

A Prisoner Swap With Russia Tests Ukraine's President

Whether Zelenskiy decides to give up a key MH17 witness will shed light on his policy toward eastern Ukraine.

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Volodymyr Tsemakh, Kirill Vyshinsky [Youtube](#), [TASS](#) / MT

For months, Ukraine and Russia have been negotiating a major prisoner exchange that would clear the slate for substantive negotiations on ending the war in eastern Ukraine, where Russian-supported separatists have set up two unrecognized statelets, the so-called Donetsk and Luhansk People's Republics (DNR and LNR). But so far, despite a series of false alarms, the swap hasn't taken place; if it does, look for this name among those traded to Russia: Volodymyr Tsemakh.

The presence of Tsemakh, the former DNR air defense commander and a key witness in the investigation of the downing of Malaysian Airlines Flight 17 in July 2014, on the list of traded

prisoners would send an important signal concerning Ukrainian President Volodymyr Zelenskiy's intentions in further talks with Russia. It would help understand whether Zelenskiy plans to stick to his predecessor Petro Poroshenko's implacable stance or make painful concessions in order to end the war.

About 35 people held by each side are likely to be traded. Ukraine would get back the 24 sailors Russia seized in the Kerch Strait last November, several activists arrested in Russian-annexed Crimea, including the best-known of them, film director Oleg Sentsov, and two people sentenced to long prison terms for allegedly fighting against Russian troops in Chechnya in the 1990s.

Russia would likely get Kirill Vyshinsky, editor of the Ukrainian subsidiary of the propaganda agency RIA Novosti, and a number of separatist fighters, including those the Kremlin maintains were "furloughed" Russian service members who had fought against Ukrainian forces.

The two countries first came close to doing the exchange before Ukraine's parliamentary election in July. It could have been seen as a goodwill gesture from the Kremlin ahead of the peace talks, but the political moment was inopportune.

The party of Russian President Vladimir Putin's friend and ally Viktor Medvedchuk was running against Zelenskiy's new political party. Medvedchuk was heavily involved in the exchange talks so a successful swap could be interpreted as Putin helping his friend rather than Zelenskiy. Besides, an international maritime tribunal had demanded Russia free the sailors unconditionally and trading them could have hurt Zelenskiy's support during the elections.

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The deal never came together but the talks continued so that Putin and Zelenskiy could meet in the so-called Normandy format — with French President Emmanuel Macron and German Chancellor Angela Merkel mediating — in September, per Macron's proposal. On Aug. 30, a false alarm in a Facebook repost by Ukraine's newly appointed, inexperienced prosecutor general sent relatives of the Ukrainian captives to one of Kiev's two airports to wait for a plane with their loved ones to land. No such flight had been scheduled, however. Something had come apart.

A number of Ukrainian media and bloggers, including some I personally know and trust, have since advanced the [theory](#) that Russia had scuppered the deal with a last-minute demand that Ukraine give up Tsemakh, abducted by Ukrainian intelligence from separatist-held territory about two months ago.

Because of his involvement in the DNR air defense in 2014, Tsemakh [potentially knows](#) about the downing of MH17, which an international investigation led by Dutch prosecutors established was hit with a Buk missile from separatist territory. Russia has been adamant that it wasn't involved in the downing of the plane, in which 298 people, most of them Dutch, perished, but the investigative team has [named](#) three Russian suspects in the case.

The Ukrainian news site thebabel.net has [published](#) a purported leaked letter from the lead investigator, Fred Westerbeke, telling Ukrainian prosecutors on August 30 that Tsemakh was considered a suspect rather than a witness and that it would be a good idea to hold him for further questioning.

The Dutch daily NRC [wrote](#) on Monday that it had confirmed the letter's authenticity but that, according to the Dutch Public Prosecution Service, Ukraine was free to trade Tsemakh because he was "in a Ukrainian cell for a Ukrainian case."

Russian sources, official and unofficial, have never mentioned Tsemakh in the context of the planned prisoner exchange. On Monday, the Moscow daily Kommersant, which has good Kremlin sources, [reported](#) that the exchange had been held up because of legal issues, such as whether the Ukrainian sailors would be sent home with original or copies of their Russian criminal case files and what the official basis would be for the trade. Neither Russian nor Ukrainian laws regulate prisoner exchanges with other countries, and citizenship issues are complex in a number of the captives' cases.

The understandable dearth of official information about the exchange makes it hard to determine exactly what's going on. Both sides, however, say that the negotiations are continuing; both Putin and Zelenskiy appear to be loath to disappoint Macron and Merkel, who would like to hold peace talks this month. Without the exchange, the talks will be all but hopeless: Both sides need to demonstrate willingness to hold a constructive discussion and compromise if necessary.

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If the exchange takes place and Tsemakh is sent to Russia, it will mean Zelenskiy is willing to use his considerable political capital — 70% of Ukrainians support him — to prioritize humanitarian matters over holding Russia responsible for its depredations in east Ukraine. Such an approach would make it likely that he would also favor a broad amnesty for the separatists once the "people's republics" rejoin Ukraine, something Moscow has been demanding. Trading Tsemakh would also signal that Zelenskiy's desire to end the war — something his voters overwhelmingly support — trumps all other considerations.

If Tsemakh is not part of the swap, that can mean one of two things: That the Russian demand for him was a false rumor or that Putin is impatient enough to restart the peace process to let the MH17 investigation acquire a key person of interest. If the exchange doesn't take place at all, it will stymie the peace process; Zelenskiy will be forced to let the war drag on without even a realistic hope of freezing the conflict to prevent further deaths.

For the young Ukrainian president, the exchange is a test; whatever the outcome, it will set the course of the game he'll have to play for the next four years against vastly more experienced Putin.

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