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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”**

## Executive Summary of Analytical Report

### **“PRISONERS OF WAR: International Practice as to Release of POWs, Civilian Detainees and Political Prisoners. Conclusions for Ukraine”**

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 are still being held prisoner. In addition, dozens of political prisoners are being held in Crimea and Russia.

***The report’s goal*** is to attract attention to the issue of negotiations for the release of those Ukrainian citizens who, according to the Ukrainian human rights community and government, have been detained by Russia for political reasons in connection with the conflict. It is also important to once again emphasize the need to define the legal status of persons held in connection with the conflict, since the Law of Ukraine “On the peculiarities of state policy on the restoration of the state sovereignty of Ukraine over temporarily occupied territories in Donetsk and Luhansk Oblasts”, which was adopted on 18 January 2018, while this report was being prepared, failed to resolve this issue.

The document contains the following sections:

***Section 1 “Classification of the conflict and its effect on the status of prisoners”*** assesses the situation in Ukraine from the perspective of conflict resolution and how it affects negotiations as to the release of all categories of persons detained in connection with the conflict.

The section analyzes the following aspects:

- conflict qualification and its effect on prisoner exchanges;
- issue of political prisoners in the context of an armed conflict;
- the government’s reaction to this issue and negotiations;
- international standards on prisoner exchanges and their implementation in Ukraine;
- violations of the fundamental rights of POWs, civilian detainees and political prisoners;
- persecution of soldiers following their release.

The authors of the report believe, as a state governed by law and aware of the responsibilities to its citizens that are not just illegally held in the conflict zone and Russia, but are also mistreated by occupation authorities, paramilitary forces and Russia’s law enforcement agencies, Ukraine should take every step possible to expedite their release as well as put pressure on Russia and paramilitary forces in order to ensure their observance of human rights and international humanitarian law for the duration of negotiations, while also complying with those standards itself. Instrumental in this will be establishment and affirmation at the legislative level by

Ukraine of guarantees on the status of persons involved in the conflict: i.e. granting status of POW and/or civilian detainee in the context of international armed conflicts.

***Section 2 “Factors affecting the release. International practice”*** contains an analysis of factors that, according to the authors, were decisive in the international cases that are being analyzed in the report (events in Chechnya, Georgia and Nagorno-Karabakh region). The authors determined a number of factors that affect the release. We believe that Ukraine would benefit from the following:

- finding negotiators from among human rights activists as well as politicians;
- making use of the historic events, particularly the upcoming presidential elections in Russia and FIFA World Cup, which provide an opportunity to put pressure on Russian leaders; use political pressure by introducing personal sanctions against those responsible for violating the rights of Ukrainian citizens;
- public response and systemic reaction of the government to the issue of imprisoned Ukrainians.

***Section 3 “General lessons from international practice”*** is dedicated to the main lessons as regard the release of POWs, civilian detainees and political prisoners from an international perspective. The section analyzes how the factors listed in the previous section could be applied to the situation in Ukraine. In this regard, existing experience 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 practices and mechanisms that could potentially be applied to and used in the Ukrainian-Russian conflict.

***Section 4 “Conclusions and recommendations for Ukraine”*** contains practical recommendations that, in the authors’ opinion, should be prioritized by the institutions and persons responsible for negotiating the release of Ukrainian citizens, namely:

- develop a comprehensive state strategy for negotiating the release of Ukrainian citizens detained in connection with the conflict<sup>1</sup>;
- provide a legal definition of the status of persons detained in the course of the conflict in the context of humanitarian law;
- engage professional negotiators with appropriate skills and experience in negotiations for the release of POWs and civilian detainees;
- ensure Ukraine’s fulfillment of its positive commitments regarding the persons illegally detained by Russia.

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<sup>1</sup> 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.

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