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Executive Summary of Analytical Report
“PRISONERS OF WAR:
International Practice as to Release of POWs,
Civilian Detainees and Political Prisoners.
Conclusions for Ukraine”

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According to official data, more than 3,000 people (soldiers as well as civilians) went through illegal detentions in the self-proclaimed “Luhansk People’s Republic” and “Donetsk People’s Republic” over the course of the conflict in Ukraine. The latest prisoner exchange took place on 27 December 2017, with no other exchanges prior to that for almost one and a half years. According to Ukraine’s Security Service, 102 Ukrainian citizens remain in illegal detention in Donetsk and Lughansk regions. According to the latest information there are 64 Ukrainian citizens who are currently held by the occupied authorities of the Russian Federation in Crimean peninsula and Russian Federation in total, 26 of whom are detained in the RF and the rest in Crimea. 3221 persons have been released since the beginning of the conflict form in Ukraine and only 5 have been released from Crimea and the RF.

The report, having examined current situation revolved around prisoner exchanges in Russian-Ukrainian conflict and having analysed existing international practices on prisoner exchanges makes the following overarching recommendations to the Ukrainian authorities:

- to develop a comprehensive state strategy for negotiating the release of Ukrainian citizens detained in connection with the conflict¹;
- to provide a legal definition of the status of persons detained in the course of the conflict in the context of humanitarian law;
- to engage professional authoritative an impartial negotiators with appropriate skills and experience in negotiations for the release of POWs and civilian detainees who will conduct negotiations while adhering to the principle of separation of humanitarian and political matters;
- to ensure Ukraine’s fulfillment of its positive obligations regarding the persons illegally detained by Russia;

and to the international community:

- to use major public events (e.g. Munich Security Conference, FIFA Championships) to boycott the aggressor state;
- continue to impose new and tighten the existing targeted sanctions;
- keep the attention of the media and civil society on the issue;

The authors of the report believe, as a state governed by law and mindful of its responsibilities towards its citizens who are not just illegally held in the conflict zone and Russia, but are also mistreated by Russian occupation authorities, its proxies in Donetsk and Lughansk regions and Russia’s law enforcement agencies, Ukraine should take a proactive stance and thus make every effort to expedite their release as well as put pressure on Russia in order to ensure its observance of human rights and international humanitarian law as regards all persons detained as part of the conflict, while also complying with those standards itself. Instrumental in this will be incorporation of the relevant standards into the national legislative framework of guarantees on the status of protected persons.

Another troubling issue that needs immediate attention of all parties involved is the lack of the negotiations platform for those Ukrainians illegally detained in Crimea and Russia. While Minsk Agreements have provided although not a particularly effective but nevertheless a platform for negotiating the exchanges in eastern Ukraine and Security Service of Ukraine has authorized to oversee the process pertaining hereto, a platform and/or authority responsible

¹ Ukrainian Helsinki Human Rights Union, Media Initiative for Human Rights and Kharkiv Human Rights Protection Group developed the Concept on Negotiating the Release of Ukrainian Citizens Held by the Russian Federation, which could be used as a basis for the strategy.

for negotiating the release of those Ukrainians detained in territory of Crimea and Russia are noticeably missing.

The report contains analysis of factors that, according to the authors, were decisive in the release of the prisoners detained in other conflicts such as Chechnya, Georgia and Nagorno-Karabakh and how these factors could be applied to the situation in Ukraine. To this end, existing international practice as to negotiations during other conflicts as well as campaigns for negotiating the release of political prisoners in other countries have been analyzed in order to demonstrate alternative and supplementary mechanisms that could potentially be applied to and used in the Ukrainian-Russian conflict.

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