

ANALYTICAL NOTE

**“EXCHANGES” OF CIVILIANS.
WHAT ARE THE CURRENT AND
POTENTIAL RISKS OF EXISTING
PROCEDURES?**

“Exchanges” of civilians. What are the current and potential risks of existing procedures? Analytical note / O. Syniuk., A. Pavliuk, I. Kapalkina; ed. A. Lunova, — Kyiv, 2026. — 26 pp.

The analytical note aims to assess the risks of “exchanges” of civilians, in particular within the framework of the “Hochu k svoim” Project, based on an analysis of the approach from the perspective of human rights compliance, as well as the risks it poses in the context of violating IHL guarantees; analysing the practical risks of such “exchanges”, in particular, the normalisation of “exchanges” of civilians.

Authors of the analytical note:

Onysiia Syniuk, Legal Analyst of the Human Rights Centre ZMINA

Alina Pavliuk, Legal Coordinator, Analyst of ULAG

Iryna Kapalkina, Lawyer of ULAG

Editor:

Alena Lunova, Advocacy Director of the Human Rights Centre ZMINA



The Human Rights Centre ZMINA is a Ukrainian human rights organisation working to protect freedom of speech, combat discrimination, prevent torture and cruel treatment, support human rights defenders and civil society activists, document international crimes, and protect the rights of victims of war.

Site: zmina.ua



The Ukrainian Legal Advisory Group is a Ukrainian non-governmental organisation working in the field of justice and accountability in armed conflict. ULAG helps victims of the most grave crimes, society and the state to overcome the consequences of war by developing and promoting solutions to ensure justice and accountability in Ukraine and around the world.

Site: ulag.org.ua



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INTRODUCTION

The issue of returning civilians – Ukrainian citizens unlawfully held by the Russian Federation (hereinafter - the RF) – has existed since the beginning of the armed aggression against Ukraine in 2014.¹ After the full-scale invasion in February 2022, not only did the area of Ukrainian territory occupied by Russia increase, but so did the number of Ukrainian citizens who found themselves under its control and at risk of arbitrary detention and unlawful imprisonment. According to the Media Initiative for Human Rights, at least 2,436 civilians – Ukrainian citizens – are being held by the Russian Federation as of April 2026. At the same time, civilians, under international humanitarian law, are a protected category for whom there is no procedure for being taken prisoner and, consequently, no basis for exchanges. The main demand of the State of Ukraine to the aggressor country is the unconditional release of detained civilians. The absence of any adequate and effective procedures for the return of civilians leads to a further search for ways to return Ukrainian civilians unlawfully held in the RF.

On 25 July 2024, the Project “Hochu k svoim”² (hereinafter - the Project) was publicly presented.³ The project is positioned as a mechanism for “returning Ukrainian civilians from Russian captivity”, implemented by the Coordination Headquarters for the Treatment of Prisoners of War (hereinafter - the Coordination Headquarters) with the support of the Main Directorate of Intelligence of the Ministry of Defence of Ukraine, the Security Service of Ukraine and the Secretariat of the Ukrainian Parliament Commissioner for Human Rights.

The project “Hochu k svoim” involves the release of Ukrainian civilians by “exchanging” them for Ukrainian citizens convicted of crimes, mainly against national security, who have expressed their “consent” to leave for the Russian Federation. During the presentation, Andrii Yusov, a representative of the Main Directorate of Intelligence, stated that these are people who “do not consider Ukraine, European democratic values, our state and Constitution to be their own, but consider the aggressor state, the Russian Federation, to be their own and want to go there”.⁴

In fact, this is the first mechanism officially recognised by the Ukrainian authorities for the return of Ukrainian civilians captured in the temporarily occupied territories through their “exchange”⁵ for Ukrainian civilians “held” by Ukraine in accordance with

1 Prisoners of War. International Practice as to Release of POWs, Civilian Detainees and Political Prisoners. Conclusions for Ukraine” / MIHR, UHHRU, EP, 2018: <https://www.helsinki.org.ua/wp-content/uploads/2018/02/Viazni-Viyny-mizhnarodna-praktyka.pdf>

2 The name is given in accordance with the original name on the official website.

3 “Hochu k svoim”. Presentation of a state project. / Ukrinform, 25.07.2024: <https://www.youtube.com/watch?v=7l7DV2L4sjk>

4 *ibid.*

5 The term is used because, despite its name, the nature of the procedure is an exchange, and the persons whom the State of Ukraine “transfers” to the Russian Federation submit a statement on their “exchange as prisoners of war”.



court rulings in criminal cases concerning crimes against the foundations of Ukraine’s national security.

However, the existence of such an official mechanism raises many questions and concerns.

This analytical note was prepared by experts from the Human Rights Centre ZMINA and the Ukrainian Legal Advisory Group (ULAG) primarily to assess the Project for compliance with the norms and principles of IHL and human rights law and to consider the possible practical risks of its implementation. Later, the subject of analysis included procedures for the “exchange” of civilians outside the scope of the “Hochu k svoim” Project.

The research objectives included:

- assessing the “exchange” of civilians (within and outside the Project) from the perspective of human rights compliance, as well as the risks it poses in the context of violating IHL guarantees;
- analysing the practical risks of such “exchanges”.

The research is based primarily on the analysis of information from open sources, as well as the analysis of the case of an attempt to “exchange” a civilian, Tetiana Potapenko, outside the Project.

This analytical note does not aim to analyse all possible examples of the return of civilians who were unlawfully deprived of their liberty by the RF as a result of armed aggression against Ukraine. However, it is important for us to describe the key risks of possible “exchange” procedures so that the Ukrainian state can take them into account in its further search for mechanisms to release Ukrainian civilians from unlawful detention.



LIST OF ABBREVIATIONS

CC of Ukraine - Criminal Code of Ukraine

CPC of Ukraine - Criminal Procedure Code of Ukraine

ECHR - European Convention on Human Rights

GC III - Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949

GC IV - Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949

IHL - International Humanitarian Law

RF - Russian Federation

SBU - Security Service of Ukraine

TOT Ukraine - Temporarily occupied territories of Ukraine

UN - United Nations

URPI - Unified Register of Pre-trial Investigations



1. “EXCHANGES OF CIVILIANS”. “HOCHU K SVOIM” PROJECT

The “first and foremost” goal of the “Hochu k svoim” Project is to “disclose information about convicted Russian agents, traitors, and collaborators who cooperated with or assisted Russian occupation forces in the war against Ukraine”. The second goal is to enable Ukrainian citizens who “collaborate with the enemy” to cease their collaboration under certain conditions by submitting a special form. The third goal is to enable Ukrainian citizens to share information about “enemy agents”, also through the form. The fourth goal is to help citizens who wish to leave for Russia.⁶

The state authorities involved in the implementation of the Project are also conducting an ongoing joint information campaign to “show Ukrainian society what cooperation with the enemy leads to” and to prevent further crimes.

In order to implement the Project, the website “Hochu k svoim”⁷, was created, as well as pages on Telegram⁸, Facebook⁹ and X (Twitter)¹⁰.

The Project website publishes information about individuals convicted of treason and collaboration, as well as related crimes.

The Project website contains brief information about its essence and objectives, as well as the main mechanisms for achieving these objectives. It also briefly describes the mechanism for “the departure to the Russian Federation of Ukrainian citizens convicted of treason and collaboration”, which consists of the following steps:

- a Ukrainian citizen convicted of treason or collaboration writes a personal statement to the Coordination Headquarters, in which they clearly and unambiguously express their desire to leave for the Russian Federation on condition that Ukrainians are returned from Russian captivity.
- Based on the person’s request, the Coordination Headquarters decides whether to let them go to Russia, as long as Ukrainians are returned from Russian captivity. At the prosecutor’s request, a Ukrainian court decides whether to release the person from serving their sentence, based on Article 84-1 of the Criminal Code of Ukraine. If the court releases such a person from serving their sentence, they shall, under

6 “Hochu k svoim”: Ukrainian special services have launched a project that will facilitate the return of Ukrainians from Russian captivity / official website of the project “Hochu k svoim”, 02.08.2024: <https://hochuksvoim.com/uk/news/khochu-k-svoym-ukrayinski-spetssluzhby-zapustyly-proyekt-yakyy-spryyatyme-povernennyu-ukrayintsiv-z-rosiyskoyi-nevoli>

7 Official project website “Hochu k svoim”: <https://hochuksvoim.com/uk>

8 Official Telegram channel of the project “Hochu k svoim”: https://t.me/Hochu_k_svoim

9 Official Facebook page of the project “Hochu k svoim”: <https://www.facebook.com/profile.php?id=61557489264790>

10 Official profile on X (Twitter) of the project “Hochu k svoim”: https://x.com/Hochu_k_svoim



the supervision of law enforcement agencies, travel to a designated location on the Ukrainian-Russian border. After that, provided that the Russian authorities simultaneously return Ukrainian citizens unlawfully held by the RF, they shall be allowed to travel to the RF without hindrance.

- If such a person does not leave for the RF due to the Russian side’s failure to take similar (mirror) measures or for other reasons, the court, at the request of the prosecutor, shall decide to send that person to serve the previously imposed sentence. After that, the person shall return to the place of serving the sentence under the supervision of the same law enforcement agencies.¹¹

The Project’s website also contains a “News” section, which primarily includes publications of suspicion notices, charges and proceedings developments in cases of crimes against national security of Ukraine.¹²

The main part of the website consists of profiles of individuals who have been put up for “exchange”. The “profiles” include a photo of the convicted person, brief information about the circumstances of the criminal offence, the person’s prison sentence, and a “counter” indicating the length of time “awaiting exchange” - the time that has passed since the person agreed to the “exchange”. The profile also includes a scanned copy of the “consent to exchange” document, i.e. the person’s request to be transferred to the RF as a prisoner of war “in exchange for a Ukrainian citizen held captive by the RF”.

To achieve all the objectives of the Project, the website provides forms through which three types of applications can be submitted: “Do you want to stop cooperating with the enemy?”, “Do you know who is cooperating with the enemy?” and “Do you want to return to Russia?”.

Public communication about the Project was limited and the number of “exchanges” did not increase.

The results of the Project were covered on its official social media pages in August and September 2024, and the last update, as of 15 April 2026, stated that 404 profiles of individuals who had “expressed a desire to leave for the Russian Federation” had been published on the website.¹³ Other posts on the pages concerned announced suspicions and sentences handed down to individuals who were suspected or found guilty of crimes against national security.

Information about the Project began to appear actively in the media in the spring of 2025. On 23 May 2025, as part of the “1000 for 1000” exchange, Ukraine transferred

11 “About the project” / official project website “Hochu k svoim”: <https://hochuksvoim.com/uk/about>

12 How Russia recruits Ukrainian teenagers: the story of a 16-year-old collaborator / official website of the project “Hochu k svoim”, 24.09.2024: <https://hochuksvoim.com/uk/news/yak-rosiya-verbuye-ukrayinskykh-pidlitkiv-istoriya-16-richnoho-kolaboranta>

13 “We must do everything possible to facilitate the return [to Russia] of those who consider themselves compatriots by [Russian] culture...” / Facebook page of the project “Hochu k svoim”, 11.12.2024: <https://www.facebook.com/reel/1121706242873073>



70 people to the Russian Federation within the framework of the Project.¹⁴ At the same time, the Project website has published profiles of only 33 individuals who were “exchanged” as part of the Project. Despite the communication regarding the transfer of “collaborators”, only three individuals transferred as part of this exchange were convicted under Article 111-1 of the CC of Ukraine (“Collaboration”), specifically under Part 7. Five more individuals were convicted under Article 436-2 (“Justification, recognition as lawful, denial of the Russian Federation’s armed aggression against Ukraine, glorification of its participants”). Most of the actions are classified as “high treason” (Article 111 of the CC of Ukraine) and “Unauthorized dissemination of information on the sending, movement of weapons, armaments and ammunition to Ukraine, movement, movement or deployment of the Armed Forces of Ukraine or other military formations formed in accordance with the laws of Ukraine, committed under martial law or a state of emergency” (Article 114-2 of the CC of Ukraine), namely 12 and 7 persons, respectively. Two of those who were transferred to the RF have minor and underage children.

It should be noted that there is currently no information available on where exactly individuals are sent as part of the “exchange”, particularly in cases where their place of residence is registered in territory controlled by the Ukrainian government, and whether this circumstance is taken into account during negotiations on the transfer of individuals.

As for the other 37 individuals who were transferred as part of the “1000 for 1000” exchange, there is no information about them either on the Project’s website or in other public. In addition, Russian sources report that Ukraine transferred Russian civilians as part of this “exchange”.¹⁵

14 Official Telegram channel of the project “Hochu k svoim”: https://t.me/Hochu_k_svoiim/958

15 Ukraine handed over to Russia 20 elderly residents of areas in the Kursk region that were occupied by the Armed Forces of Ukraine / Mediazona, 23.05.2025: <https://zona.media/chronicle/obmen-ukr-rus?share=1&event=61640>; “He didn’t want to go to war”, The story of a Chuvashia resident who tried to join the Ukrainian Armed Forces but was handed over to Russia as part of a prisoner exchange / Verstka, 25.07.2025: <https://verstka.media/istoriya-zhitelya-chuvashii-kotoryj-pytalsya-vstupit-v-vsu-no-ego-vydali-v-rossiyu-v-ramkah-obmena-plennyimi>



2. REACTION OF HUMAN RIGHTS ORGANISATIONS

Right after the Project was presented, at the end of July 2024, a group of human rights organisations, including the Human Rights Centre ZMINA, the Ukrainian Legal Advisory Group, and the Media Initiative for Human Rights, shared their thoughts on the “Hochu k svoim” Project, saying that setting up an “exchange fund” among Ukrainian civilians does not comply with the norms of international humanitarian law (hereinafter - IHL) and is a manifestation of the inconsistency of Ukraine’s state position, as well as posing a threat to the country’s information security and calling into question Ukraine’s commitment to respect human rights in the eyes of partner countries.

Representatives of the organisations called on the state bodies implementing the Project to close access to the Project website to a wide range of users, to continue searching for ways to return civilians unlawfully held in the RF, which should not undermine the legal guarantees enshrined in international humanitarian law for Ukrainian citizens, intensify the work of the International Platform for the release of civilians unlawfully detained by the RF, and ensure fair and high-quality consideration of cases involving crimes against national security and, given the scale of such crimes, contribute to the creation of mechanisms for appropriate response and prevention of such crimes¹⁶. However, no changes have been made - the Project website remains widely accessible and is supplemented with information, including profiles of convicted persons.

Human rights defenders noted that the Project would not facilitate the return of civilians from the RF, but at the same time it creates the impression that there is a mechanism for such a return, on which resources are spent and hopes are pinned. Instead, it distracts attention from the ongoing work to find other ways to return civilians, which could be more effective and would not be accompanied by the other risks mentioned above.

At the same time, the Project’s official pages are not limited to disseminating information about individuals who are eligible for “exchange” or about the Project itself. They also publish news about the trials of individuals accused of collaborating with the occupation administrations¹⁷ as well as condemnations¹⁸ and posts such as “Top five collaborators

16 “Hochu k svoim”: human rights defenders are convinced that the project threatens the country’s information security. / ZMINA, 31.07.2024: <https://zmina.ua/event/hochu-k-svoym-pravozahysnyky-perekonani-shho-proyekt-zagrozhuye-informacziynij-bezpeczi-krayiny/>

17 Based on materials from the Security Service of Ukraine, top officials of the occupying authorities in the Luhansk region will be brought to trial. / Official Facebook page of the project “Hochu k svoim”, 16.10.2024: https://www.facebook.com/permalink.php?story_fbid=pfbid0PXjyUTY53499sbW4bQs9Mj3r2bmb5hSwe6vRSa1G9WhYSamdjdSDwE58C62vy7x7l&id=61557489264790

18 In Lutsk, a state traitor was sentenced to 15 years of imprisonment. / official Facebook page of the project “Hochu k svoim”, 15.08.2024: https://www.facebook.com/permalink.php?story_fbid=pfbid02zcsT8iUywA5pb9vTL2q44AyuejXLfjmbDcuFJairNy6YhL2nrKJ37YtEq9dCSJ4Ml&id=61557489264790



who have attracted the attention of Ukrainians”.¹⁹ Given that the Project is positioned as a mechanism for returning Ukrainian civilians unlawfully held in the RF, the question arises as to the purpose of such a line of communication.

The focus of the published information gives the impression that there are an extremely large number of people who are cooperating with the enemy in one way or another, that Ukrainian citizens are being divided into “real” and “fake”²⁰ ones, and that tensions in society are being heightened. Another factor contributing to this is the possibility of leaving information “about those who cooperate with the enemy” and an application for “return to Russia”.

19 Top five collaborators who have attracted the attention of Ukrainians / official Facebook page of the project “Hochu k svoim”, 26.07.2024: https://www.facebook.com/permalink.php?story_fbid=pfbid0267DfUiSBZbB9qwEApnCOsJYez4CtyfWLUPUMCL1vzgDQ7Za9YL3WeTcjYNxa6Gs2l&id=61557489264790

20 Vasyl Mekheda / official website of the project “Hochu k svoim”: <https://hochuksvoim.com/uk/p/76-mekheda-vasyl-anatoliyovych>



3. PROBLEMATIC ISSUES OF “EXCHANGES” OF CIVILIANS

Next, we will take a closer look at the key issues surrounding the use of “exchange” procedures involving civilians. Regardless of the specific mechanism used to transfer Ukrainian citizens to the Russian side in exchange for Ukrainian citizens who were unlawfully deprived of their personal liberty, these risks and issues will be common to all such mechanisms, both existing and those that may be developed in the future.

These problematic issues can be divided into three groups:

1. Questions regarding the nature of the procedure for “exchanges” of civilians by the parties to the conflict within the framework of IHL.
2. Risks of procedural violations during “exchanges”.
3. Negative impact on the legal system of Ukraine and on the activities of national human rights institutions.

3.1. Questions regarding the nature of the procedure for the “exchange” of civilians by the parties to the conflict within the framework of IHL.

Although the Project uses the terms “desire to leave” and “transfer of persons”, in their statements, Project participants indicate that they “request to be included in the exchange” and “to be transferred for exchange as prisoners of war”. This wording is used to create conditions for the application of the procedure provided for by the current legislation of Ukraine for the transfer of persons who have the status of suspects/accused/convicted of crimes against the foundations of Ukraine’s national security²¹ and is based on the presumption of their legal status as prisoners of war.

The provisions of criminal procedural law stipulate that a person in respect of whom an authorised body has taken a decision on exchange as a prisoner of war is any person who has the procedural status of a suspect, accused or convicted person and who has been included by the relevant authorised body in the list for exchange as a prisoner of war²². The relevant amendments were made to the CC of Ukraine and the CPC of Ukraine.

21 Resolution of the Cabinet of Ministers of Ukraine No. 441 of 12 April 2022 “On Approval of the Procedure for the Transfer of Enemy Prisoners of War to the Aggressor State and the Release of Defenders of Ukraine Held Captive by the Aggressor State”. Access to the Procedure is restricted; it is for official use only: <https://zakon.rada.gov.ua/laws/show/441-2022-п#Text>

22 Criminal Procedure Code of Ukraine, ed. dated 26 December 2024, Article 3, Part 1, Paragraph 28: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>



In particular, on 28 July 2022, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Amendments to the Criminal Code, the Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Regulation of the Procedure for the Exchange of Persons as Prisoners of War”.²³ It provides for the possibility of:

- releasing a person from serving a sentence due to the decision to transfer the convicted individual for exchange as a prisoner of war, or
- cancelling a preventive measure and conducting a special pre-trial investigation and court proceedings in the absence of the accused (in absentia), if an authorised body has made a decision to transfer this person for exchange as a prisoner of war and such exchange has taken place.

Currently, the procedure for transferring this category of persons within the framework of prisoner of war exchanges is as follows:

1. Ukrainian citizens who are under suspicion, have indictments, or convictions may submit to the Coordination Headquarters a handwritten statement of consent to be exchanged as prisoners of war (to be included in the list for exchange as prisoners of war).
2. The Coordination Headquarters, in cooperation with the Office of the Prosecutor General and the Joint Centre for Coordination of the Search and Release of Prisoners of War and Persons Illegally Deprived of Liberty as a Result of Aggression against Ukraine under the Security Service of Ukraine, with the consent of the person concerned, shall take a decision in the form of a Protocol on the transfer of a person for exchange as a prisoner of war.
3. The prosecutor whose territorial jurisdiction covers the place where the suspect/accused/convicted person is being held, on the basis of a decision by the Coordination Headquarters, and with the consent of the person to be exchanged as a prisoner of war, shall submit to the court a motion²⁴ to cancel the preventive measure/release the person in connection with the decision to transfer them for exchange as a prisoner of war²⁵.
4. If the request is granted, the person is transferred to the supervision of the authorised body (representatives of the Joint Centre for Coordination of Search and Release of Prisoners of War, Persons Illegally Deprived of Liberty as a Result of Aggression against Ukraine under the Security Service of Ukraine).

²³ Law of Ukraine “On Amendments to the Criminal Code, Criminal Procedure Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Regulation of the Procedure for the Exchange of Persons as Prisoners of War” 2472-IX of 28 July 2022: <https://zakon.rada.gov.ua/laws/show/2472-20#Text>

²⁴ Criminal Procedure Code of Ukraine, ed. dated 26 December 2024, Article 201-1: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>.

²⁵ In accordance with Part 1 of Article 84-1 of the Criminal Code of Ukraine, a convicted person who, while serving a sentence in the form of correctional labour, arrest, restriction of liberty, detention in a disciplinary battalion for military personnel, deprivation of liberty for a specified term, or life imprisonment, and who has given written consent to such an exchange, shall be released by the court from serving the sentence imposed: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.



The existing procedure for transferring civilians who are citizens of Ukraine for the purpose of exchanging prisoners of war poses risks for Ukraine in view of its obligations under international treaties in the field of international humanitarian law and international human rights law. Accordingly, such practice poses reputational risks for Ukraine as a state that is a subject of international law and contradicts the requirements of Article 9 of the Constitution of Ukraine²⁶.

In this context, there's also the question of how Ukrainian laws, which are used to do these exchanges, line up with international humanitarian law, especially the Geneva Convention on the Treatment of Prisoners of War²⁷ and the Geneva Convention on the Protection of Civilian Persons in Time of War,²⁸ which Ukraine has to follow. The existing procedure focuses on confirming the status of the relevant suspects/accused/convicted persons as prisoners of war, in particular by including them in the relevant lists and adopting the relevant decisions by courts in criminal proceedings on their transfer within the framework of exchange.

As mentioned above, the CPC of Ukraine stipulates that a person in respect of whom an authorised body has taken a decision on exchange as a prisoner of war is any person who has the procedural status of a suspect, accused or convicted person and who has been included by the relevant authorised body in the list for exchange as a prisoner of war.²⁹ At the same time, the Procedure for the Treatment of Prisoners of War³⁰ refers to the norms of international humanitarian law, in particular Article 4 of GC III and Article 44 of PA I, in determining the status of prisoners of war. These norms clearly define that only those persons who have been captured and belong to the following categories have the status of prisoners of war:

- personnel of the armed forces of the parties to the conflict, as well as members of militias or volunteer units that are part of these armed forces;
- members of other militias and volunteer corps, including members of organised resistance movements, who belong to one of the parties to the conflict and operate within or outside their territory, even if that territory is occupied, provided that these militias or volunteer corps, including organised resistance movements, meet certain conditions;
- persons accompanying the armed forces without actually being members thereof.

26 Constitution of Ukraine, ed. dated 01.01.2020: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

27 Geneva Convention relative to the Treatment of Prisoners of War, 1949: https://zakon.rada.gov.ua/laws/show/995_153#Text

28 Convention relative to the Protection of Civilian Persons in Time of War, 1949: https://zakon.rada.gov.ua/laws/show/995_154#Text

29 Criminal Procedure Code of Ukraine, ed. dated 26 December 2024, Article 3, paragraph 1, subparagraph 28: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>

30 Resolution of the Cabinet of Ministers of Ukraine No. 413 “On Approval of the Procedure for the Detention of Prisoners of War” ed. dated 28 March 2024: <https://zakon.rada.gov.ua/laws/show/413-2022-п#Text>



Persons prosecuted for crimes against the foundations of Ukraine’s national security do not meet the criteria for legal status as prisoners of war.

Furthermore, in case of doubt as to whether persons belong to the above categories, IHL provides for the possibility of establishing the status of such persons in court proceedings before a competent national court.³¹ However, this procedure applies only to persons who participated in hostilities and fell into the hands of the opposing side, and not to any civilian³², regardless of whether they committed any other crimes in the context of the armed conflict, but who did not directly participate in hostilities.

The status of persons convicted for participating in the armed forces of the RF or other armed formations controlled by the RF remains unclear in this case, as these persons are citizens of Ukraine, not of the opposing side. They are combatants and, accordingly, are entitled to prisoner of war status if they meet the criteria set out in GC III. However, contrary to “combatant immunity”, they may also be prosecuted under Ukrainian law for participating in hostilities.³³ At this stage, there is no additional mechanism for determining the status of such persons, despite the existence of the relevant procedure under the GC III mentioned above and objective grounds for conducting such an assessment.

At the same time, **most of the convicts on the list of the “Hochu k svoim” Project do not fall under the categories that can acquire the status of prisoners of war.** These are civilians who have been found guilty of passing on information about the location and deployment of Ukrainian Armed Forces personnel and equipment, who have taken up positions in the occupying authorities, or who have expressed support for the aggression on social media. For example:

- posted several posts on social media by “reposting” images with the Russian Federation flag and the letter “Z” made of St. George’s ribbon in the background, with the inscriptions: “I SUPPORT PUTIN I SUPPORT THE RUSSIAN ARMY I SUPPORT DON-BAS”, “#WE DON’T ABANDON OUR OWN PEOPLE”, “ALL OF RUSSIA IS WITH YOU”.³⁴;
 - took the position of head of the guardianship and custody sector of the Department of Labour and Social Protection of the so-called “Administration of Krasnyi Lyman, DPR”³⁵;
 - took up the position of head of the housing and utilities sector³⁶.
- In one case, a person who guarded civilian objects in the temporarily occupied ter-

31 Geneva Convention relative to the Treatment of Prisoners of War, 1949, Article 5: https://zakon.rada.gov.ua/laws/show/995_153#Text

32 Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977, Article 45: https://zakon.rada.gov.ua/laws/show/995_199#Text

33 Analytical report “Forced conscription of Ukrainian citizens in the occupied territory of Ukraine by the Russian Federation: facts and legal classification” /Ukraine 5AM Coalition, September 2022: https://zmina.ua/wp-content/uploads/sites/2/2023/01/mobilization_ukr.pdf

34 Verdict in case No. 196/635/22 dated 20 September 2022: <https://reyestr.court.gov.ua/Review/106340210#>

35 Verdict in case No. 202/8684/23 dated 08.06.2023: <https://reyestr.court.gov.ua/Review/111428948>

36 Verdict in case No. 183/8290/22 dated 28 March 2023: <https://reyestr.court.gov.ua/Review/109827717>



ritory of Ukraine in exchange for food, medicine and household items from the Russian occupation administration was included in the list for “exchange as a prisoner of war”.³⁷

Articles 4 and 5 of the GC IV stipulate that a civilian may be detained for activities that undermine the security of a state engaged in armed conflict.³⁸ At the same time, these circumstances do not lead to a person acquiring the status of a “combatant”, which is associated with the legal status of a “prisoner of war”. Instead, the person will be considered to be directly participating in hostilities, may be held criminally liable for offences committed, and will also enjoy the guarantees provided for civilians.

Given the official position condemning the Russian Federation’s illegal practice of unlawfully holding Ukrainian civilians and the impossibility of conducting “exchanges” of civilians³⁹, even more questions arise about the initiative, under which civilians are designated as prisoners of war and handed over for “exchange”.

Positioning the initiative as an “exchange” essentially contradicts the guarantees provided by IHL, one of the main objectives of which is to protect civilians in armed conflict. Civilians are a protected category, and their illegal detention constitutes a serious violation of the rules of war and cannot be equated with captivity.⁴⁰ Accordingly, the established procedure for the exchange/repatriation of prisoners of war⁴¹ cannot be applied to them either. The release of Ukrainian civilians unlawfully deprived of their liberty by the RF must take place unconditionally. Legitimising the practice of “exchanges” of civilians through a state-supported mechanism could lead to a number of negative consequences. In particular, the existence of an official mechanism for the “exchange” of civilians could lead to an increase in the practice of unlawful detention of Ukrainian civilians in the occupied territories for the purpose of replenishing the “exchange fund” and could be perceived as legitimising the unlawful prosecution of Ukrainian citizens within the Russian system.

37 Serhii Filonenko / Hochu k svoim: <https://hochuksvoim.com/uk/p/765-filonenko-serhiy-volodymyrovych>

38 Convention relative to the Protection of Civilian Persons in Time of War, 1949: https://zakon.rada.gov.ua/laws/show/995_154#Text

39 Russia is illegally holding more than 14,000 Ukrainians - Lubinets / DW, 30.06.2024: <https://www.dw.com/uk/rf-nezakonno-utrimue-ponad-14-tisac-ukrainciv-lubinec/a-69517477>

40 Convention relative to the Protection of Civilian Persons in Time of War, 1949, Article 147: https://zakon.rada.gov.ua/laws/show/995_154#Text

41 Geneva Convention relative to the Treatment of Prisoners of War, 1949, Articles 118-119: https://zakon.rada.gov.ua/laws/show/995_153#Text



3.2. Possible grounds for individuals to apply to international judicial bodies to protect their rights

The application of such a practice to Ukrainian citizens who are suspects, accused, or convicted may give rise to further applications to the European Court of Human Rights. In particular, there are challenges regarding:

- compliance with guarantees of the right to freedom of movement under Article 2 of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, taking into account the transfer of a person to the territory of another state⁴²;
- ensuring the prohibition of torture and other forms of cruel treatment under Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, taking into account the risks of coercing persons to consent to their exchange and transfer to the territory of another state where there are risks to their safety, taking into account the systematic violations on the territory of the RF established by the practice of the ECtHR;
- compliance with the requirements of the right to liberty and security of person under Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms, taking into account the change in the status of the person to prisoner of war and his prosecution for committing general criminal offences contrary to the requirements of international humanitarian law.⁴³

Furthermore, by applying the existing procedure, Ukraine violates the 1954 Convention relating to the Status of Stateless Persons⁴⁴ and the Convention on the Reduction of Statelessness,⁴⁵ by applying unacceptable criteria for renouncing Ukrainian citizenship.

3.3. Risks of procedural violations during “exchanges”

As mentioned above, the “Hochu k svoim” Project is not the only existing way to return Ukrainian civilians from unlawful detention in the RF. However, for all procedures involving the transfer of civilians from Ukraine to Russia, questions may arise regarding procedural guarantees and procedures that are mandatory for the “legalisation” of the “exchange” process.

42 Guide on Article 2 of Protocol No. 4 to the European Convention on Human Rights. Freedom of movement / Secretariat of the European Court of Human Rights, 31.08.2024: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_protocol_4_ukr;

Judgment in the case of Hirsi Jamaa and Others v. Italy, 23.02.2012: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-117782%22%5D%7D>

43 Convention for the Protection of Human Rights and Fundamental Freedoms (with protocols) (European Convention on Human Rights), 04.11.1950: https://zakon.rada.gov.ua/laws/show/995_004#Text

44 Convention relating to the Status of Stateless Persons, 28.09.1954: https://zakon.rada.gov.ua/laws/show/995_232#Text

45 Convention on the Reduction of Statelessness, 30.08.1961: https://zakon.rada.gov.ua/laws/show/995_240



First of all, there are no clear and understandable criteria for determining who should be included in the “exchange” list. In particular, it concerns the category of proceedings (the list of articles under which the actions of individuals are classified), the stage of criminal proceedings, and the confirmation of an individual’s willingness to be transferred for exchange.

In some cases, the person who may be exchanged is not the one who initiates their inclusion in the exchange lists. For example, a prosecutor may, at their own discretion and for “humanitarian reasons”, propose to include a person in the exchange lists. In such cases, there are no transparent criteria for selecting individuals to be included in such lists and to whom the procedure applies.

Statements made on behalf of applicants for “exchange” give consent under conditions of state control, as such persons are already in places of deprivation of liberty.⁴⁶ Furthermore, the fact that these individuals agree to be “exchanged as prisoners of war” indicates that they do not understand their status.

For example, it is worth considering the case of Tetiana Potapenko, who was convicted under Part 5 of Article 111-1 of the CC of Ukraine to five years’ imprisonment with deprivation of the right to hold positions in state and local government bodies for a period of 15 years without confiscation of property.⁴⁷

Before the full-scale invasion, Tetiana Potapenko served as a “street representative” (active residents who communicate with local authorities on behalf of their neighbours) in Lyman. During the occupation, following the departure of the “neighbourhood representative” (elected by other street representatives to coordinate their work within a neighbourhood), she took over that position. It was these actions that were classified by representatives of the SBU under Part 5 of Article 111-1 of the CC of Ukraine as holding a position related to the performance of organisational, administrative or economic functions in illegal authorities created in the temporarily occupied territory.⁴⁸ Tetiana did not plead guilty.

Potapenko’s inclusion in the list for exchange as a prisoner of war was initiated by the Kryvyi Rih Southern District Prosecutor’s Office at the request of the Coordination Headquarters within the framework of the “1000 for 1000” exchange. At the same time, the proposal for exchange was announced to the convicted woman at night in the colony where she was serving her sentence. At the same time, the authorised person who communicated with Potapenko:

- did not explain the consequences of consenting to the exchange;

46 in cases where a person is under state control (in prison), the burden of proof lies with the state; Guide on Article 3 of the European Convention on Human Rights, Prohibition of Torture, Updated on 28 February 2025: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng

47 Verdict in case No. 202/3884/23 dated 15 August 2023: <https://reyestr.court.gov.ua/Review/112856417>

48 “I am guilty of staying alive”. The Supreme Court sentenced a resident of Lyman, who coordinated the heads of street committees during the occupation, to five years in prison / Graty, 21.02.2025: <https://graty.me/ya-vinna-v-tomu-shho-zalishilasya-zhivoyu-verhovnij-sud-priznachiv-5-rokiv-kolonii-meshkanczi-limanu-yaka-koordinuvala-goliv-vulichnih-komitativ-pid-chas-okupaczii>



- did not provide time to consider the proposal (to make a decision) or the opportunity to consult with family members or a defence lawyer;
- in the statement that the convicted woman was required to copy from the provided template, she had to mark her “desire” to renounce Ukrainian citizenship. It was not explained to her that she had the right not to renounce Ukrainian citizenship (in fact, she did not wish to renounce it).

From the moment Potapenko agreed to participate in the exchange, which was clearly not a conscious and informed decision, she was not given the opportunity to communicate with her defence counsel. Subsequently, in court⁴⁹, where the prosecutor’s motion to recognise the convicted person as a prisoner of war and release her from serving her sentence was considered, the consequences of the decision (consent) to be recognised as a prisoner of war and exchanged for Ukrainian prisoners of war by transferring her to the territory of the Russian Federation were also not explained to the convicted person. In addition, the defence counsel, who actively appealed to all authorised entities with requests to communicate, provide information about the whereabouts of the defendant and allow for confidential visits and communication with her, was not allowed to participate in the court hearing.

A separate issue is the motivation of individuals who have expressed a desire to be exchanged. Some of the individuals whose information is published on the Project website are married and/or have dependent minor children or elderly parents with disabilities. In particular, at least 34 individuals are married, and at least 22 individuals have dependent minor children and/or elderly parents with disabilities, etc. It is unclear how the issue of caring for persons dependent on “exchange candidates” will be resolved in the event of such an exchange. The possibility of exchanged persons returning to the territory of Ukraine to support relatives also remains unclear.

In the Potapenko case, the motivation stated was “release from serving the remaining part of the sentence and removal of charges”. This argument is used by some Ukrainian media outlets, including the “Hochu k svoim” Project, as proof that the convicted person is confirming their guilt and loyalty to the aggressor state. And renouncing Ukrainian citizenship only reinforces this narrative.

The Ukrainian side cannot guarantee that a person recognised as a prisoner of war and handed over to the aggressor state will be able to return to their family in Ukraine after the end of the armed conflict.

Questions also arise regarding the possibility of a person refusing the exchange, given the absence of an impartial observer in the process.

49 Ruling of the Industrial District Court of the city of Dnipro of 13.06.2025 in case No. 202/3884/23: <https://reyestr.court.gov.ua/Review/128103649>



3.3.1. Lack of adequate legislative basis for granting a person the status of “prisoner of war”, clear procedure for “exchange” and its consequences within criminal proceedings

There is no legal ground for changing the status of civilian suspects, defendants and convicts to “prisoners of war”. The decisions adopted by the courts do not assess the legal status of individuals in accordance with the requirements of Articles 4 and 5 of the Geneva Convention on the Treatment of Prisoners of War, and the recognition of individuals as “prisoners of war” is formal in nature.

Suspects, convicts and defendants are not provided with explanations regarding the consequences of the change in their status and the fact of the exchange. As a result, it is unclear what will happen to criminal proceedings against a person who is at the stage of pre-trial investigation or court proceedings, and whether the convicted person will be considered to have served their sentence.

When the court considers a motion to transfer a suspect/accused/convicted person for exchange, they are not provided with legal assistance, and their defence lawyers are not invited to court hearings. The court takes a formal approach to the implementation of these persons’ right to legal assistance when, during the hearing, the person is offered the opportunity to engage a lawyer, but their refusal is simply recorded.

If the exchange does not take place for various reasons, the former convict (prisoner of war) regains the status of a convicted person and is sent to serve the remainder of their sentence in prison.

At the same time, the provisions of the CPC of Ukraine do not regulate the issue of counting the period of time when a person had the status of a prisoner of war towards the term of imprisonment. If a relevant motion is filed with the court to include the period during which the person had the status of a prisoner of war in the term of imprisonment, the judge may, by a reasoned decision, take this period into account in the term of imprisonment. It is unclear what will happen to those persons who have not filed such motions.

It is also unclear how a situation in which a Ukrainian citizen initially consented to be exchanged as a prisoner of war but was later returned to serve their sentence again as a convicted person, will affect the convicted person’s ability to apply to the Commission for conditional early release from serving their sentence or for the replacement of the unserved part of their sentence with a more lenient punishment.

During the period between the moment when a person loses their status as a convicted person and acquires the status of a prisoner of war, until the person regains their status as a convicted person or is transferred to the aggressor state, the fate and whereabouts (detention) of the person are unknown, and their relatives have no contact with them. In other words, the state does not undertake to inform relatives about the transfer or non-transfer of the person to the aggressor state or about the place of detention of the person.



If a person is returned to the place of further imprisonment (when the exchange has not taken place), the logistical route for transporting the person to the place of imprisonment is lengthy. The person's relatives are also not informed about the transit locations where the person is temporarily being held. The person is unable to contact their relatives (in particular, they cannot use IP telephony unless funds have been credited to the account of the state institution where they are held).

3.4. Risks to the personal safety of individuals included in the “exchange” lists

According to information on the Project's official Facebook page, there is no interest on the part of Russia in conducting such exchanges.⁵⁰ This is also evidenced by the actual number of “exchanged” persons - according to the information on the website, only 70 persons from the list of candidates for “exchange” are currently listed as “exchanged”. In one case, it was reported that despite the Russian Federation's initial willingness to exchange one of the convicts, it ended with a refusal by the Russian side.⁵¹

At the same time, at least 83 individuals on the list have been sentenced to six years or less in prison. It is more likely that the individuals on the list will serve their sentences and be released, continuing to live in Ukraine, than that they will be exchanged. Given the widespread coverage of the nature of the offence committed and the availability of a large amount of personal data about the individuals on the list (full surname, first name and patronymic, date of birth, unblurred photo, registered address, etc.), as well as their stated desire to leave for the RF or the occupied territory, such persons may be further stigmatised and face risks to their personal safety.

In the case of “exchange”, individuals face a number of other risks. For example, loss of Ukrainian citizenship and, accordingly, potential forced acquisition of Russian citizenship. Another significant risk is criminal prosecution by Russia for possible support of Ukraine or cooperation with Ukrainian state authorities.⁵² A person under protection cannot, under any circumstances, be transferred to a country where there is a possibility of persecution for political or religious beliefs. Accordingly, the transfer of such persons to the Russian Federation also contradicts the principle of *non-refoulement*, which is an

50 We will periodically share stories of convicted Ukrainian collaborators. / Official Facebook page of the project “Hochu k svoim”, 24.07.2024: https://www.facebook.com/permalink.php?story_fbid=pfbid0EfhCvR4V23J27uhUjc7Ap2fGNYkSGxqRzyRFVZ7h22j7GS45MaxG1pPvTH65YHkPl&id=61557489264790; We must do everything possible to facilitate the return [to Russia] of those who consider themselves compatriots by [Russian] culture...” / Facebook page of the project “Hochu k svoim, 11.12.2024: <https://www.facebook.com/watch/?v=1121706242873073>

51 How Russia recruits Ukrainian children: the story of a 16-year-old collaborator / Telegra.ph, 19.08.2024: <https://telegra.ph/YAk-rosiya-verbuje-ukrainskih-ditej-istoriya-16-richnogo-kolaboranta-08-19>

52 This applies both to Ukrainian citizens, as in the case of Tetiana Potapenko, and to cases of transfer of Russian citizens whose actions are considered by Russia as support for Ukraine, in particular, the case described in the article “He didn't want to go to war”. The story of a Chuvashia resident who tried to join the Ukrainian Armed Forces but was handed over to Russia as part of a prisoner exchange / Verstka, 25.07.2025: <https://verstka.media/istoriya-zhitelya-chuvashii-kotoryj-pytalsya-vstupit-v-vsu-no-ego-vydali-v-rossiyu-v-ramkah-obmena-plennyimi>



international standard in the field of human rights⁵³ and a provision of international humanitarian law.⁵⁴

Information about the further fate of such persons, in particular, transparent information about the place where persons are transferred within the territory of the RF or the TOT of Ukraine after the exchange, in particular those who do not have a habitual place of residence in the territory controlled by Ukraine, and is not provided, including to relatives. The possibility of returning to the territory of Ukraine or the territory controlled by Ukraine in the future is also in question - it is unknown how long the war will last, what the conditions for ending the war will be, and whether such persons will be allowed to cross the border and enter the territory of Ukraine before or after its end.

3.5. Negative impact on Ukraine’s legal system and the functioning of the national human rights institutions

3.5.1. Participation of the Ukrainian Parliament Commissioner for Human Rights in the Project makes it impossible for them to perform the function of independent parliamentary monitoring of human rights compliance during “exchanges”

A separate challenge for the assessment of the Project is the participation of the Ukrainian Parliament Commissioner for Human Rights as one of the project implementers. The main function of the Commissioner is parliamentary control over the monitoring of constitutional human and civil rights and freedoms and the protection of the rights of everyone on the territory of Ukraine and within its jurisdiction.⁵⁵ Furthermore, the Commissioner has specific powers to visit places of detention and interview persons held in such places in order to obtain information about the treatment of these persons and the conditions of their detention.⁵⁶

The direct involvement of the Commissioner in the implementation of the Project raises doubts about the possibility of effectively exercising these powers, in particular, conducting independent and impartial monitoring of the procedure for obtaining consent from individuals for such an exchange. Convicted persons, information about whom is posted on the website as persons who are ready to be exchanged to the RF, must have an instrument of independent control over the observance of their rights, in particular, in the conditions of the “exchange”. The participation of the Commissioner as one of the parties

53 Universal Declaration of Human Rights. Adopted and proclaimed by Resolution 217 A (III) of the United Nations General Assembly of 10 December 1948, Article 14(1): https://zakon.rada.gov.ua/laws/show/995_015#Text

54 Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Article 45: https://zakon.rada.gov.ua/laws/show/995_154#Text

55 Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” ed. dated 31.03.2023, Article 1: <https://zakon.rada.gov.ua/laws/show/776/97-pp#Text>

56 *ibid.*, Article 13, paragraphs 8, 8-1



supporting the “Hochu k svoim” Project effectively deprives convicted persons of such a tool and the Commissioner of the right to be a third party in the process.

3.5.2. Risk of superficial investigation of criminal proceedings concerning crimes against national security and other crimes, increasing sense of impunity

The procedure of “exchanges” of civilians may pose a challenge to the Ukrainian law enforcement and justice system in terms of investigating and adjudicating cases in which the accused may become an “exchange fund”. Trends in the consideration of cases involving collaboration already indicate a predominantly superficial and formal consideration of cases, in particular, failure to take into account the conditions of occupation and IHL standards, the prevailing absence of investigation into intent and coercion, the low level of appeals against first instance decisions, the almost complete absence of acquittals, and the high percentage of plea bargains and simplified proceedings.⁵⁷ The motivation to replenish the “exchange fund” at the expense of this category of defendants may lead to a situation where such persons are persuaded to admit guilt. In return, they are promised to be released from serving their sentences through an “exchange”. This approach raises doubts about the observance of the right to a fair trial in such proceedings.

In this context, it is also worth mentioning the above-mentioned cases of including in the “exchange” lists individuals convicted of serious crimes who were also found guilty of committing a misdemeanour within the framework of an offence against the foundations of national security. The release of such persons, and other persons convicted of serious offences against the foundations of national security, from serving their sentences through “exchange” may reinforce the sense of impunity for crimes committed in the context of armed aggression against Ukraine.

The implementation of the Project also fails to take into account the risk that individuals transferred “for exchange” may gain the opportunity to continue activities detrimental to Ukraine. Individuals who end up in the Russian Federation may join the Armed Forces of the Russian Federation or use their professional expertise to provide sensitive information to Russian representatives.⁵⁸

57 Liability for collaborationism: how has judicial practice changed? Analytical report / D. Deputat, O. Syniuk, edited by A. Lunova, A. Pavliuk, I. Kapalkina. — Kyiv, 2025. https://zmina.ua/wp-content/uploads/sites/2/2025/05/court_practice_web.pdf

58 The price of collaboration. How to win back your people and get rid of traitors? / Frontliner, 02.12.2024: <https://frontliner.com.ua/tsina-kolaboranta/>



CONCLUSIONS

1. The “exchange” of civilians, including within the framework of the “Hochu k svoim” Project, can hardly be called an adequate and effective solution to the complex problem of the unlawful deprivation of liberty of Ukrainian civilians by the RF. However, in the absence of any other stable and effective mechanisms for return, the “Hochu k svoim” Project exists and the Ukrainian authorities are investing resources in its development. At the same time, given the obvious intention to use the project to return civilians from unlawful detention, it is necessary to assess and take into account the risks of “exchanges” of Ukrainian civilians, as well as to analyse and resolve problematic issues that arise during “exchanges”.
2. The procedure of “exchange” of civilians is inherently contrary to the guarantees of IHL and may be perceived as legitimising the unlawful actions of the RF against Ukrainian citizens in the occupied territory.
3. Granting prisoner-of-war status to persons who do not fall under the categories defined by the Third Geneva Convention and are civilians also contradicts the norms of international humanitarian law and creates a dangerous precedent, blurring the distinction between combatant and civilian status and, accordingly, the protection regimes for these categories during armed conflict.
4. The expectation that individuals accused of collaborating with the enemy in one way or another may replenish the “exchange fund” is also an additional challenge for the law enforcement and judicial systems and may lead to superficial decisions and pressure on individuals to plead guilty in exchange for release from punishment through “exchange”. This carries the risk of both violating the right to a fair trial and reinforcing the sense of impunity for committing this category of crimes.
5. There are also a number of violations in the “exchange” procedure itself, in particular, there are no clear and understandable criteria for determining who should be included in the exchange, consent to such an “exchange” is given in conditions of lack of freedom, which makes it difficult to determine its freedom and awareness, and it is also unknown whether a person has the opportunity to refuse the exchange. In the process of consenting to such an “exchange”, the realisation of individuals’ right to legal assistance is only formal, and the possible consequences of an “exchange” are not explained - loss of Ukrainian citizenship and, accordingly, potential forced acquisition of Russian citizenship, criminal prosecution of such persons by the RF, where exactly persons are transferred within the RF or the TOT after the exchange, and whether it will be possible to return to the territory of Ukraine or the territory controlled by Ukraine in the future.



6. The Project itself also poses risks for future reintegration and may threaten to increase tensions in society. Some individuals serving short prison terms are more likely to complete their sentences than to be exchanged, and may be subject to persecution for their “agreement” to leave for the RF. In addition, the format of communication on the Project’s official pages creates the impression of a large number of people cooperating with the enemy, the existence of “real” and “fake” citizens of Ukraine, and a significant divide within society.



RECOMMENDATIONS

Taking into account these risks, as well as the fact that the “exchanges” of civilians, in particular within the framework of the Project, have not proven effective in returning Ukrainian civilians, it is advisable to:

1. not to publish personal information about individuals on the Project’s official pages and to remove any existing information (in particular, the address of registered residence);
2. establish clear and accurate communication regarding individuals who agree to have information about them posted on the website of the “Hochu k svoim” Project, using accurate terminology (for example, only those who have been convicted under Article 111-1 of the CC of Ukraine can be considered as convicted of collaboration);
3. develop a legislative procedure for the transfer of persons who do not have and/or cannot have prisoner of war status;
4. provide clear criteria for including a person in an “exchange”, within or outside the Project, taking into account the requirement for the free and informed consent of that person, and ensuring the right to legal assistance and communication with relatives;
5. exclude from the application with a request for “exchange” the issue of renunciation of Ukrainian citizenship;
6. it is advisable for the Ukrainian Parliament Commissioner for Human Rights to cease being one of the organisers of the Project and to remove information about the Commissioner’s participation from the Project website, while simultaneously outlining the Commissioner’s role in the “exchange” processes on the website.
7. ensure an independent monitoring procedure for the Project and other initiatives aimed at transferring and/or returning civilians, with regard to compliance with international humanitarian law and international human rights law, the voluntary and informed consent of such persons to the “exchange”, for example, with the participation of the UN Monitoring Mission in Ukraine;
8. continue to seek other ways to return Ukrainian civilians who are unlawfully held in the RF, which do not contradict the principles of international humanitarian law and do not legitimise their unlawful detention;
9. intensify the work of the International Platform for the Release of Civilians Illegally Detained by the Russian Federation;
10. ensure fair and impartial consideration of cases involving crimes against the foundations of national security and, given the scale of such crimes, to promote the creation of mechanisms for responding appropriately to and preventing such crimes.

