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Meeting: 1521st meeting (March 2025) (DH)

Communication from NGOs (Protection for Prisoners of Ukraine, Russland hinter Gittern e.V. and European Prison Litigation Network) (03/02/2025) in the case of Ukraine v. Russia (re Crimea) (Application No. 20958/14).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1521^e réunion (mars 2025) (DH)

Communication d'ONG (Protection for Prisoners of Ukraine, Russland hinter Gittern e.V. et European Prison Litigation Network) (03/02/2025) dans l'affaire Ukraine c. Russie (re Crimée) (requête n° 20958/14) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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In the case Ukraine v. Russia (*re Crimea*) - no. 20958/14

**FORCIBLE TRANSFER, DEPORTATION OF CIVILIAN PRISONERS FROM KHERSON AND
MYKOLAIV OBLASTS OF UKRAINE**

DGI

03 FEV. 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

COMMUNICATION

in accordance with Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of
judgments and the terms of friendly settlements

Submitted by:

Protection for Prisoners of Ukraine (“PPU”) is a Ukrainian human rights NGO founded by former prisoners that documents cases of ill-treatment of prisoners in Ukraine, provides legal assistance to torture victims and their families, and conducts monitoring visits to prisons. PPU also carries out remote monitoring of places of detention in the occupied territories of Ukraine and in Russia.

Russland hinter Gittern e.V. (“RHG” / “RBB”) is a German association founded in 2022 as a successor to the Russia Behind Bars Foundation (“Русь Сидящая”), which was designated as a foreign agent in Russia. Both organisations provide legal, social and humanitarian assistance to prisoners and ex-prisoners, organise and conduct public anti-war activities and initiatives in Germany, and support political prisoners and Ukrainian prisoners in Russia.

European Prison Litigation Network (“EPLN”) brings together 30 NGOs from 20 countries and promotes the rights of prisoners across the continent and works to reduce the use of imprisonment. EPLN has participatory status with the Council of Europe. EPLN has been working in Ukraine since 2017.

I. Introduction

(i) *Finding of a violation of Article 8 of the Convention by the Court in Ukraine v. Russia (re Crimea)*

1. In the case of *Ukraine v. Russia (re Crimea)* (no. 20958/14, 25 June 2024), the Court, after analysing the wide-spread practice of transfer of prisoners from Crimea to Russia, concluded that there had been an administrative practice contrary to Article 8 as regards the breach of the right to respect for the family life of Crimean prisoners stemming from their transfer from Crimea to penal facilities located on the territory of the Russian Federation (para. 1305 of the judgment).

(ii) *Scope of the present submission*

2. The submitting organisations presently concentrate on the Court's finding of a violation of Article 8 on account of unlawful transfer of the Crimean prisoners from Crimea to penal facilities located on the territory of the Russian Federation.
3. The submission is intended to inform the Committee of the situation of prisoners who had been serving their sentences in prisons in Kherson and Mykolaiv oblasts of Ukraine at the time of the occupation of the respective territories by the Russian forces in February 2022 and were deported to Russia in November 2022.
4. The submitting organisations believe that an overview of this situation is highly relevant in the context of *Ukraine v. Russia (re Crimea)* judgment, as it reveals the pattern of actions by the Russian authorities identical to those examined by the Court in relation to Crimea. The continued detention in Russia of the majority of the pre-conflict detainees concerned and the failure to take steps to organize their repatriation reflect the failure of the respondent Government to take general measures to comply with its obligations as highlighted in the *Ukraine v. Russia (re Crimea)* judgment.

(iii) *Objectives of the present submission*

5. The purpose of this communication is to:
 - favour accountability of the Russian Federation for the breaches of international human rights and humanitarian law on account of deportation and forcible transfer, as well as other serious violations committed, perpetrated against pre-conflict prisoners deported in November 2022 to the Russian territory or forcibly transferred to occupied Crimea;
 - encourage the Committee of Ministers to work towards the development and implementation of a concerted action by the Council of Europe, its Member States and international organisations concerned (including ICRC and UNHCR), aimed at facilitating the return of pre-conflict prisoners to the territories under the Ukrainian Government control. In the opinion of the submitting organisations, such action is crucial in view of the material and administrative difficulties encountered by released detainees, and given the lack of active steps in that direction on the part of the international organisations concerned. Such action would correspond to the message expressed by the Committee in its decision of 5 December 2024,¹ in which the Committee requested the Secretariat “to explore how better synergies can be

¹ CM/Del/Dec(2024)1514/A3, 5 December 2024, available at: <https://search.coe.int/cm?i=0900001680b296ac>

developed with [other relevant international organisations and bodies] to ensure that the Russian Federation complies with its obligation to fully abide by the judgments of the Court.” The proposed action would also resonate with Resolution 2573 (2024) of the Parliamentary Assembly, calling for greater involvement of the international stakeholders in the release and return of civilian captives held in Russia, in particular, through the establishment of a permanent mechanism to that end.²

II. Deportation and forcible transfer of Ukrainian prisoners after 24 February 2022

(i) The conclusions of international organisations regarding the facts in question

6. The UN and the OSCE mechanisms have established the reality of the deportation and forcible transfers having concluded that there had been a serious violation of international humanitarian law.
7. The situation of the forcible transfer of prisoners from Kherson was highlighted by OHCHR in June 2023 Report on detention of civilians in the context of the armed attack by the Russian Federation against Ukraine (para. 80),³ and in October 2023 Report on the human rights situation in Ukraine (paras. 95-97).⁴ Commenting on the forcible transfer of Kherson prisoners, OHCHR recalled (para. 97 of October 2023 Report) that IHL prohibits forcible transfers and deportations, and only permits evacuation in strict circumstances if the security of the population or imperative military reasons so demand. IHL also requires an occupying Power to return any evacuated persons back to their homes as soon as conditions permit [Article 49 of the Fourth Geneva Convention]. OHCHR further noted (para. 95 of October 2023 Report) the difficulties in terms of prisoners’ return to Ukraine from Russia after release, related to the lack of valid travel documents, as they fall under the category of people for whom the State Migration Service of Ukraine does not issue necessary certificates of return.
8. The OSCE Moscow Mechanism has noted “a large number of Ukrainian sentenced persons, all Ukrainian civilians, transferred to the Russian Federation, mainly in 2022, who have served their sentences.” The Mission learnt that some of them had been released only to be immediately re-detained based on alleged violations of Russian migration / administrative law since they would not have their immigration status regularized, and consequently placed in detention centres for illegal migrants. Many of them have thus found themselves with an impossible choice: to accept Russian citizenship, with the Russian authorities persistently offering, or to remain in immigration detention without a clear prospect as to how long that would last. The Mission concluded that such re-detention based on grounds that were entirely beyond the control of the concerned persons amount to arbitrary deprivation of liberty. Moreover, the practice of forceful imposition

² PACE, Resolution 2573 (2024), 2 October 2024, Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine, available at: <https://pace.coe.int/en/files/33890/html>.

³ OHCHR, Report on detention of civilians in the context of the armed attack by the Russian Federation against Ukraine, June 2023, available at: <https://www.ohchr.org/sites/default/files/2023-06/2023-06-27-Ukraine-thematic-report-detention-ENG.pdf>.

⁴ OHCHR, Report on the human rights situation in Ukraine, Oct 2023, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/23-10-04-OHCHR-36th-periodic-report-ukraine-en.pdf>.

of citizenship on victims of war through duress by conditioning liberty from detention on the condition of swearing allegiance to the hostile power through the acceptance of citizenship, violates the IHL.”⁵

(ii) *General overview of the transfer*

9. According to Ukrainian prison data obtained by the PPU, there were 3,101 prisoners in the facilities of the Zaporizhzhia, Donetsk and Mykolaiv oblasts of Ukraine which fell under occupation by the Russian armed forces in 2022. In November 2022, around 2,000 prisoners detained in the four penitentiary facilities and one remand prison in the Kherson and Mykolaiv oblasts were deported to Russia. In February-May 2022, all prisons of the Kherson oblast were occupied by the Russian forces.
10. For several months, beginning in March 2022, the Russian occupation forces were transferring between the colonies of the Kherson and Mykolaiv oblasts,⁶ (colonies nos. 5 (Snihurivka), 10 (Darivka), 90 (Northern correctional colony) Kherson pre-trial detention centre finally accumulating them in colony no. 7 (Hohol Prystan) in Stara Zburivka, located on the left bank of the Dnipro River, about 50 kilometres from Kherson.
11. On 9 November 2022, Russia announced a retreat from Kherson. In the mid-November 2022 first reports came from relatives of prisoners who had been serving their sentences in Kherson prisons that they had been transferred to penal facilities in Russia.⁷ A significant part of them were subjected to ill-treatment and torture in the remand prison in Simferopol (the occupied Crimea) and upon arrival to the Russian prisons.⁸
12. Most of the inmates were sent to penitentiary facilities in several Russian regions, including colonies in Krasnodar Region, Volgograd Region, Rostov Region, Mordoviya Republic, Vladimir Region, Saratov Region and Sverdlovsk Region.⁹ Ukrainian prisoners have been and continued to be held separately from Russian inmates. Prisoners were not, at any point, allowed to contact their families or other inmates. Some of them, reportedly, were formally allowed to send letters, but were unable to pay for the dispatch.¹⁰ Relatives, on the other hand, were in general unable to get confirmations about the transfer from the FSIN.¹¹ The purpose of the transfer remains unclear.

⁵ OSCE, Observations of the mission of experts established under the Moscow Mechanism. Report on Violations and abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity, related to the Arbitrary Deprivation of Liberty of Ukrainian Civilians by the Russian Federation, pp. 67-68, 19 April 2024, available at: <https://www.osce.org/files/f/documents/f/4/567367.pdf>.

⁶ Darivka colony no. 10, Snihurivka colony no. 5, Northern colony no. 90 and Kherson pre-trial detention centre

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⁸ The Times, “Russia moves Ukrainian Kherson prisoners to penal camps”, 30 November 2022, available at: <https://www.thetimes.co.uk/article/russia-moves-ukrainian-kherson-prisoners-to-penal-camps-kf2fw2svh>; Sirena, op.cit.. These public accounts were corroborated by prisoners’ testimonies collected by PPU and EPLN.

⁹ For the public accounts, see: Meduza, “Ukrainian prisoners, potentially numbering in the thousands, taken to Russia”, 29 November 2022, available at: <https://meduza.io/en/news/2022/11/30/ukrainian-prisoners-potentially-numbering-in-the-thousands-taken-to-russia>; Sirena, op. cit.. The destinations were confirmed by RBB and PPU directly with prisoners or their relatives. See also: Agentstvo, “What, you want to go to Europe? That’s it, Europe is over”: how Russia’s invasion changed life in a Ukrainian penal colony. A prisoner’s story), 16 February 2023, available at: <https://www.agents.media/koloniya-posle-vtorzheniya/>.

¹⁰ Agentstvo, human rights activists report Russia’s removal of 2,500 prisoners from Kherson Region, 28/11/22, available at: <https://www.agents.media/ukrainskie-pravozashchitniki-soobshchili-o-nbsp-vyvoze-rossiej-2500-zaklyuchennykh-iz-nbsp-hersonskoj-oblasti/>

¹¹ Sirena, Mama, they’re taking us somewhere, 29 November 2022, op.cit.

(iii) *Prisoners left in Kherson, Crimea, and Chonhar*

13. Some of the transferred prisoners were left in IK-2 Sevastopol (occupied Crimea), and about 130 prisoners were transferred to the southeast of the Kherson region, where they were used as labourers in the construction of a new remand prison in Chonhar,¹² with additional groups of prisoners joining them later.
14. Since mid-May 2023, around 250 Ukrainian were transferred to correctional colony no. 126 in Kerch (the occupied Crimea). The FSIN did not inform prisoners' relatives about the transfer and did not provide an opportunity for prisoners to contact their loved ones. Prisoners were ill-treated during the transfer and upon their arrival at colony no. 126 in Kerch.

(iv) *Attempts of the Russian authorities to “legalise” the transfer*

15. On 31 July 2023 the Russian authorities adopted a federal law (No. 395-FZ) which proclaimed a retrospective extension of the Russian criminal jurisdiction over the occupied and annexed Ukrainian regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia.¹³ Under Section 8, the new law provided that the Russian Federation acknowledges the legal force of all judicial decisions delivered in the annexed territories which entered into force before 30 September 2022, *including in the part concerning the execution of sentences*.
16. In that latter part, the newly adopted law echoes the similar legislative act adopted by Russian authorities in 2014, following the annexation of Crimea, which has also provided for the retroactive extension of the Russian criminal jurisdiction on the territory of Crimea, in respect of crimes committed there before 18 March 2014 (date of the illegal annexation).¹⁴
17. Shortly before the adoption of Federal Law No. 395-FZ, the Russian authorities began to “convert” the sentences of prisoners forcibly transferred from Kherson to Russian criminal law. The conversion proceedings were opened, and the relevant decisions were delivered, in particular, by the Russian “Kerch Town Court” – a district-level “tribunal” operating in the occupied Crimea. To date, the submitting organisations identified around 250 “conversion” cases against prisoners transferred from Kherson. In some cases, inmates were left in detention for considerable periods (several months or years) upon the conversion of their sentences. Prisoners who have more than one year of imprisonment left to serve after the conversion of their sentences, are being taken to one of the correctional colonies in the Saratov Region of Russia.

III. Situation of Ukrainian prisoners at the end of their sentences

18. The Ukrainian prisoners, with a few rare exceptions,¹⁵ are released at the expiry of the prison terms imposed by the Ukrainian courts (indicating that the Russian authorities took personal files in respect of each of the deported prisoners). To date, PPU along with the partner organisations has established the identity of more

¹² On this matter, see also CrimeaSOS, “The new pre-trial detention centre in Chongar village has been in operation for about a month now”, 8 June 2023, available at: <https://krymsos.com/ru/krymsos-nove-sizo-v-seli-chongar-praczyuye-vzhe-blyzko-misyaczya/>.

¹³ Federal Law of 31 July 2023 No. 395-FZ, available at: <http://publication.pravo.gov.ru/document/0001202307310011>.

¹⁴ Federal Law of 5 May 2014 No. 91-FZ

¹⁵ 18 prisoners were released from the prison tuberculosis hospital LIU-20 in the Rostov Region in 2023-2024 and returned directly to Ukraine.

than 800 (out of 2,000) deported Ukrainian prisoners, evacuating over 320 of them from Russia. The submitting organisations are aware of at least eight prisoners who died in detention (during transfer, in Russian correctional colonies, or during return).

19. As the OHCHR stated:

“People forcibly transferred within Russian-occupied territory or deported to the Russian Federation continued to face significant obstacles when trying to exercise their right to return. (...) Civilian prisoners deported (...), and who completed their sentences there, face significant obstacles to return to Ukraine, in particular due to the lack of valid travel documents. Although the State Migration Service of Ukraine can issue a certificate of return to citizens who were deported or forced to leave their place of residence, the provisions relating to this certificate of return explicitly exclude people whose freedom of movement is or was restricted, including in the Russian Federation”

(i) *Obligations Arising from international law*

20. As recalled by the OHCHR in the context of to the deportation of Kherson prisoners, IHL requires an occupying Power to return any evacuated persons back to their homes as soon as conditions permit [Article 49 of GC IV]. By virtue of Article 35 and Article 37 of GC IV prisoners should benefit from the unhindered opportunity to leave Russia.¹⁶ It is further incumbent on the Russian authorities to ensure that such departures “be carried out in satisfactory conditions as regards safety, hygiene, sanitation and food” (Article 36 of GCIV). This provision implies that the State of nationality has an obligation to cover the transportation expenses of its nationals once they have left the Detaining Power’s territory, unless another arrangement is made with the country of destination. This ensures that protected persons are not prevented from leaving due to financial constraints. The persons concerned are also victims of a series of serious crimes within the meaning of article 147 of GC IV. Accordingly, the EU Member States, Georgian and Ukrainian authorities must act to ensure that the detainees, as victims of war crimes, can exercise their right to have their cases heard by international criminal tribunals or through the option of universal jurisdiction.

21. Accordingly, the return of the Ukrainian prisoners, from the standpoint of IHL, ICL, human rights law, and taking into account the practical reality of the situation, the formal obstacles, and the material difficulties obstructing the return, require the active steps on the part of Ukraine and its allies and partners, international organisation and neutral states.

(ii) *The situation on the Russian territory*

22. The release of the prisoners in Russia takes place according to one of the two “scenarios”:

- **First scenario: placement in detention centres for migrants**

23. Firstly, a significant number of prisoners allocated to the colonies in the Krasnodar and Volgograd Regions, have been released upon the expiry of the terms of their sentences only to be immediately re-detained in the

¹⁶ Belligerents have the right to refuse protected persons permission to leave the territory if their departure is “contrary to the national interests of the State”, which is not invoked by the Russian authorities in the case of the group in question.

immigration detention centres in view of the alleged violations of the Russian migration law. There, the prisoners, most of whom suffer from tuberculosis and other diseases (and get no medical assistance as the centres do not have medical staff and medicaments), were faced with extremely limited access to health care, even in comparison to correctional facilities.¹⁷ In an effort to get a speedy release from immigration detention, prisoners are faced with a major dilemma: either to accept Russian citizenship, which the authorities persistently offer to most of the prisoners, or to continue to be held in detention, for months before being released and transferred to Georgia.¹⁸ Acceptance of Russian passports normally lead to release of Ukrainian prisoners from immigration detention. Since 31 July 2024, the Russian migration service (under the Ministry of Interior) discontinued the transfer of the Ukrainian prisoners to the Russian-Georgian border.

- **Second scenario: transfer to the occupied Crimea followed by release**

24. The second scenario relates to the situation where prisoners are sent to occupied Crimea for their sentences to be reclassified by the “Kerch City Court” in accordance with Federal Law No. 395-FZ. This procedure is known as “reclassification” or the conversion of decisions made by Ukrainian courts. Most prisoners are released shortly after the conversion, with rare exceptions mentioned above.

(iii) *Obstacles to leaving the Russian territory*

25. Most of the released prisoners – who do not wish to accept Russian citizenship and do not have Ukrainian IDs spend – months in the occupied Crimea or in Russia waiting for certificates confirming their identity, issued by the Russian migration service which would allow them to cross the border with Georgia. Additional obstacles stem from the fact that the deported prisoners had been put on the Ukrainian national and the Interpol search lists – with some of them listed as “missing”, whereas others are listed as “wanted” (specifically, as avoiding the execution of sentences), which prevents them from crossing any state border.

- **Closure of the Kolotilovka - Pokrovka humanitarian corridor**

26. Before August 2024 (the beginning of active hostilities in the Kursk Region of Russia) the released prisoners were able to return to Ukraine directly – through the Kolotilovka - Pokrovka border crossing. Since August 2024, it has been closed,¹⁹ leaving Georgia as the only possible way for prisoners to leave Russia.

- **Inability to enter the Schengen Area**

27. Ex-prisoners cannot leave Russia via Estonia, which has a border crossing that is still open. To the best of the submitting organisations’ knowledge, none of the prisoners who tried to cross the border of Russia with

¹⁷ The submitting organisations brought the issue to the CCPR in two individual communications (no.4233/2022 Andrei Artemev v. Russia and no. 4488/2023 Kolesnichenko v. Russia). In both cases the CCPR granted the authors’ requests for interim measures and indicated the Respondent Government to provide the complainants detained in the immigration detention centres with necessary medical aid.

¹⁸ This practice appears to be a part of the general “policy of mass conferral of Russian citizenship to residents of occupied parts of Kherson, Zaporizhzhia, Donetsk, and Luhansk regions”, running contrary to the relevant prohibitions of IHL (see OHCHR, Report on the human rights situation in Ukraine, Oct 2023, § 103, available at:

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/23-10-04-OHCHR-36th-periodic-report-ukraine-en.pdf>).

¹⁹ BBC, “Between Russian Kolotilovka and Ukrainian Pokrovka: collapse at the border crossing”, 12 October 2023, available at: <https://www.bbc.com/russian/articles/cv2l07qrd05o>.

Schengen Area states were allowed to do so.²⁰ The submitting organisations were unable to verify the information provided at the border, namely that the entire list of deported Ukrainian prisoners was entered into the Schengen Information System, effectively precluding them from returning to Ukraine through the territory of Schengen states.

- **Failure of the Ukrainian authorities and the relevant international mechanisms to act**

28. Many of the difficulties faced by pre-conflict prisoners deported to Russia stem from their inability to prove their identity and obtain travel documents. Numerous approaches have been made by the submitting organizations to the Ukrainian authorities, as well as meetings held within the relevant coordination bodies. However, the issue does not present any major technical difficulties. Similarly, lifting the restriction on crossing the borders of the Schengen area would enable the individuals concerned to leave Russian territory.
29. The submitting organisations have raised this issue on several occasions with the ICRC²¹ and the UNHCR at various levels, requesting the implementation of an operational solution allowing the detainees to obtain temporary travel documents, but to no avail. UNCHR has stated that it has been in contact with IOM,²² the ICRC, and the Ukrainian authorities, but there have been no developments.

- **Situation on the Georgian border**

30. Upon arriving to Larsi, the crossing point on the Russian-Georgian border, prisoners spend from several days to a month and a half waiting for the border control to decide on their entry. During this time, they are being held in a basement dormitory, with limited access to water, insufficient fresh air, lack of proper food, toilets and showers, and no medical care.²³ The crossing of Russian-Georgian border by Ukrainian prisoners, as well as their subsequent return to Ukraine from Georgia, are significantly obstructed by their lack of valid travel IDs. As noted by the OHCHR, although the State Migration Service of Ukraine can issue a certificate of return to citizens who were deported or forced to leave their place of residence, the provisions relating to this certificate of return explicitly exclude people whose freedom of movement is or was restricted, including in the Russian Federation.²⁴

- **Situation in Georgia**

31. After crossing the Russian-Georgian border, prisoners often spend months in Georgia waiting for their repatriation documents to be issued. Partners pay for their accommodation, while PPU provides them with

²⁰ Delfi, “Russia deports 14 Ukrainian prisoners, Latvia does not let them in”, 1 February 2023, available at: <https://rus.delfi.lv/news/daily/criminal/rossiya-deportirovala-14-ukrainskih-zaklyuchennyh-latviya-ih-ne-vpustila.d?id=55180738>

²¹ Article 4 The role of the ICRC shall be in particular: (d) to endeavour at all times (...) to ensure the protection of and assistance to military and civilian victims of [international conflicts...] and of their direct results”;

²² According to Article 1 of the IOM Constitution, “The purposes and functions of the Organization shall be: (...) to make arrangements for the organized transfer of migrants, for whom existing facilities are inadequate or who would not otherwise be able to move without special assistance, to countries offering opportunities for orderly migration; to concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them”

²³ See, Meduza, “‘Apparently, we’re a threat to the Georgian people’ A migration policy gap leaves deported Ukrainians in limbo at the Russia–Georgia border”, 15 Sept 2023: <https://meduza.io/en/feature/2023/09/16/apparently-we-re-a-threat-to-the-georgian-people>

²⁴ OHCHR, Report on the human rights situation in Ukraine, October 2023, op. cit. para. 95

plane and bus tickets to return to Ukraine via Moldova, and provide them with the necessary humanitarian aid and legal assistance upon their return to Ukraine.

III. Conclusion and recommendation

32. In November 2022, about 2,000 convicted Ukrainian prisoners serving sentences in Kherson and Mykolaiv oblasts of Ukraine were deported to the occupied Crimea and from there to Russia. The deported Ukrainian prisoners are victims of international crimes committed by Russian forces. In addition to deportation, their testimonies reveal patterns of torture, sexual violence, forced labour, and other serious human rights violations and breaches of Geneva Conventions. In accordance with international humanitarian law, they should receive the utmost assistance from state authorities.
33. Their status as victims of war crimes is clearly neglected by the international community. Administrative obstacles considerably complicate their return and expose them to secondary victimisation. These obstacles could be removed without great difficulty.
34. In material terms, the return of prisoners is left entirely to civil society. The competent international organisations do not implement any programmes aimed at the return and support of the deported prisoners. The material costs of the persons concerned during their repatriation to Ukraine are borne by the submitting organisations. They have exhausted their funds and are no longer able to continue this mission. International organisations with a mandate to ensure the protection of persons who are victims of conflict should carry out their duties with regard to pre-conflict prisoners who are victims of serious crimes within the meaning of the Fourth Geneva Convention.
35. The Parliamentary Assembly emphasised in Resolution 2573 (2024),²⁵ the importance of keeping the issue of prisoners of war and civilian captives held in Russia or in the temporarily occupied territories of Ukraine, high on the agenda of all member states. The PACE has noted that the international community had not given enough attention to the topic of Ukrainian prisoners of war and civilian captives, despite the massive violations of IHL and international human rights law involved. The Assembly called on the CoE member and observer States “*to spare no efforts to ensure the release of all Ukrainian prisoners of war and civilians from Russian captivity and accountability for those responsible for any crimes and violations of international humanitarian law and international human rights law committed against these persons.*” The Assembly further noted the necessity of a dedicated programme, with sufficient funding allocated and that the CoE and its member States could play an important role in providing both expertise and financial support to such an initiative. Finally, the PACE acknowledged the role of the CSOs in this area, and recommended that co-operation be increased with them, including providing them with financial support and promoting advocacy efforts aimed at maintaining international attention on this issue.
36. In view of the overarching goal of the Convention machinery to prevent the repetition of the similar violations in future and to mitigate the negative impact of the human rights violations on the victims, the submitting

²⁵ Parliamentary Assembly, Resolution 2573 (2024), Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine, <https://pace.coe.int/en/files/33890/html>.

organisations further respectfully recommend the Committee to encourage the Council of Europe Member States, taking into account the status of the transferred prisoners as victims of war crimes, to ensure, to the extent possible, their unhindered return from Russia, including by issuing them with the necessary identification documents and allowing them to cross the respective borders.

- 37. In particular, the Committee of Ministers should request the Secretariat to explore possible synergies with the European Union, the relevant UN agencies, the authorities of member States and the ICRC, in order to establish a mechanism to facilitate:**
- (i) the return from Ukraine of pre-conflict prisoners, or at least, their departure from Russian territory;**
 - (ii) the establishment of durable reception solutions; and**
 - (iii) effective access to and participation in criminal proceedings aimed at identifying and prosecuting the perpetrators of the crimes they have suffered.**
- 38. The Committee should invite the Secretariat to explore the actions that could be taken with the other stakeholders and that appear to be the most likely to bring the Russian Federation into compliance with its obligation to fully abide by the judgments of the Court with regard to prisoners forcibly transferred or deported to Russia.**

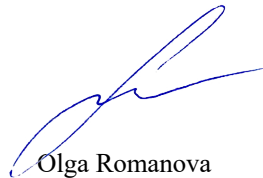
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