



Doc. 16206
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Support for political negotiations to enforce exchange and release of prisoners of war

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Ms Rian VOGELS, Netherlands, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

1. The Committee on Legal Affairs and Human Rights welcomes the report prepared by Ms Yelyzaveta Yasko (Ukraine, EPP/CD) for the Committee on Political Affairs and Democracy and supports the draft resolution.
2. The report provides a meticulous overview of the Russian Federation's persistent failure to comply with fundamental obligations under international humanitarian law, in particular those stemming from the Third Geneva Convention relative to the Treatment of Prisoners of War. It offers a detailed, evidence-based documentation of systematic violations, including torture, summary executions, and denial of medical care to Ukrainian prisoners of war, which not only underscores the gravity of the abuses but also strengthens the case for urgent international action. The report acknowledges the importance of holding Russian perpetrators of war crimes and crimes against humanity to account, and urges States to support this cause by co-operating with the International Criminal Court, and by exercising universal jurisdiction to prosecute war crimes and other international crimes.
3. In this context, the committee refers to [Resolution 2598 \(2025\)](#) "Russian war of aggression against Ukraine: the need to ensure accountability and avoid impunity" and the Parliamentary Assembly's continued support for the work carried out by prosecuting authorities and courts of member States in investigating crimes committed in Ukraine on the basis of the principle of universal jurisdiction, such as the recent conviction of a Russian citizen by a court in Finland for war crimes in Ukraine.
4. The Committee shares the concerns expressed in the report and supports efforts aimed at increasing pressure on the Russian Federation to ensure humane treatment of Ukrainian prisoners of war, in accordance with binding principles of international humanitarian law, and their release. It also notes that its recently adopted report on "Legal and human rights aspects of the Russian Federation's aggression against Ukraine" (Doc. 16193, rapporteur: Mr Eerik-Niiles Kross, Estonia, ALDE) urges the Russian Federation to ensure compliance with its obligations under international law, and immediately cease the practice of systematic use of torture against prisoners of war, to provide complete information concerning prisoners of war, and to ensure the immediate, safe and unimpeded access for the International Committee of the Red Cross (ICRC) to all places of detention where prisoners of war are being held.
5. The committee proposes to strengthen the draft resolution by adapting certain paragraphs, to align it with the observations of international bodies monitoring the violations of international humanitarian and human rights law, as well as war crimes and crimes against humanity, stemming from the ongoing war of aggression waged by the Russian Federation against Ukraine.

1. Reference to committee: [Doc. 16021](#), Reference 4823 of 28 June 2024. Reporting committee: Committee on Political Affairs and Democracy. See [Doc. 16197](#). Opinion approved by the committee on 23 June 2025.



B. Proposed amendments

Amendment A (to the draft resolution)

In paragraph 4, first sentence, replace the words “The Russian Federation has also failed to fulfil its obligation to establish an official Information Bureau for prisoners of war which are in its power (Article 122 of the Third Geneva Convention)” with the following words:

“The Russian Federation has also failed to establish an efficient, functional and transparent official Information Bureau for prisoners of war which are in its power (Article 122 of the Third Geneva Convention)”

Amendment B (to the draft resolution)

Replace paragraph 12.8, with the following paragraph:

“ensure that an efficient, functional and transparent official Information Bureau is established, with a mandate to cater for both prisoners of war and civilian detainees who are in its power.”

Amendment C (to the draft resolution)

In paragraph 10, first sentence, replace the words “on the basis of the obligations arising from” with the following words:

“while having regard to”

C. Explanatory memorandum by Ms Rian Vogels, rapporteur for opinion

1. Introduction

1. I would like to congratulate Ms Yelizaveta Yasko (Ukraine, EPP/CD) for her report, which addresses a very topical issue and raises awareness of the dramatic situation of Ukrainian prisoners of war held in Russian captivity. I agree that the well-documented instances of summary executions, widespread and systematic torture, and the ill-treatment that Ukrainian prisoners of war are routinely subjected to, require an urgent international response.

2. Despite the political focus of Ms Yasko’s report, I appreciate its accurate references to the applicable norms of international humanitarian law, in particular those contained in the Third Geneva Convention relative to the Treatment of Prisoners of War. The ICRC is mandated under the Third Geneva Convention to have access to prisoners of war and to monitor their treatment. Despite its unquestionable mandate, Russian authorities have systematically denied the ICRC and other international monitors access to Ukrainian prisoners of war in at least 186 confirmed detention sites across Russia. According to the Ukrainian Defence Intelligence Directorate, this blockade is reinforced by the creation of fake humanitarian organisations in Russia that impersonate the ICRC, further obstructing legitimate oversight and facilitating the concealment of conditions in which Ukrainian prisoners of war are held.² Having regard to the above, I fully support the conclusions of Ms Yasko’s report and her accurate recommendations.

3. I also appreciate the rapporteur’s reference, in the explanatory memorandum, to the work of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, which has already opened several categories of claims directly applicable to prisoners of war. Although the focus of the report is on the release of prisoners of war, I find it vital to also consider their support after their return to Ukraine, particularly within the framework of holding the Russian Federation accountable for their suffering.

4. My proposed amendments to the draft resolution are intended to strengthen it and ensure its accuracy. Pursuant to Article 122 of the Third Geneva Convention, upon the outbreak of a conflict and in all cases of occupation, each belligerent party “shall instate an official Information Bureau for prisoners of war who are in its power”. Although this provision does not regulate the nature, composition and working methods of the national information bureau, it stipulates that the bureau should have the necessary capacity to carry out its

2. <https://gur.gov.ua/en/content/na-rosii-stvoryly-feikovyi-orhanizatsii-shchob-pidminyty-mkchkh;> [https://united24media.com/latest-news/russia-uses-fake-red-cross-fronts-to-block-access-to-ukrainian-pows-ukrainian-intelligence-reports-8709.](https://united24media.com/latest-news/russia-uses-fake-red-cross-fronts-to-block-access-to-ukrainian-pows-ukrainian-intelligence-reports-8709)

humanitarian tasks efficiently.³ The amendments seek to clarify that, while the Russian Federation formally established a national information bureau, it operates ineffectively and reinforces the national policy of holding the Ukrainian prisoners of war *de facto* incommunicado.

2. Explanatory notes

2.1. Amendment A (to the draft resolution)

5. This amendment intends to further increase the accuracy of the report and acknowledge that the Russian Federation did formally establish a national information bureau, although its operation appears to be focused on ensuring only the appearance of compliance with the Third Geneva Convention. There are no publicly available details regarding the operation of the Russian National Information Bureau (RNIB) and there are reports alleging that the Russian authorities are deliberately instrumentalising the procedure for the transmission of information to increase the suffering of relatives of Ukrainian prisoners of war.⁴ By contrast, Ukraine established its National Information Bureau of Ukraine for Prisoners of War, Forcibly Deported and Missing Persons in March 2022.⁵ According to the observations of the mission of experts established under the Moscow Mechanism of the Organization for Security and Co-operation in Europe (OSCE),⁶ the Russian Federation stated in August 2022 that it had established a national information bureau in line with the Third Geneva Convention in February 2022. This information was also included in a press release of the ICRC, published in February 2024.⁷ There is no publicly available information on its operation and most Ukrainian prisoners of war are held incommunicado. For the sake of accuracy, I propose an amendment better reflecting this state of affairs.

2.2. Amendment B (to the draft resolution)

6. The amendment is a logical consequence of Amendment A. It also refers to civilian detainees, whose treatment is governed by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The OSCE Moscow Mechanism report established that there is currently no regular channel of communication through which the Russian Federation would fulfil its information obligations vis-à-vis Ukraine, foreseen in Article 137 of the Fourth Geneva Convention. Experts concluded that the RNIB does not have a mandate to cater for civilian detainees, which in turn negatively affects the search for missing persons.⁸

2.3. Amendment C (to the draft resolution)

7. The amendment aims to clarify that the obligation to release and repatriate prisoners of war – set out in Article 118 of the Third Geneva Convention relative to the Treatment of Prisoners of War – applies only after the cessation of active hostilities. While I agree that accelerating this process would be desirable, particularly to uphold the human dignity of prisoners of war and their families, I propose to make clear that such acceleration is not a legal obligation under this Convention.

3. Sassòli, Marco, 'The National Information Bureau in aid of the victims of armed conflicts', *International Review of the Red Cross*, Vol. 27, No. 256, February 1987, p. 7.

4. <https://en.interfax.com.ua/news/general/1078838.html>.

5. Order of the Cabinet of Ministers of Ukraine of 17.03.22 № 228-r "On the performance of the functions of the National Information Bureau".

6. 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", OSCE/ODIHR, p. 41.

7. www.icrc.org/en/document/russia-ukraine-international-armed-conflict-23000-people-reported-missing.

8. *Ibid.*, p. 42.