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## ***Can Americans fight for Ukraine? Prisoners of war and the laws that protect them explained***

LONDON — The Kremlin announced this week that the Geneva Conventions, created to protect soldiers detained during wartime, does not apply to two American volunteers who were captured by Russian forces.

Spokesman Dmitry Peskov [told journalists on Monday](#) that the [two detainees](#) “were involved in illegal activities on the territory of Ukraine.”

“They should be held responsible for those crimes they have committed,” [he said](#). “Those crimes have to be investigated. ... The only thing that is clear is that they have committed crimes. They are not in the Ukrainian army. They are not subject to the Geneva Conventions.”

Yahoo News spoke to Matthew Schmidt, the program coordinator for international affairs and an associate professor of national security at the University of New Haven in Connecticut, who explained the treatment of detainees in Russia and whether it is legal for Americans to fight in Ukraine.

### ***Yahoo News: Is it legal for U.S. citizens to fight for Ukraine?***

**Matthew Schmidt:** The short answer is yes. There are laws from the 19th century that would call this into question. But Robert Kennedy, John F. Kennedy’s attorney general and brother, declared during the Cuban missile crisis that it was legal for American citizens, Cuban Americans, to go back to Cuba and fight. So that’s the standard that we use today.

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Alex Drueke, left, and Andy Tai Ngoc Huynh. (Lois Drueke/Handout via Reuters, Handout via WAAYTV)

### ***How about European countries?***

It's similar in that most European countries have laws from the 19th century that were focused on colonial wars, and that were concerned with preventing their citizens from fighting for, you know, enemy powers in colonial conflicts. Today, it's really a question of enforcement. And essentially, all of the European countries have agreed to allow their citizens to participate in the war in Ukraine on a volunteer basis and not prosecute them with those old laws.

### ***What does international law say?***

International human rights law is focused on your status as a human, then your status as a combatant. And so there are standards of treatment that apply whether or not you're a combatant, or considered a lawful combatant. So for instance, it's illegal to torture. This is one of the issues that came up in the U.S. global war on terrorism, where the United States did not declare many captured fighters as formal military personnel and then engaged in what they called enhanced interrogation, which was later admitted to be torture under international law. So these standards still apply. And the United States is in a tricky position in arguing against this because of what the U.S. did during the global war on terror against other nonofficial combatants. And so that's a problem that the U.S. will face in this case.