

Mini Simulation

Prisoner Swap

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Overview

Two American citizens have been unjustly detained abroad, and although one was returned, another remains in Russia. The United States needs to decide what action to take when an American citizen's life is swept up in a geopolitical conflict.

Students will learn how geopolitical conflict can affect U.S. citizens traveling abroad and about the tools available to negotiate their release if they are detained.

The Situation

Paul Whelan, a U.S. citizen, was arrested while traveling in Russia on December 28, 2018. Whelan was accused of spying and received a sixteen-year prison sentence. His case gained attention when, in February 2022, Brittney Griner, a thirty-one-year-old American basketball player, was arrested at an airport in Moscow. Griner was arrested on drug-related charges and sentenced to nine years in prison.

The arrests of Whelan and Griner were widely viewed in the United States as unjust. Their detentions unfolded as the United States' relationship with Russia became increasingly tense due to Russian aggression in Ukraine. Many experts have therefore seen the cases of Griner and Whelan as a political tactic by Russia's government, shaped by its deteriorating relationship with the United States.

A "prisoner exchange" or "swap" is a maneuver where opposing countries agree to release one imprisoned citizen in exchange for another. Many [high profile examples](#) of prisoner swaps have occurred throughout history, especially those relating to spies. More recently, everyday citizens have been imprisoned abroad. One example is the [case](#) of a young American student detained in North Korea on charges of espionage.

Although swapping prisoners can be an effective tool for freeing Americans detained abroad, the method also has downsides. The United States must agree to exchange a foreign national deemed dangerous enough to incarcerate. Releasing such an individual runs the risk that, once released, they will commit further crimes against the United States or other countries. Swaps can also signal that the United States is willing to bargain with other countries, even when a negotiation could mean releasing a dangerous individual. Some [evidence suggests](#) [PDF] that swaps or other concessions made in return for detainees abroad can incentivize governments to arrest Americans for leverage against the United States.

In December 2022, the United States successfully negotiated Griner's release through a prisoner swap but failed in the same negotiation to free Whelan. The United States had initially requested to swap Russian arms dealer Victor Bout in exchange for both Whelan and Griner. The exchange of Victor Bout was controversial, as Bout's illicit arms deals have led to many deaths around the world. The United States' next move could now determine whether or not Whelan is set free.

Decision Point

The president has convened the National Security Council (NSC) to determine a course of action concerning Whelan's detainment. The council should consider whether to negotiate for Whelan's release, what the best offer is—not just for Whelan but for U.S. interests and the preservation of American lives abroad—and how long to keep an offer on the table.

Note: Although U.S. policy does not prohibit private parties from paying ransom to release U.S. citizens held abroad, the United States [discourages](#) doing so and has not offered payment for Whelan. As a general rule, the United States does not pay for the release of its citizens held abroad out of concern that it will encourage further unjust detentions.

NSC members should consider the following policy options:

- *Offer a new one-to-one prisoner exchange for Whelan.* This proposal could help revitalize momentum for the release of Whelan. This proposal could also signal U.S. weakness, given that the United States had initially demanded a more favorable deal in a two-for-one swap. The United States would also need to identify another Russian detainee it would be willing to swap who could potentially harm the United States or other parties once free.
- *Expand the deal, offering to release additional Russian prisoners or make other concessions such as payments or political concessions to expedite the swap.* Offering a more favorable deal to Russia is more likely to secure the release of Whelan. However, such actions could incentivize future wrongful detentions and could reduce U.S. credibility in the future.
- *Hold back on provisional proposals for a prisoner swap.* This option would demonstrate U.S. resolve, likely enhance U.S. credibility, and avoid releasing another dangerous foreign national imprisoned in the United States. It would also bolster the impression that the United States will not capitulate to bullying through wrongful detentions. It would, however, cause more suffering for Whelan and his family and run the risk of him dying in prison in Russia.

Photo: Inmates at a state maximum security jail in Padova, Italy on December 17, 2007.

Source: Dario Pignatelli/Reuters

[How Do Prisoner Swaps Work?](#) The Economist

[Here Are Some Prisoner Swaps That Freed Americans](#) New York Times

[How Are Political Prisoner Swaps Negotiated?](#) Big World