



ANALYTICAL NOTE

THE RETURN OF CIVILIANS ILLEGALLY DETAINED IN THE RUSSIAN FEDERATION: WHICH STATE BODIES OF UKRAINE ARE RESPONSIBLE

The return of civilians illegally detained in the Russian Federation: Which bodies of Ukraine are responsible. Analytica I note. — Lunova O., editors — Katrychenko T., Sokurenko Ye. — Kyiv, 2024.

Analytical note *“The return of civilians illegally detained in the Russian Federation: Which state bodies of Ukraine are responsible”* is an attempt to create a map of state actors authorised to take measures to account for and facilitate the return of civilians illegally detained in the territory of the RF and/or the temporarily occupied territories of Ukraine. In addition to studying the powers of the relevant entities, the analytical note analyses how relatives of persons deprived of their liberty as a result of armed aggression against Ukraine perceive communication with the authorised entities.

The Media Initiative for Human Rights (MIHR) is a Ukrainian NGO that combines journalism and human rights advocacy to expose Russia's war crimes in Ukraine and respond to human rights violations related to Russian aggression. MIHR investigates war crimes, torture, enforced disappearances, and violations of civilian and military rights in the context of war. The organisation also documents other human rights violations, monitors war-related trials, prepares analyses and recommendations, and engages in national and international advocacy to achieve justice and ensure human rights and freedoms.

More information about the activities of the Media Initiative for Human Rights: mipl.org.ua

Human Rights Centre ZMINA works to protect freedom of speech and movement, counter discrimination, prevent torture and cruel treatment, combat impunity, support human rights and civil activists in Ukraine, including in the territory of occupied Crimea, as well as protect the rights of people afflicted by the armed conflict. The organisation carries out information campaigns, educational programs, monitors and documents violations of human rights, conducts research providing analytical outputs, and seeks changes through national and international advocacy.

More information about Human Rights Centre ZMINA and its activities: zmina.ua, zmina.info

Partnership Fund for a Resilient Ukraine (PFRU) is a donor programme funded by the governments of the United Kingdom, Estonia, Canada, the Netherlands, the United States of America, Finland, Switzerland, and Sweden. With the joint support of the Government of Ukraine and partner governments, the Fund implements projects in de-occupied and frontline communities, as well as at the national level. The goal of the PFRU is to strengthen the resilience of the Ukrainian government in the face of Russian aggression and enhance its ability to provide critical assistance to communities in cooperation with civil society, media and the private sector.

More about the activities of the Partnership Fund for a Resilient Ukraine and its initiatives: www.facebook.com/PartnershipFundForAResilientUkraine

This paper was prepared with the support of the Partnership Fund for a Resilient Ukraine. The contents of this paper are the sole responsibility of the MIHR and ZMINA and do not necessarily reflect the position of the Fund and/or its financial partners.

CONTENTS

Introduction _____	4
1. State actors in charge of civilians deprived of their personal liberty due to armed aggression against Ukraine _____	5
1.1 Coordination Headquarters for the Treatment of Prisoners of War _____	7
1.2 Office of the Ukrainian Parliament Commissioner for Human Rights _____	10
1.3 Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine	
1.4 Security Service of Ukraine _____	11
CONCLUSIONS and RECOMMENDATIONS _____	14

INTRODUCTION

Since 2014, the Russian Federation has been carrying out armed aggression against Ukraine, accompanied by massive illegal detentions of civilians in the temporarily occupied territories. Exactly these people, illegally detained by the Russian authorities, are the most difficult to return, as there are no sustainable mechanisms that would allow their release, and ad hoc mechanisms are not able to ensure the systematic release of “civilian hostages”.¹

At the same time, the State of Ukraine declares the return of civilians as one of the mandatory elements of the regulation of the armed conflict in Ukraine. Thus, the return of prisoners of war, civilians illegally deprived of their personal liberty, interned, forcibly displaced and deported Ukrainians from the territory of the RF is included in paragraph 4 of the Ukraine’s Peace Formula Philosophy.²

At the same time, within the state, different actors with different powers are responsible for working with the category of civilians whose freedom has been deprived due to the armed aggression against Ukraine, often having their own databases (registers) of “civilian hostages”, using different terminology and procedures for recognising certain persons as being illegally detained by the RF.

Ukraine has a special law regarding civilians illegally detained by the RF – the Law of Ukraine “On Legal and Social Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine”³. However, this law does not define an exclusive circle of actors responsible for all issues related to “civilian hostages”, from registration to reintegration after return. Therefore, the definition of such a range of actors responsible for various issues related to civilians illegally deprived of their personal liberty as a result of armed aggression against Ukraine, their powers and ways of coordination and interaction remain relevant today. Some of these institutions have powers under the Law of Ukraine “On Legal and Social Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine”,⁴ the implementation of which was thoroughly analysed in the analytical note “How

does Ukraine help civilian hostages and their families?”, prepared by experts from the Crimean Human Rights Group, Human Rights Centre ZMINA, CrimeaSOS, Media Initiative for Human Rights, and CF EAST-SOS, on the occasion of the first anniversary of the law in 2023⁵.

The analytical note “Accounting and return of civilians illegally detained in the RF: what state bodies of Ukraine are responsible for this” aims to identify specific bodies, organisations, and institutions that have various powers in the areas of recognition, accounting, provision of assistance, services, and facilitation of the return of Ukrainian citizens — civilians illegally imprisoned and detained by the RF. This short research contains an analysis of the powers of individual actors — for example, the Ministry of Reintegration of the Temporarily Occupied Territories, the National Information Bureau, the Coordination Headquarters for the Treatment of Prisoners of War, the Ukrainian Parliament Commissioner for Human Rights, etc. — as well as an analysis of the practice of exercising such powers, primarily from the perspective of relatives of “civilian hostages”.

The key provisions and conclusions of the analytical note are based on the analysis of legal acts, publications on the websites of authorised actors and interviews with ten representatives of families of civilians illegally detained in the RF about their experience of applying to various authorities, as well as an assessment of changes in the distribution of functions of authorised actors that took place in 2024. Semi-structured interviews were conducted by experts of the Media Initiative for Human Rights from June 8 to June 24, 2024.

1. In this analytical note, the terms “civilian illegally detained by the RF”, “civilian hostage”, “person deprived of personal liberty as a result of armed aggression against Ukraine” are used as identical in scope and content to simplify the reader’s understanding.

2. Ukraine’s Peace Formula Philosophy. Official website of the President of Ukraine. www.president.gov.ua/storage/j--files-storage/01/19/53/32af8d644e6cae41791548fc82ae2d8e_1691483767.pdf

3. The Law of Ukraine “On Legal and Social Protection of Persons Deprived of Personal Liberty as a Result of Armed Aggression against Ukraine” of 26.01.2022 No. 2010-IX:

www.zakon.rada.gov.ua/laws/show/2010-20#Text

4. *Ibid*

5. How does Ukraine help civilian hostages and their relatives? One year since the entry into force of the Law of Ukraine “On Social and Legal Protection of Persons in respect of whom the deprivation of personal liberty was established as a result of armed aggression against Ukraine, and members of their families”. Analytical note. — Editor O. Lunova — Kyiv, 2023: www.zmina.ua/wp-content/uploads/sites/2/2023/11/uk_help_print.pdf

1. STATE ACTORS IN CHARGE OF CIVILIANS DEPRIVED OF THEIR PERSONAL LIBERTY DUE TO ARMED AGGRESSION AGAINST UKRAINE

Ukraine has identified several actors that have powers concerning civilians deprived of their liberty as a result of armed aggression against Ukraine. These powers include:

- Establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine;
- Accounting of such persons;
- Search and investigation of the fact of deprivation of personal liberty;
- Providing support to persons who have been deprived of their personal liberty as a result of the armed aggression against Ukraine and their family members;
- Communication with the relatives of civilians who have been deprived of their personal liberty.

The list of actors that have authority over civilians illegally detained by the RF includes the following:

- The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine (hereinafter - the Ministry of Reintegration);
- National Information Bureau (hereinafter - NIB);
- The Ukrainian Parliament Commissioner for Human Rights;
- Coordination Headquarters for the Treatment of Prisoners of War;
- The Security Service of Ukraine;
- National Police of Ukraine;
- State Migration Service of Ukraine;
- Ministry of Health of Ukraine;
- Coordination Centre for Legal Aid Provision;
- Ministry of Social Policy of Ukraine;

- Pension Fund of Ukraine;

- The National Social Service;

- Ministry of Economy of Ukraine (through the State Employment Service);

- Ministry of Education and Science of Ukraine;

- Village, settlement, city councils or their authorised bodies (in terms of ensuring the right to housing for temporary residence).

As for the return of civilians, such powers are not enshrined in any legal act, but in practice, this issue is within the competence of several actors: The Ukrainian Parliament Commissioner for Human Rights, the Coordination Headquarters for the Treatment of Prisoners of War, the Joint Centre for the Coordination of the Search and Release of Prisoners of War and Illegally Deprived of Liberty as a Result of Aggression against Ukraine, which operates under the SSU.

It is worth noting that all these bodies, including advisory bodies, organisations and institutions do not form a single state system that would deal with civilian issues. Therefore, it is difficult for relatives of persons deprived of their personal liberty as a result of the armed aggression against Ukraine to understand whether there is any communication and coordination between the actors. Thus, in response to the question of who relatives of civilians illegally detained by the RF have contacted after the disappearance of a loved one, they usually provide a list of several actors, including the NIB, the Ministry of Reintegration, the SSU, the National Police, the Ukrainian Parliament Commissioner for Human Rights, and the Coordination Headquarters for the Treatment of Prisoners of War. Relatives also contact the International Committee of the Red Cross and national and international non-governmental organisations.

The unclear powers of state authorities regarding the registration, search and release of civilians detained by the RF were mentioned during interviews by relatives of those deprived of their personal liberty as a result of the armed aggression against Ukraine.

For example, during the surveys, families say that they do not know which authority they should contact in the first place if their loved one is detained/deprived of liberty.

Sometimes the information on the websites of the authorities is contradictory. For example, the website of the National Information Bureau has a memo that states that relatives should contact the NIB, the Joint Centre for the Search and Release of Prisoners of War of the SSU and the National Police of Ukraine.⁶ In early July, the same website published other information – that one should contact the NIB, the Coordination Headquarters for the Treatment of Prisoners of War and the Joint Centre for the Search and Release of Prisoners of War of the SSU.⁷

As for persons deprived of their personal liberty as a result of the armed aggression against Ukraine, such records are kept by the Ministry of Reintegration of the Temporarily Occupied Territories, the National

Information Bureau, the Coordination Headquarters for the Treatment of Prisoners of War, and the Joint Centre for the Coordination of the Search and Release of Prisoners of War and Illegally Deprived of Liberty as a Result of Aggression against Ukraine, which operates under the SSU. In addition, some “civilian hostages” are accounted for by the Ministry of Internal Affairs through the Register of Missing Persons under Special Circumstances.

Therefore, it is difficult to know who to contact to report information about the illegal detention of a civilian. That is why, due to the absence of a single point of contact, relatives of persons deprived of their personal liberty as a result of the armed aggression against Ukraine apply to all possible state bodies, as well as to the ICRC and NGOs.

First of all, we went to the Red Cross, and then to the police. We wrote a statement to the police. We also wrote to the Coordination Headquarters [Coordination Headquarters for the Treatment of Prisoners of War]. We wrote to everybody, including Budanov. The National Information Bureau. The Ministry of Reintegration. We also wrote a letter to the Office of the Ombudsman. We did not contact the SBU. The police said they had opened a case and would send it to the SSU.⁸

Thus, the issue of synchronisation and internal coordination between the authorities to search for missing persons under special circumstances and their families is quite acute, as it not only re-traumatises the families of detainees, but also creates an additional burden on the state bodies

that have to carry out direct work to find the missing.

Next, we will focus on the key bodies responsible for accounting for and returning persons missing under special circumstances.

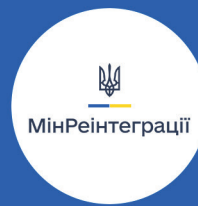
Among these bodies are:



The Coordination Headquarters for the Treatment of Prisoners of War



The Ukrainian Parliament Commissioner for Human Rights



The Ministry of Reintegration of the Temporarily Occupied Territories;



The Joint Centre for the Coordination of the Search and Release of Prisoners of War and Illegally Deprived of Liberty as a Result of Aggression against Ukraine, which operates under the SSU.

6. If your loved one has been taken captive: www.nib.gov.ua/load/158/docs/yaksho-vasha-blizka-lyudina-potrapila-u-polon-06e453b.pdf

7. If a person has been taken captive, where to report it? www.nib.gov.ua/news/yaksho-lyudina-potrapila-v-polon-kudi-povidomlyati

8. Here and below are quotes from interviews with relatives of civilians illegally detained by the RF.

1.1 COORDINATION HEADQUARTERS FOR THE TREATMENT OF PRISONERS OF WAR



Key normative legal acts regulating activities/authorities:

- Resolution of the Cabinet of Ministers of Ukraine of March 11, 2022, No. 257 "On the Establishment of the Coordination Headquarters for the Treatment of Prisoners of War";
- Resolution of the Cabinet of Ministers of Ukraine of February 27, 2024, No. 208 "On certain issues of treatment of prisoners of war".

The Coordination Headquarters for the Treatment of Prisoners of War is a temporary auxiliary body of the Cabinet of Ministers of Ukraine. It was established to facilitate the coordination of the activities of central and local executive authorities, other state bodies, local self-government bodies, as well as military formations established in accordance with the laws of law enforcement agencies and public associations on the treatment of defenders of Ukraine, who are in captivity of the aggressor state, civilians deprived of their personal liberty as a result of armed aggression, persons missing due to armed conflict, military operations, temporary occupation of part of the territory of Ukraine and prisoners of war of the enemy.

The Chief of the Defence Intelligence of Ukraine is the Head of the Coordination Headquarters. The organisational, informational, and logistical support of the Coordination Headquarters is entrusted to the Defence Intelligence of Ukraine.

Before February 2024, when the relevant amendments⁹ were made to the Regulations on the Coordination Headquarters¹⁰, the Headquarters de jure dealt only with the treatment of prisoners of war. However, the possibility of including issues related to the treatment of civilians illegally detained by the RF in the Headquarters' mandate has been discussed for a long time.



9. Resolution of the Cabinet of Ministers of Ukraine of February 27, 2024, No. 208 "Some issues of treatment of prisoners of war": www.zakon.rada.gov.ua/laws/show/208-2024-%D0%BF#Text

10. Resolution of the Cabinet of Ministers of Ukraine of March 11, 2022 No. 257 "On the Establishment of the Coordination Headquarters for the Treatment of Prisoners of War": www.zakon.rada.gov.ua/laws/show/257-2022-%D0%BF#Text

Other tasks of the Coordination Headquarters include:

- Providing information and legal support to family members of defenders of Ukraine who are in captivity of the aggressor state, civilians deprived of their personal liberty as a result of armed aggression, and missing persons due to the armed conflict, military operations, and temporary occupation of part of the territory of Ukraine, on issues related to the observance of their rights and legitimate interests;
- Organising information and legal support for cases of violation of the rights of defenders of Ukraine in captivity of the aggressor state and civilians deprived of their personal liberty as a result of armed aggression;
- Support of activities related to the reintegration and post-isolation support of Ukrainian defenders released from captivity by the aggressor state and civilians deprived of their personal liberty as a result of armed aggression.

Amendments in February 2024 created an information system for the treatment of prisoners of war, which consists of a database, a set of automated workstations and electronic user accounts.¹¹ At the same time, the database should contain a systematic set of data on defenders of Ukraine who are in captivity of the aggressor state, civilians deprived of their personal liberty as a result of armed aggression, and missing persons due to armed conflict, hostilities, temporary occupation of a part of the territory of Ukraine, contained in the information system on the treatment of prisoners of war.

The owner and manager of the information system is the state, represented by the Defence Intelligence of Ukraine.¹²

In practice, the Coordination Headquarters collects information about civilians who were deprived of their

personal liberty as a result of the armed aggression against Ukraine, in particular on the basis of authorised requests from relatives. At the same time, it is not clear how this information system of the DIU interacts with, for example, the Unified Register of Persons in respect of who the deprivation of personal liberty was established as a result of armed aggression against Ukraine (discussed below).

During the interviews, relatives of “civilian hostages” named the Coordination Headquarters one of the most accessible for communication. At the same time, the key expectation of relatives of civilians deprived of their personal liberty as a result of the armed aggression against Ukraine is to take actions aimed at finding and ensuring the return of civilians’ homes.

In wartime, these things could be better handled by military structures. It seems to me that the Coordination Headquarters may have the greatest competence and understanding in general. Because a civilian will have less of this kind of experience.

11. paragraph 2 of the Regulation on the Information System for the Treatment of Prisoners of War, approved by the Resolution of the Cabinet of Ministers of Ukraine of February 27, 2024, No. 208 “Some Issues of Treatment of Prisoners of War”: www.zakon.rada.gov.ua/laws/show/208-2024-%D0%BF#Text

12. *Ibid*, paragraph 3

At the same time, most respondents did not notice any significant changes in the activities of the Coordination Headquarters due to the changes introduced in February 2024 by Government Resolution No. 208

and the extension of the Headquarters' work to civilians deprived of their personal liberty as a result of armed aggression against Ukraine.

What is known is that the resolution has started to work and the Coordination Headquarters has been given powers in relation to civilian hostages — it has become responsible for their return. But in fact, nothing has changed, I see no result.

We began to hold more meetings on civilian hostages, and after two years we finally started to think about the status of these citizens. But so far, these are just bureaucratic issues that, in my opinion, do not speed up the work on the return of civilians.

Following the amendments to Resolution 257, on April 16, a working group established under the Coordination Headquarters for the Treatment of Prisoners of War was presented in Kyiv to deal with the issues of Ukrainian civilians illegally deprived of their personal liberty by Russia. The group includes representatives of the Office of the Ukrainian Parliament Commissioner for Human Rights, the Coordination Headquarters, the Office of the Prosecutor General, the Security Service of Ukraine, NGOs, including those established by relatives of “civilian hostages”, etc.¹³ The working group was

headed by Oleksandr Kononenko, a representative of the Ukrainian Parliament Commissioner for Human Rights in the Security and Defence Sector. One of the tasks of the working group is to create a joint strategy for the release of civilians from illegal detention in the RF and the temporarily occupied territories of Ukraine.¹⁴

As a result, from February 2024 to July 15, only 10 civilians were returned to the government-controlled territory of Ukraine with the participation of the Coordination Headquarters.

13. Working group that will take care of civilian hostages detained by Russia was presented in Kyiv / ZMINA, www.zmina.ua/event/u-kyievi-prezentuvaly-robochu-grupu-shho-opikuvatymetsya-zyvilnyimi-zaruchnykamy-zatrymanyh-rosiyyevu

14. Specially created working group will take care of Ukrainian civilians detained by Russia - Lubinets / Interfax-Ukraine, www.interfax.com.ua/news/general/980739.html

1.2 UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS



Key normative legal act regulating activities/powers:

→ The Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” of 23.12.1997 No. 776/97-VR

The Ukrainian Parliament Commissioner for Human Rights (hereinafter — the Commissioner) is responsible for exercising parliamentary control over the observance of constitutional rights and freedoms, citizens’ rights and the protection of the rights of everyone in the territory of Ukraine and within its jurisdiction permanently.¹⁵

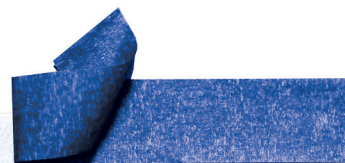
According to the law, the Commissioner does not have special powers concerning civilians illegally detained by the RF and missing persons under special circumstances. However, the Commissioner is responsible for the implementation of paragraph 4 of Ukraine’s Peace Formula Philosophy regarding the release of prisoners of war, illegally detained civilians and deported citizens, including children.

This humanitarian area of work includes:

- Coordination of activities between state authorities and international partners;
- Advocating for increased international pressure on Russia;
- Search for information on the places of detention and conditions of stay of prisoners of war, illegally detained civilians and deportees and verification of such information;
- Access to places of detention and development of mechanisms for the return of citizens;
- Reintegration and rehabilitation of those returned;
- Information campaigns and raising awareness of the situation;
- Establishing justice and guarantees of non-recurrence of violations in the future.¹⁶

The overwhelming majority of issues raised in 2023 with the Commissioner concerning civilians deprived of their liberty and missing persons concerned clarification of places of detention, assistance in their release and return to Ukraine; ensuring the rights to proper medical care, decent conditions of detention, the right to information, including the possibility of communication with relatives, correspondence, etc.; assistance in obtaining an identity card for return to Ukraine; and the implementation of the proper rights of persons in respect of whom deprivation of personal liberty has been established.¹⁷

The Commissioner regularly meets with families of civilians illegally detained on the territory of the RF. Therefore, in interviews, relatives of missing persons named the Office of the Commissioner as one of the places where they have the most frequent communication. At the same time, relatives of civilian hostages assess the effectiveness of this communication in different ways. Depending on their experience, some respondents said they had effective communication, while others said the opposite.



If you really want to, you can communicate with all the authorities. The most effective one is with the Office of the Commissioner and the Coordination Headquarters. They are always in touch, in fact, you can contact them 24/7. They are the most responsive to comments or suggestions among all the others.

1.3 MINISTRY OF REINTEGRATION OF THE TEMPORARILY OCCUPIED TERRITORIES OF UKRAINE



Key normative legal acts regulating activities/powers:

- Law of Ukraine “On Social and Legal Protection of Persons in Respect of Whom the Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine and Members of Their Families has been Established” of January 26, 2022, No. 2010-IX;
- Resolution of the Cabinet of Ministers of Ukraine “Some Issues of the Ministry of Reintegration of the Temporarily Occupied Territories” of June 8, 2016, No. 376;
- Resolution of the Cabinet of Ministers of Ukraine “Some Issues of Implementation of the Law of Ukraine “On Social and Legal Protection of Persons in Respect of Whom the Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine and Members of Their Families has been Established” of November 15, 2022, No. 1281.

Under its Regulation, the Ministry of Reintegration of the Temporarily Occupied Territories (hereinafter — the Ministry of Reintegration) coordinates the implementation of measures to protect and ensure the rights and interests of persons deprived of their personal liberty as a result of the actions of the armed forces of the Russian Federation, the occupation administration and/or state bodies of the Russian Federation in the temporarily occupied territory, as well as their family members.¹⁸

This work is actually implemented in the formation and operation of the Commission for establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine (hereinafter — the Commission). According to the Law, the Commission is responsible for making decisions on the above issues. Organisational, informational, material and technical support for the Commission's activities is provided by the Ministry of Reintegration.

The tasks of the Commission are:

- 1) Reviewing applications and materials (certificates, information, other documents) to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine, recognising a person in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established as a family member;
- 2) Making decisions on establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine or on non-confirmation of the fact of deprivation of personal liberty as a result of armed aggression against Ukraine;
- 3) Making decisions on recognition as a family member of a person in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established, or on refusal to recognise as a family member a person in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established;
- 4) Analysing the practice of applying legislation on social and legal protection of persons in respect of whom the deprivation of personal liberty as a result of armed aggression against Ukraine and members of their families has been established;
- 5) Establishing the date of the beginning of the period of deprivation of personal liberty when deciding to establish the fact of deprivation of personal liberty as a result of armed aggression against Ukraine, and in case of release of a person from places of detention — the date of their release.

18. Subparagraph 9 of paragraph 4 of the Regulation on the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine “Some Issues of the Ministry of Reintegration of the Temporarily Occupied Territories” of June 8, 2016, No. 376: www.zakon.rada.gov.ua/laws/show/376-2016-%D0%BF#n10.

The Ministry of Reintegration is responsible for the creation and maintenance of the Unified Register of persons in respect of whom the deprivation of personal liberty as a result of armed aggression against Ukraine has been established (hereinafter – the Register). The Ministry of Reintegration is also the holder and owner of the information processed in the Register and/or downloaded from the Register. The administrator and technical administrator of the Register is the state enterprise ‘Ukrainian National Centre for Peacebuilding’, which belongs to the sphere of management of the Ministry of Reintegration.¹⁹

The Register functions to ensure the collection and generalisation of information on:

- The Commission's decision on establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine, on recognising a person in respect of whom the fact of deprivation of personal liberty as a result of armed aggression against Ukraine has been established as a family member;
- The Commission establishes the date of the beginning of the period of deprivation of personal liberty and, in case of release from detention, the date of release;
- The right to social and legal protection provided by the Law of Ukraine “On Social and Legal Protection of Persons in Respect of Whom the Deprivation of Personal Liberty as a Result of Armed Aggression against Ukraine and Members of Their Families has been Established” to persons who have been deprived of their personal liberty as a result of armed aggression against Ukraine and their family members;
- Administering the needs of persons who have been deprived of their personal liberty as a result of the armed aggression against Ukraine and their family members.²⁰

Thus, the Register contains information about those civilians whose deprivation of personal liberty was established within the framework of the activities of the relevant Commission.

In terms of communication, relatives of “civilian hostages” were quite negative about their experience of communication with the Ministry during interviews.

The least effective [communication] is with the Ministry of Reintegration on social issues. I don't know what to describe here, because for me this is a body that tries to shift all issues and problems onto someone else, even if these issues are definitely within their competence.

The Ministry of Reintegration manages the State Enterprise “Ukrainian National Centre for Peacebuilding”, which, since the beginning of large-scale armed aggression against Ukraine, has been performing the functions of the National Information Bureau (NIB) under the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949²¹ and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949.²² According to the official website, the NIB collects data on (1) prisoners of war, (2) civilians illegally deprived of their personal liberty, (3) deported and forcibly displaced persons, including children, (4) missing persons, (5) persons who died, and (6) persons forcibly mobilised in the temporarily occupied territories of Ukraine.²³

The NIB collects such information to exchange data with the ICRC Central Tracing Agency²⁴, which acts as an agent in the communication of NIBs of opposing parties in an international armed conflict.²⁵ Therefore, it is important to note that the NIB, established based on the State Enterprise “Ukrainian National Centre for Peacebuilding”, accumulates information, but is not a body responsible for the return of civilians from illegal detention in the Russian Federation.

The NIB's website contains information that it cooperates with the Coordination Headquarters for the Treatment of Prisoners of War, the Joint Centre for the Coordination of the Search and Release of Prisoners of War and Illegally Deprived of Liberty as a Result of Aggression against Ukraine, which operates under the SSU and coordinates its activities with various ministries, bodies and services. If the information confirms that the wanted person is being illegally detained according to the data available to the NIB at the time of the application, the applicant must be notified immediately. As soon as the information is received by the NIB, the wanted person's data is entered into the Register (probably the NIB database). To trace the person, the NIB transmits the information to law enforcement agencies, international monitoring missions, organisations and the Coordination Headquarters to negotiate the release.²⁶

19. Paragraph 4 of the Procedure for the Creation, Maintenance, Access to the Information of the Unified Register of Persons in respect of whom the deprivation of personal liberty as a result of armed aggression against Ukraine has been established, approved by the Resolution of the Cabinet of Ministers of Ukraine “Some Issues of the Ministry for Reintegration of the Temporarily Occupied Territories” of June 8, 2016, No. 376: www.zakon.rada.gov.ua/laws/show/376-2016-%D0%BF#r10

20. *Ibid*, Paragraph 8

21. Order of the Cabinet of Ministers of Ukraine “On Determination of the State Enterprise Performing the Functions of the National Information Bureau” of March 17, 2022, No. 228-p: www.zakon.rada.gov.ua/laws/show/228-2022-%D1%80#Text

22. Order of the Cabinet of Ministers of Ukraine “Issues related to the implementation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949” of May 31, 2022, No. 434-p: www.zakon.rada.gov.ua/laws/show/434-2022-%D1%80#Text

23. National Information Bureau: www.nib.gov.ua

24. Article 123 of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949; Articles 137, 140 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

25. Overview of the Legal Framework Governing National Information Bureaux. International Committee of the Red Cross (ICRC): www.icrc.org/en/publication/4616-overview-legal-framework-governing-national-information-bureaux

26. Your loved one was detained/taken prisoner by the aggressor state / National information Bureau: www.nib.gov.ua/load/158/docs/yaksho-vasha-blizka-lyudina-potrapila-u-polon-06e453b.pdf

1.4 JOINT CENTRE FOR THE COORDINATION OF THE SEARCH AND RELEASE OF PRISONERS OF WAR AND ILLEGALLY DEPRIVED OF LIBERTY AS A RESULT OF AGGRESSION AGAINST UKRAINE, WHICH OPERATES UNDER THE SSU



Key normative legal acts regulating activities/powers:

- Law of Ukraine "On the Security Service of Ukraine" of 25.03.1992 No. 2229-XII;
- Order of the Security Service of Ukraine, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs of Ukraine of 08.04.2019 No. 573/152/252 "On Approval of the Regulation on the Joint Centre for Coordination of Search and Release of Illegally Deprived Persons in the Area of Measures to Ensure National Security and Defence, Repulsion and Deterrence of the Armed Aggression of the Russian Federation in Donetsk and Luhansk Regions".


The SSU has the longest experience in releasing prisoners of war and civilians illegally imprisoned during the armed aggression against Ukraine. Thus, in 2016, the SSU established the Joint Coordination Centre for Search and Release of Illegally Deprived Persons and Hostages, and Location Identification of Missing Persons in the JFO Area.²⁷ Currently, this centre has been transformed into the Joint Centre for the Coordination of the Search and Release of Prisoners of War and Illegally Deprived of Liberty as a Result of Aggression against Ukraine.

The Joint Centre is authorised to keep records of persons deprived of their personal liberty and has been operating the relevant database since 2016.

Relatives of persons who went missing under special circumstances name the SSU among those who, in their opinion, are responsible for the release of civilian hostages. The SSU is also among the bodies that relatives apply to when their loved ones are deprived of their liberty by the occupation authorities or the RF.

The main tasks of the Joint Centre are:

- Release of imprisoned defenders of Ukraine;
- Release of civilians illegally deprived of their liberty as a result of aggression against Ukraine;
- Return of illegally deported children and adults held by the aggressor state (its occupation forces or occupation administrations);
- Repatriation of bodies (remains) of persons killed (deceased) due to the armed aggression against Ukraine.²⁸



In my opinion, the Security Service of Ukraine is more responsible for this [search and return of civilian hostages]. Although I wrote to them, the case was returned to the police. I think the SSU is responsible, it's their mandate, their job.

27. Order of the SSU, the Ministry of Defence of Ukraine, the Ministry of Internal Affairs "On Approval of the Regulation on the Joint Coordination Center for Search and Release of Illegally Deprived Persons and Hostages, and Location Identification of Missing Persons in the JFO Area" dsl 19.05.2016 No. 237/267/388 (no longer in force): www.zakon.rada.gov.ua/laws/show/z0856-16#Text

28. Joint Centre for Coordination of Search and Liberation of Persons Unlawfully Deprived of Liberty as a Result of Aggression against Ukraine / Security Service of Ukraine: www.ssu.gov.ua/obiednanyi-tsentri-z-koordinatsii-poshuku-ta-zviltrennia-viiskovopolonenykh-nezakonno-pozbavlenykh-voli-osib-vnaslidok-ahresii-proti-ukrainy

CONCLUSIONS AND RECOMMENDATIONS

- 1.** The issues of civilians deprived of their personal liberty as a result of the armed aggression against Ukraine are dealt with to varying degrees by a significant number of state bodies, including The Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine (hereinafter — the Ministry of Reintegration); the National Information Bureau; the Ukrainian Parliament Commissioner for Human Rights; and the Coordination Headquarters for the Treatment of Prisoners of War; the Security Service of Ukraine; the National Police of Ukraine; the State Migration Service of Ukraine; the Ministry of Health of Ukraine; the Ministry of Social Policy of Ukraine; the Pension Fund of Ukraine; the National Social Service; the Ministry of Economy of Ukraine (through the State Employment Service); the Ministry of Education and Science of Ukraine; village, town, city councils or their authorised bodies (in terms of ensuring the right to housing for temporary residence).
- 2.** The main powers of these bodies are: 1) establishing the fact of deprivation of personal liberty as a result of armed aggression against Ukraine; 2) accounting; 3) searching for and investigating the fact of deprivation of personal liberty; 4) providing support to persons in respect of whom the deprivation of personal liberty was established as a result of armed aggression against Ukraine, and members of their families; 5) communicating with relatives of civilians in respect of whom the fact of deprivation of personal liberty has been established.
- 3.** Despite their significant number and diversity, these bodies do not form a system with a single coordination centre or a structure and interconnections that would be understandable to the families of persons deprived of their personal liberty as a result of the armed aggression against Ukraine.
- 4.** There is no single point of contact for relatives of persons illegally detained by the RF, which means that after receiving information about the illegal detention of a loved one, relatives start contacting all the authorities they know and submit the same information to all state actors, as well as to the ICRC and NGOs. This leads to additional traumatising (re-traumatising) of relatives, as well as an excessive workload for law enforcement agencies and other authorised actors.
- 5.** There are several registers (databases) containing information on persons deprived of their personal liberty as a result of the armed aggression against Ukraine. The relationship between these registers is not transparent and clear, and the procedure for their maintenance is often not public. It is also necessary to explain to relatives the importance of these registers in the process of negotiating the release of civilians from illegal detention by the RF.
- 6.** Relatives of persons deprived of their personal liberty as a result of the armed aggression against Ukraine do not have a clear understanding of which actors are responsible for the return of their relatives. The most frequently mentioned are the Coordination Headquarters for the Treatment of Prisoners of War, the Ukrainian Parliament Commissioner for Human Rights and the SSU. However, the coordination and interaction between different authorised bodies that have similar tasks of accounting for and searching for persons deprived of their personal liberty as a result of the armed aggression against Ukraine remains unclear.

Based on the research and interviews with relatives of civilian hostages, we recommend the following:

→ 1. Ensure proper coordination of state bodies and institutions in terms of working with relatives of civilians illegally detained by the RF. Such coordination should primarily involve the transfer of information about the fact of illegal detention to the authorities empowered to register civilians deprived of their personal liberty as a result of armed aggression against Ukraine.

→ 2. Establish an actor that should become a single point of contact or a primary actor for relatives to not only inform about the fact of unlawful deprivation of liberty of a civilian in the territory of the RF or the temporarily occupied territories of Ukraine, but also to provide relatives of such persons with properly verified information about their further actions, government support and support from NGOs. Such a designated (authorised) body should have an appropriate staff to ensure systematic communication with families of civilians.

→ 3. Regulate the issue of accounting for civilians illegally detained in the RF or on the temporarily occupied territories of Ukraine to avoid duplication of information and to ensure that the state receives verified data on such persons.

→ 4. Promote the creation and establishment of a mechanism (mechanisms), using the experience, in particular, of third parties, that could intensify the negotiation process on the search for persons deprived of their personal liberty as a result of armed aggression against Ukraine and their return.

Analytical note *“The return of civilians illegally detained in the Russian Federation: Which state bodies of Ukraine are responsible”* is an attempt to create a map of state actors authorised to take measures to account for and facilitate the return of civilians illegally detained in the territory of the RF and/or the temporarily occupied territories of Ukraine. In addition to studying the powers of the relevant entities, the analytical note analyses how relatives of persons deprived of their liberty as a result of armed aggression against Ukraine perceive communication with the authorised entities.

The Media Initiative for Human Rights (MIHR) is a Ukrainian NGO that combines journalism and human rights advocacy to expose Russia's war crimes in Ukraine and respond to human rights violations related to Russian aggression. MIHR investigates war crimes, torture, enforced disappearances, and violations of civilian and military rights in the context of war. The organisation also documents other human rights violations, monitors war-related trials, prepares analyses and recommendations, and engages in national and international advocacy to achieve justice and ensure human rights and freedoms.

More information about the activities of the Media Initiative for Human Rights:



 mipl.org.ua



 [MediaInitiativeforHumanRights](https://www.facebook.com/MediaInitiativeforHumanRights)

Human Rights Centre ZMINA works to protect freedom of speech and movement, counter discrimination, prevent torture and cruel treatment, combat impunity, support human rights and civil activists in Ukraine, including in the territory of occupied Crimea, as well as protect the rights of people afflicted by the armed conflict. The organisation carries out information campaigns, educational programs, monitors and documents violations of human rights, conducts research providing analytical outputs, and seeks changes through national and international advocacy.

More information about Human Rights Centre ZMINA and its activities:



 zmina.ua



 [zmina.ua](https://www.facebook.com/zmina.ua)

Partnership Fund for a Resilient Ukraine (PFRU) is a donor programme funded by the governments of the United Kingdom, Estonia, Canada, the Netherlands, the United States of America, Finland, Switzerland, and Sweden. With the joint support of the Government of Ukraine and partner governments, the Fund implements projects in de-occupied and frontline communities, as well as at the national level. The goal of the PFRU is to strengthen the resilience of the Ukrainian government in the face of Russian aggression and enhance its ability to provide critical assistance to communities in cooperation with civil society, media and the private sector.

More about the activities of the Partnership Fund for a Resilient Ukraine and its initiatives:



 [PartnershipFundForAResilientUkraine](https://www.facebook.com/PartnershipFundForAResilientUkraine)