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In the case of *Ukraine and the Netherlands v. Russia* [GC]

(applications nos. 8019/16, 43800/14, 28525/20 and 11055/22), 9 July 2025

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

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”) 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 prisoners' rights across the continent, and works to reduce imprisonment. EPLN has participatory status with the Council of Europe. EPLN has been working in Ukraine since 2017.

I. Introduction

(a) *Finding of a violation of Article 8 of the Convention by the Court*

1. In the case of *Ukraine and the Netherlands v. Russia*¹, the Court emphasised that forcible transfers, as well as deportations of civilians from the occupied territory of Ukraine to the territory of the occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive, under Article 49 the Fourth Geneva Convention (“GC IV”). Article 76 GC IV also prohibits the transfer of detainees, as civilians accused of offences are to be detained in the occupied country, and if convicted, they are to serve their sentences there. A transfer of population contrary to these provisions amounts to a “grave breach” of Article 147 GC IV. The Court considered that there was no legal basis for the transfer of detainees from Ukraine to Russia under IHL and that it was not “in accordance with the law” within the meaning of Article 8 of the Convention.²

(b) *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 the unlawful transfer of detainees from the occupied territory of Ukraine to detention facilities on the territory of the Russian Federation. 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.
3. An overview of this situation reveals the pattern of actions by the Russian authorities constituting a continuation of the violations found by the Court. The continued detention of the pre-conflict detainees and the lack of steps to repatriate them reflect the failure of the respondent Government to comply with its obligation to “release [without delay] or safely return all persons ... deprived of their liberty on Ukrainian territory under occupation by the Russian and Russian-controlled forces in breach of Article 5 ... and who are still in the custody of the Russian authorities.”³

(c) *Objectives of the present submission*

4. The purpose of this communication is to:
 - favour accountability of the Russian Federation for the breaches of IHRL and IHL on account of deportation and forcible transfer, as well as other serious violations perpetrated against pre-conflict prisoners deported in November 2022 to Russia or forcibly transferred to occupied Crimea;

¹ *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16, 43800/14, 28525/20 and 11055/22, 9 July 2025.

² Paras. 1161-63, 1177 of the judgment.

³ Para. 1644 of the judgment.

- encourage the Committee of Ministers to work towards developing and implementing a coordinated approach by the Council of Europe, its member states, and relevant international organisations (including the ICRC and the UNHCR) to facilitate the return of pre-conflict prisoners to territories under 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 2024,⁴ in which the Committee requested the Secretariat “to explore how better synergies can be developed with [other relevant international organisations and bodies] to ensure that [Russia] 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 PACE, 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.⁵

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

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

5. The situation of the forcible transfer of prisoners from Kherson was highlighted by OHCHR in the Reports on the human rights situation in Ukraine issued in June 2023⁶ and in October 2023.⁷ OHCHR recalled 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 to their homes as soon as conditions permit [Article 49 of GC IV]. OHCHR further noted the difficulties in terms of prisoners’ return to Ukraine from Russia after release.
6. On 28 April 2025, the UN Working Group on Arbitrary Detention rendered two opinions – nos. 34/2025 and 35/2025⁸ concerning nine individuals – former Ukrainian prisoners deported to Russia. It concluded that the detention of the victims lacked a legal basis and was discriminatory. The Working Group emphasised that the victims were detained incommunicado, that their transfer to

⁴ CM/Del/Dec(2024)1514/A3, 5 December 2024, available at: <https://search.coe.int/cm?i=0900001680b296ac>

⁵ 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>.

⁶ OHCHR, Report on detention of civilians in the context of the armed attack by the Russian Federation against Ukraine, para. 80, June 2023, available at: <https://www.ohchr.org/sites/default/files/2023-06/2023-06-27-Ukraine-thematic-report-detention-ENG.pdf>.

⁷ OHCHR, Report on the human rights situation in Ukraine, paras. 95-97, Oct 2023, available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/23-10-04-OHCHR-36th-periodic-report-ukraine-en.pdf>.

⁸ A/HRC/WGAD/2025/35 and A/HRC/WGAD/2025/34, available at: <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention/opinions-adopted-working-group-arbitrary-detention/opinions-adopted-working-group-arbitrary-detention-its-102nd-session>.

Russia ran contrary to IHL and IHRL and had a deleterious impact on their rights, that their sentences were converted under Russian law in breach of the principle of non-retroactivity, and that their detention was discriminatory, based on their nationality. The Working Group called for the immediate release of the individuals still in detention, requested that Russia ensure an enforceable right to compensation for all victims, urged Russia to conduct a full and independent investigation into the victims' detention and to take appropriate measures against those responsible. The WGAD further noted that some of the victims were subjected to inhuman and degrading treatment, as well as forced labour. The Working Group expressed its very serious concern for the physical and psychological well-being of the victims. The cases remain under the WGAD's supervision.

7. 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." It noted that some of the detainees had been released only to be immediately re-detained based on alleged violations of Russian migration law since they would not have their immigration status regularised, 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. Such re-detention based on grounds that were beyond the control of the concerned persons amounts to arbitrary deprivation of liberty."⁹

(b) General overview of the transfer

8. In February-May 2022, all prisons of the Kherson oblast of Ukraine were occupied by the Russian forces. Starting from March 2022, the Russian occupation forces were transferring prisoners between the colonies of the Kherson and Mykolaiv oblasts¹⁰ (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.
9. On 9 November 2022, Russia announced a retreat from Kherson. In 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. Many of them were subjected to ill-

⁹ 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>.

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

treatment and torture in the remand prison in Simferopol (the occupied Crimea) and upon arrival to the Russian prisons.¹¹ In total, Russian forces deported around 1,800 prisoners to Russia.

10. Most of the inmates were sent to penitentiary facilities in Russia, including colonies in Krasnodar, Volgograd, Rostov, Vladimir, Saratov, and Sverdlovsk Regions, as well as in the Mordovia Republic.¹² Ukrainian prisoners have been and continue to be held separately from Russian inmates. Prisoners were not 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.¹³ Relatives, on the other hand, were in general unable to get confirmations about the transfer from the FSIN.¹⁴ The purpose of the transfer remains unclear.
11. 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,¹⁵ with additional groups of prisoners joining them later.
12. Since mid-May 2023, around 250 Ukrainian prisoners have been 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.

(c) Attempts of the Russian authorities to "legalise" the transfer

13. 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.¹⁶ Under Section 8, the new law provided that the Russian Federation acknowledges the legal force of all judicial decisions delivered

¹¹ 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.

¹² 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>; 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/>.

¹³ 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-soobshhili-o-nbsp-vyvoze-rossiej-2500-zaklyuchennyh-iz-nbsp-hersonskoj-oblasti/>

¹⁴ Sirena, Mama, they're taking us somewhere, 29 November 2022, op.cit.

¹⁵ 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-praczuuye-vzhe-blyzko-misyaczya/>.

¹⁶ Federal Law of 31 July 2023 No. 395-FZ, available at: <http://publication.pravo.gov.ru/document/0001202307310011>.

in the annexed territories which entered into force before 30 September 2022, *including in the part concerning the execution of sentences*.¹⁷

14. Shortly before the adoption of Federal Law No. 395-FZ, the Russian authorities began to “convert” the sentences of prisoners forcibly transferred from Kherson under Russian criminal law. The relevant conversion 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 have identified around 250 “conversion” cases against prisoners transferred from Kherson. In many 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

(a) The situation of deported prisoners on the Russian territory

15. The Ukrainian prisoners, with a few rare exceptions,¹⁸ are released at the expiry of the prison terms imposed by the Ukrainian courts. The submitting organisations are aware of at least eight prisoners who died in detention (during transfer, in Russian colonies, or during return). To date, PPU, along with the partner organisations, has established the identity of almost every deported prisoner and the correctional colonies in Russia where they have been taken, evacuating around 500 of them from Russia. The release of the prisoners in Russia takes place according to one of the two scenarios.
16. First, 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 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 medications), were faced with extremely limited access to health care, even in comparison to correctional facilities.¹⁹ In an effort to get a release from immigration detention, prisoners are faced with a major dilemma: either accept Russian citizenship, which the authorities persistently offer to most of the prisoners, or continue to

¹⁷ 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) (Federal Law of 5 May 2014 No. 91-FZ).

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

¹⁹ 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.

be held in detention indefinitely.²⁰ Acceptance of Russian passports normally leads to the release of Ukrainian prisoners from immigration detention. Since 31 July 2024, the Russian migration service (under the Ministry of Interior) has discontinued the transfer of the Ukrainian prisoners to the Russian-Georgian border. Currently, there are at least 30 persons – Ukrainian prisoners deported from Kherson, detained in the Russian immigration detention centres. Around 560 deported prisoners from Kherson are still detained in Russian prisons.

17. Secondly, other prisoners are transferred to occupied Crimea for their sentences to be reclassified by the “Kerch Town Court” under the Russian criminal law, in accordance with Federal Law No. 395-FZ. Many prisoners are released shortly after the conversion; others are sent to Russian penal colonies to serve the remainder of their sentences, now under Russian law.

(b) Obstacles to leaving the Russian territory

18. The Grand Chamber, under Article 46 of the Convention, held that the Russian Federation “must without delay release or safely return all persons who were deprived of their liberty on Ukrainian territory under occupation by the Russian and Russian-controlled forces in breach of Article 5 of the Convention before 16 September 2022 and who are still in the custody of the Russian authorities” (§1644). The submitting organisations therefore consider it necessary to address the situation of deported prisoners after their release and the challenges they face when seeking to return home.
19. While the current situation is undoubtedly Russia’s responsibility, it is important to acknowledge the challenges faced by those affected by Russian authorities in leaving the Russian Federation. Since August 2024, there has been no humanitarian corridor between Russia and Ukraine, and those affected encounter obstacles in accessing the territories of Council of Europe member states that border Russia.
20. Reopening a humanitarian corridor providing direct access to Ukrainian territory would remove many of the logistical and administrative obstacles. In July 2025, the Ukrainian Minister of Foreign Affairs issued an appeal to this effect in the context of the humanitarian crisis at the Larsi-Dariali border crossing.²¹ However, given the lack of progress in this regard, it is crucial that the relevant

²⁰ 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>).

²¹ On 19 July 2025, the President of Ukraine, Volodymyr Zelenskyy, publicly addressed the issue. He stated that Ukrainian diplomatic services were working to arrange the former convicts’ transit back to Ukraine. On the same day, Minister of Foreign Affairs Andrii Sybiha further stated that, since early June, the Russian Federation had intensified the deportation of Ukrainian citizens – primarily former detainees – to Georgian territory. In this context, he publicly proposed that Russia transfer such categories of Ukrainian nationals directly to the Ukrainian border, indicating that specific border sections could be used for this purpose.

member states coordinate their efforts to remove the obstacles faced by individuals seeking to leave Russian territory.

21. The submitting organisations are fully aware of the major challenges currently facing Ukraine, including the large number of victims of war crimes who require support. Nevertheless, the submitting organisations must note that the governments are better placed to mobilise assistance from competent humanitarian organisations – organisations with which the submitting organisations have previously attempted, without success, to collaborate on this issue. Despite having extremely limited human and financial resources, our organisations currently bear the bulk of the logistical and humanitarian efforts associated with these repatriations. Furthermore, the war crimes investigations conducted by the Office of the Prosecutor General of Ukraine, with which our organisations cooperate closely, have gained momentum following the opening of proceedings for crimes against humanity on the grounds of deportation and the forced displacement of the population on 11 September 2025. The proper conduct of these investigations requires that the victims be heard. This should prompt better consideration of the needs of the victims of these crimes.
22. The submitting organisations believe, that the failure of the key responsible actor – Russian Federation – to fulfil its obligations, makes coordinated action by CoE member states and relevant international organisations all the more necessary to ensure the safe and secure return of prisoners to Ukraine.
 - **Closure of the Kolotilovka - Pokrovka humanitarian corridor**
23. 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,²² leaving Georgia as the only possible way for prisoners to leave Russia.
 - **Inability to enter the Schengen Area**
24. 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 Schengen Area were allowed to do so, in view of them being placed on the Schengen Information System (the SIS) list, effectively precluding them from returning to Ukraine through the Schengen Area.²³ Lifting the restriction on crossing the Schengen border would open another way for the Ukrainian detainees to leave Russian territory.

²² BBC, "Between Russian Kolotilovka and Ukrainian Pokrovka: collapse at the border crossing", 12 October 2023, available at: <https://www.bbc.com/russian/articles/cv2107qrd05o>.

²³ As established in a case before the ECtHR, the Ukrainian National Police sent, on 20 and 31 March 2023, to the national contact points of the EU Member States, as well as to the European Police Office (Europol), "lists of 3,738 persons who were

- **Lack of travel documents**

25. Many of the difficulties faced by pre-conflict prisoners deported to Russia stem from their inability to prove their identity and obtain travel documents. The submitting organisations have communicated the situation to the Ukrainian authorities and the international stakeholders²⁴ on numerous occasions and held meetings within the relevant coordination bodies. However, no sustainable solution was developed – each time, the crossing of the border by the returning prisoners has to be decided on a case-by-case basis. The submitting organisations believe that this obstacle to the return of Ukrainian prisoners can be overcome through limited, coordinated action by state authorities and international organisations.

- **Situation at the Georgian border**

26. Until the summer of 2025, the main obstacle faced by former Ukrainian prisoners attempting to leave Russia and return to Ukraine lay in the difficulties of obtaining valid identity or travel documents. Upon arriving at Larsi, the crossing point on the Russian-Georgian border, prisoners spend from several days to several months waiting for the Ukrainian consulate to confirm their identity and for the Russian border authorities to authorise their departure. During this time, they are being held in a basement dormitory, unsuited for detention, in inadequate conditions (in particular, in view of the insufficient fresh air, inadequate food, lack of toilets and showers, and the absence of medical care.²⁵

27. Once admitted onto Georgian territory, they often had to wait for extended periods for their repatriation documents to be issued. Their living expenses in Georgia are covered by partners, while

in penitentiary institutions in the Ukrainian territories temporarily occupied by Russia.” This information was sent “with the aim of locating these individuals and alerting the law enforcement agencies of the countries concerned to the risk that these individuals could fall under the influence of the Russian special services and subsequently carry out subversive activities in Europe under the supervision of the law enforcement agencies of the aggressor country.”

²⁴ The submitting organisations have raised this issue on several occasions with the ICRC 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, the ICRC, and the Ukrainian authorities, but there have been no developments. The situation falls within the mandate of the two organisations. According to Article 4(1)(d) of the Statutes of the ICRC, its “shall be in particular ... to endeavour at all times ... to ensure the protection of and assistance to military and civilian victims of [armed conflicts] and of their direct results”. 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”.

²⁵ Basement premises have no windows, and persons held there suffer from the lack of fresh air, proper food, medical care, and communication with the outside world and have limited access to water, hygiene products, toilets and showers; they have no outdoor exercise and are not provided with clean clothes and bed linen. 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>.

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

- **The humanitarian crisis of summer 2025**

28. Group transfers of individuals from Russian immigration detention centres resumed on 11 June 2025, after being suspended for almost a year. Between 11 June and 2 July, approximately 75 individuals arrived at the Dariali (Larsi) checkpoint from Russia, including 55 individuals who arrived after 1 July. At this time, the Moldovan authorities restricted entry, effectively discontinuing the transfer of returning prisoners via their territory. In June 2025, the Georgian authorities adopted a stricter stance towards former prisoners, authorising their entry only for escorted transfer to the airport for flights to Chişinău, and ensuring that Moldovan counterparts were notified in advance.
29. On 1 July 2025, four former prisoners were scheduled to fly to Chişinău. The Georgian authorities, who were preparing to escort them, were informed that Moldova had refused them entry, so the group remained detained in Lars/Dariali. Transits through Moldova had occurred without incident until then – PPU alone had facilitated the passage of over 170 individuals. On 20 July, the Georgian Ministry of Internal Affairs explained its decision not to admit individuals arriving from Russia with invalid documents. The ministry invoked state security concerns relating to the individuals' criminal records and imprisonment in eastern Ukraine. The ministry stated that Georgia had proposed several evacuation mechanisms (air and sea).

- **Repatriation of prisoners on 21 and 22 August 2025**

30. In the context of proceedings before the European Court under Rule 39, on 21 August, a repatriation of 65 persons stranded at the Russian-Georgian border – including six former prisoners deported from Kherson in 2022 – was organised by Ukraine in coordination with Georgia and Moldova. Upon arrival in Ukraine, 40 repatriated ex-prisoners were immediately mobilised into the armed forces, 4 were incarcerated to serve the remainder of their sentences, and 11 were released as they did not meet the mobilisation criteria.²⁶

- **Current situation in the Dariali buffer zone**

31. Former Ukrainian prisoners, including deportees from Kherson and those who served Russian sentences, are being held in a windowless basement with no ventilation, showers, food or medical care. They depend entirely on humanitarian aid for food and medical supplies. Until mid-July, this was provided solely by Volunteers Tbilisi (VT) and PPU. Since then, the Georgian Red Cross has been delivering food in small quantities every two weeks. VT deliveries remain irregular. There is

²⁶ The four incarcerated persons were not brought before a judge. Ukrainian law does not define how such “remainders” are calculated, resulting in divergent regional practice.

no shower; detainees wash with a bucket and basin. The lack of ventilation, overcrowding and the presence of detainees with respiratory diseases, including former Penitentiary Hospital No. 7 patients from Kherson with tuberculosis, pose a serious public health risk. As of October 2025, 26 men remain detained (22 of whom refused evacuation and four of whom arrived later).

(c) Obligations stemming from International Law

32. The return of Ukrainian prisoners requires active steps on the part of Ukraine and its allies and partners, international organisations and neutral states, taking into account the reality of the situation and the formal and material difficulties obstructing the return, as well as the requirements stemming from IHL, ICL and IHRL. As recalled by the OHCHR, IHL requires an occupying Power to return any evacuated persons to their homes as soon as conditions permit [Article 49 of GC IV]. By virtue of Articles 35 and 37 of GC IV, prisoners should benefit from the unhindered opportunity to leave Russia.²⁷ 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 GC IV). 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 serious crimes within the meaning of Article 147 of GC IV. Accordingly, the EU Member States, Georgian and Ukrainian authorities must 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.

III. Conclusion and recommendation

33. Approximately 1,800 convicted Ukrainian prisoners deported in November 2022 from Kherson and Mykolaiv oblasts of Ukraine to occupied Crimea and Russia are victims of war crimes and must be treated as such. Under international humanitarian law, they should be able to benefit from the utmost assistance from state authorities. We must note, that at present their status as victims of war crimes has been overlooked by the international community. Administrative obstacles that could be overcome with minimal effort from stakeholders, are complicating their return and exposing them to secondary victimisation.
34. The practical aspects of prisoners’ return are largely the responsibility of civil society. Currently, there are no dedicated international programmes aimed at the return and support of deported prisoners. The organisations that covered the repatriation expenses of deported prisoners to Ukraine

²⁷ 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.

have depleted their resources and are no longer able to support them. Without the active involvement of international organisations mandated to protect conflict-related victims, the situation of pre-conflict prisoners deported to Russia who have become victims of serious crimes under the Fourth Geneva Convention would not receive an effective resolution.

35. The Parliamentary Assembly emphasised in Resolution 2573 (2024),²⁸ 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 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 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 submitting organisations ask the Committee of Ministers to request that the Secretariat use all appropriate means of influence and diplomatic engagement with the relevant actors to secure the re-establishment of a humanitarian corridor between the territory of the Russian Federation and Ukraine, accessible to the persons concerned, and, in any event, to explore possible synergies with the European Union, the relevant UN agencies, the Member States and the ICRC, to establish a mechanism to facilitate:**
 - (i) **the return of pre-conflict prisoners to Ukraine, or at least, their departure from Russian territory;**

²⁸ 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>.

(ii) the establishment of sustainable 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. We respectfully recommend that the Committee invite the Secretariat to consider actions that could be taken with other stakeholders and that are most likely to make the Russian Federation comply with its obligations stemming from the judgments of the Court concerning prisoners forcibly transferred or deported to Russia.

Respectfully submitted,



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