners for several weeks. "On October 7, a few days prior to my visit to Moscow," he confirmed, "The government in Kabul announced that the ICRC delegation would leave the country."[55]

According to his own account, Probst had confronted his Soviet interlocutors about this during his visit to Moscow in October and had been told that the reason for the expulsion had been that apparently, the ICRC was not holding up its side of the bargain. Apparently there had been a disagreement between either the ICRC and the Afghan authorities or the ICRC and the Soviet authorities on sending further prisoners to Switzerland.[56] According to Probst, the subsequent discussion had been a long one, at the end of which the Soviets agreed to continue negotiating directly with the ICRC as soon as the transfer of Soviet prisoners had resumed.[57]

To close, Probst conceded to Friedrich, that the Swiss had no formal reassurances from their Soviet interlocutors as to the treatment of the prisoners upon repatriation. "We are fully aware of the risk that [they] are taking," was all that Probst was able to say at that point.[58] In other words, the final phase of the transfer, the phase of repatriation, had simply not been thought through. The safety of the Soviet prisoners could not be guaranteed upon their return home and neither, it seemed, could ICRC access political prisoners in Afghanistan. At the same

[54] Georg Stucky in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3. December 1982, CH-BAR, Berne, Switzerland.
[55] Own translation from «Als am 7. Oktober – wenige Tage vor meinem Moskau-Besuch – die Regierung in Kabul bekanntgab, die IKRK-Delegation müsse das Land verlassen,» in Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[56] Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[57] Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[58] Own translation from «Wir sind uns des Risikos der Internierten voll bewusst,» in Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.

time, Probst cautioned, "We cannot declare now that we will grant political asylum to the prisoners who are here, because if we do, that would prevent the ICRC from ever returning to Kabul."[59]

By the spring of 1984, there were thus a total of eleven Soviet soldiers on the Zugerberg. One had escaped to the Federal Republic of Germany in July of 1983, yet the first three arrivals were about to reach the end of their internment period on 27 May.[60] Primary source materials from the Federal Archives in Bern confirm that Yuri Povarnitsine and Viktor Sintchuck declined to return to the Soviet Union at this stage and that both of them were granted a temporary residence permit at first, Povarnitsine in the region of Lac Léman and Sintchuck near Basel.[61] Valeri Didienko was the only one of the three initial arrivals in Switzerland, who chose repatriation at the end of his internment and Federal archival material suggests that he returned to his native Zaporoshie in Ukraine.[62] He maintained a regular exchange of letters with Yuri Povarnitsine up until 1985.[63]

At this point, there are some who might wonder as to the significance of this episode. Why did it matter? It mattered for several reasons. The first is that this was the first prisoner exchange of its kind. Even though the Third Geneva Convention was not explicitly applied by all parties, it was the first time that its provision for the transfer of prisoners of war to a neutral third country was invoked by the ICRC to bring about such a transfer. What is more, although initially unsuccessful, this prisoner transfer – and the ongoing negotiations between the Soviet Union, Switzerland and the ICRC, which accompanied it – did eventually lead to the return of the ICRC to Afghanistan in 1986.[64] Finally – and this remains the subject of my ongoing research – I do think that this exchange saved the lives of the individual prisoners

[59] Own translation from «Wir können jetzt nicht offiziell erklären, wir würden den Kriegsgefangengen Asyl gewähren, weil sonst das IKRK keine Möglichkeit mehr hätte, nach Kabul zurückzukehren,» in Raymond Probst in Nationalrat, Kommission für auswärtige Angelegenheiten, Protokoll der Sitzung vom 22 November 1982, 9:30 – 13:45 Uhr in Bern, Parlamentsgebäude, Zimmer 3, December 1982, CH-BAR, Berne, Switzerland.
[60] ICRC Press and Information Division, Victims of the Afghan Conflict: Position of the ICRC, 20 May 1984, CH-BAR, Berne, Switzerland.
[61] Jacques de Watteville, Sort des soldats soviétiques ayant terminé leur période d'internement en Suisse, 20 January 1986, E4280A#2017/355#1059**(sic),* Schweizerisches Bundesarchiv (CH-BAR), Berne, Switzerland.
[62] Jacques de Watteville, Sort des soldats soviétiques ayant terminé leur période d'internement en Suisse, 20 January 1986, E4280A#2017/355#1059**(sic),* Schweizerisches Bundesarchiv (CH-BAR), Berne, Switzerland.
[63] Jacques de Watteville, Sort des soldats soviétiques ayant terminé leur période d'internement en Suisse, 20 January 1986, E4280A#2017/355#1059**(sic),* Schweizerisches Bundesarchiv (CH-BAR), Berne, Switzerland.
[64] Jacques de Watteville, Note de dossier : Bilan de l'opération Zugerberg : internement de prisoniers soviétiques en Suisse (1982-1986), 5 May 1986, E4280A#2017/355#1059**(sic),* Schweizerisches Bundesarchiv (CH-BAR), Berne, Switzerland.

involved. What the logistical difficulties and the media hype surrounding the exchange showed was that it was not enough to apply the Third Geneva Convention by analogy only. Prisoners of war have a right to be treated in accordance with the convention that is non-negotiable by its signatories. The Swiss government and the ICRC were therefore right to abide by the convention. What they should also have done, however, was to insist that the Soviet Union do the same.