

SUBMISSION

**TO THE OFFICE OF THE PROSECUTOR
OF THE INTERNATIONAL CRIMINAL COURT
CONCERNING THE CRIME AGAINST HUMANITY
(ENFORCED DISAPPEARANCE OF PERSONS)
ALLEGEDLY COMMITTED
DURING THE WAR IN UKRAINE**

General edition
Dr. Iryna Marchuk, Yevgeniy Zakharov

Authors:
Mykola Komarovskiy, Hanna Ovdienko, Yevgeniy Zakharov

Book's cover photo: Depositphotos

Submission to the Office of the Prosecutor of the International Criminal Court concerning the crime against humanity (Enforced disappearance of persons) allegedly committed during the war in Ukraine / Mykola Komarovskiy, Hanna Ovdienko, Yevgeniy Zakharov; CO "Kharkiv Human Rights Protection Group". — Kharkiv: LLB "Human Rights Publisher", 2024. — 106 p.

ISBN 978-617-8186-25-8

ISBN 978-617-8186-25-8

© Mykola Komarovskiy,
Hanna Ovdienko,
Yevgeniy Zakharov, 2024
© CO «Kharkiv Human Rights
Protection Group», 2024

THE TABLE OF CONTENTS

I. SUMMARY.....	5
II. INTRODUCTION.....	7
III. METHODOLOGY.....	9
III.1. DOCUMENTATION PROCESS.....	9
III.2. EVIDENTIARY MATERIALS.....	10
III.2.1. Testimonial Information.....	10
III.2.2. Documentary Information	11
III.2.3. Open-source information	12
III.3. STORAGE OF EVIDENTIARY MATERIALS.....	12
III.3.1. T4P’s Database	12
III.3.2. KHPG’s Database	13
III.3.3. Case studies	13
IV. CONTEXTUAL AND REGIONAL ANALYSIS OF RUSSIA’S WIDESPREAD AND SYSTEMATIC POLICY OF ENFORCED DISAPPEARANCES IN UKRAINE	15
IV.1. BACKGROUND	15
ENFORCED DISAPPEARANCES PRIOR TO RUSSIA’S FULL-SCALE INVASION OF UKRAINE (2014–2022).....	15
IV.2. CONTEXTUAL ANALYSIS.....	16
ENFORCED DISAPPEARANCES FOLLOWING RUSSIA’S FULL-SCALE INVASION OF UKRAINE (2022 — ONGOING).....	16
IV.2.1. Patterns identified	16
IV.2.2. Alleged perpetrators identified	20
IV.2.3. Regional analysis.....	20
V. CASE STUDIES	29
VI. LEGAL ANALYSIS	97
VI.1. CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY.....	97
VI.1.1. Attack directed against any civilian population.....	97
VI.1.2. State or organizational policy.....	97

VI.1.3. Widespread or systematic attack.....	98
VI.1.4. Nexus with the attack.....	99
VI.1.5. Mens rea (knowledge).....	99
VI.2. ACTUS REUS	99
VI.2.1. Arrest, detention or abduction of one or more persons.....	99
VI.2.2. [...] carried out by, or with the authorization, support or acquiescence of, a State or a political organization.....	100
VI.2.3. Refusal to acknowledge the arrest, detention or abduction, or to give information on the fate or whereabouts of such person(s).....	101
VI.2.4. Mens rea.....	102
VI.3. COMPLEMENTARITY	103
VI.4. PERPETRATORS.....	104
VII. CONCLUSIONS	105

I. SUMMARY

This communication under Article 15 of the Rome Statute to the International Criminal Court (Art 15 Communication) concerns Russia’s widespread and systematic practice of enforced disappearances committed by Russian military, its authorities and affiliated militia groups in the temporarily occupied territories of Ukraine since the beginning of Russia’s full-scale invasion of Ukraine. The atrocity crimes documentation work was carried out in accordance with the methodology, which conforms to the ICC-Eurojust Guidelines for Civil Society on Documenting International Crimes and Human Rights Violations for Accountability Purposes (2022) and other international instruments in the area of atrocity crimes documentation, including the Berkeley Protocol on Digital Open Source Investigations (2022). KHPG worked closely with international criminal law experts who provided their expertise and consulted its team on best practices in the area of atrocity crimes documentation. The legal assessment of the cases of enforced disappearances was conducted through the prism of Article 7(1)(i) of the Rome Statute and the constitutive elements of the crime of enforced disappearance (contextual elements, actus reus and mens rea) as outlined in the ICC Elements of Crimes. The conclusions were drawn based of the totality of evidence, including witness testimony, documentary evidence, digital evidence and open source information.

Enforced disappearances of civilians living in the temporarily occupied territories are part of Russia’s coordinated policy as an Occupying Power. Such practices are widespread and systematic in all areas that came under Russian control. Russia — through its military, occupation authorities and affiliated militia groups in the DPR/LPR — pursues a coordinated state policy aimed at quelling resistance and protest in occupied territories by terrorizing the Ukrainian civilian population, which is achieved through a wave of enforced disappearances and other serious violations of international humanitarian law directed against civilians. Although the highest number of enforced disappearances occurred during the first months of Russia’s full-scale war, such practices continue to date.

Russian military, law enforcement, occupation authorities, and affiliated militia groups intentionally targeted civilians in the occupied territories through arrests, detentions or abductions who were perceived as being ‘hostile’ or ‘dangerous’ to the Russian regime. The victims were detained either at home or on the road (e.g. attempting to cross into the government-controlled territories), and were subject to searches. Among the victims of enforced disappearances were mostly men who were treated as potential instigators of armed resistance against Russian occupying authorities. Once victims disappeared, it proved challenging for victims’ families to obtain information about their fate and whereabouts from Russian local occupation authorities and/or Russian official governmental agencies. The missing persons were often subject to physical and psychological violence in unlawful detention facilities, and lacked access to proper medical care. Many categories of civilians were targeted for enforced disappearances by Russian military and its authorities. These include Ukrainian journalists, volunteers, public servants, activists, teachers, former military personnel and law enforcement officers, religious leaders and other civilians who were perceived as being capable of forming resistance against Russian occupation authorities and spreading anti-Russian views. The patterns of enforced disappearances were identified on the basis of information concerning **2,858 cases** of enforced disappearances involving **5,140 victims**.

This communication presents **22 individual cases** of enforced disappearances, which corroborate the abovementioned patterns. The exact number of enforced disappearances remains

unknown. Some regions where enforced disappearances occurred remain occupied, which precludes any form of access to such territories. The true numbers will only become known following the de-occupation of those territories. KHPG urges the OTP to prioritise the investigation of alleged enforced disappearances as crimes against humanity and identify individual suspects at the highest levels of Russian political and military hierarchy who are most responsible for the implementation of the policy of enforced disappearances in Ukraine.

II. INTRODUCTION

The Kharkiv Human Rights Protection Group (KHPG) submits an Article 15 communication to the Office of the Prosecutor (OTP) of the International Criminal Court (ICC), which contains information of evidentiary value concerning a widespread and systematic practice of alleged enforced disappearances committed by Russian military, its authorities and affiliated militia group in the so-called Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR) since Russia's full-scale invasion of Ukraine. The information in this communication covers the period between 24 February 2022 and 31 March 2023. Additionally, it provides the contextual analysis of Russia's practice of enforced disappearances in Donbas between 2014–2021. KHPG previously submitted a separate Article 15 Communication to the OTP concerning the alleged crimes of enforced disappearances committed prior to Russia's full-scale war (August 2019).

KHPG was founded in 1993. Prior to that it was operating as a human rights group of the Kharkiv 'Memorial' society. KHPG work is aimed at 1) protecting human rights in specific instances where human rights violations have occurred, handling over 3,000 individual requests annually; 2) informing the Ukrainian state and society about the human rights situation in Ukraine; and 3) analysing human rights compliance in Ukraine. KHPG strives to improve the human rights situation in Ukraine by ensuring the respect for the fundamental human rights, such as the right to life, freedom from torture or inhuman or degrading treatment, freedom from arbitrary arrest and detention, freedom of expression and information, as well as protecting the rights of the vulnerable groups of the population, which include prisoners, persons with HIV/AIDS, persons suffering from substance abuse, internally displaced persons and others.

Established in 2023, the KHPG Strategic Litigation Centre (SLC) is handling over 200 individual cases per year, which are heard by national courts or communicated to the European Court of Human Rights (ECtHR). KHPG lawyers submitted **635** individual applications to the ECtHR and won **125** cases, in which the violations of Articles 2, 3, 5, 6, 8, 13 and other provisions of the European Convention of Human Rights have been established. More than **400** individual applications submitted by the KHPG lawyers are still pending before the ECtHR, with more than half of those cases concerning conflict-related atrocity crimes in eastern Ukraine. KHPG cooperates with the UN treaty bodies and other accountability mechanisms, such the UN Human Rights Committee, UN special rapporteurs, the UN Committee against Torture (CAT), the UN Working Group on Arbitrary Detention etc. In addition to legal assistance and legal representation of victims in various international and national fora, KHPG provides humanitarian and psychological support to direct victims of atrocity crimes committed in Ukraine.

Following Russia's full-scale invasion of Ukraine, KHPG has been documenting alleged war crimes and crimes against humanity committed by Russian military, its authorities and affiliated militia groups on the territory of Ukraine. KHPG atrocity crimes documentation is based on witness/victim testimonies, documentary evidence, digital evidence, observations during monitoring visits to de-occupied territories or the areas close to the contact line, open source information and desktop research. KHPG is one of the co-founders of the global initiative 'Tribunal for Putin' (T4P) whose main goal is to bring perpetrators of crimes committed in Ukraine to justice through atrocity crimes documentation work. In the period between 24 February 2022 and 31 March 2023, T4P documenters collected information and entered into its database **3,796** instances of enforced disappearances committed by Russian military, its authorities and affiliated militia groups in the occupied territories. In **2,878** cases, individual victims were identified. Out of those

identified victims, **111** victims extensively cooperated with T4P partner organizations and explicitly consented to have their case files communicated the ICC OTP.

The authors of this communication were guided by the definition of enforced disappearances laid down in the Rome Statute and relevant case law of other international courts. The communication encompasses cases of enforced disappearances committed across the entire territory of Ukraine where such alleged crimes have taken place, including in the territories occupied prior to the full-scale war. The communication does not extend to cover cases of enforced disappearances committed on the territory of occupied Crimea and does not provide a complete overview of the practice of enforced disappearances in the territories under Russian occupation due to the difficulties in accessing such information. The communication includes:

- 1) a brief resume;
- 2) an introductory part;
- 3) a methodology part, explaining the sources which have been used for the purposes of preparing this communication and the principles underlying KHPG atrocity crimes documentation work;
- 4) the contextual and regional analysis of Russia's widespread and systematic policy of enforced disappearances prior to and following Russia's full-scale war;
- 5) 22 case studies (19 cases prepared by KHPG and 3 cases prepared by KHPG partner institution, SICH) outlining individual cases of enforced disappearances and providing factual circumstances of each individual case;
- 6) legal analysis explaining how Russia's practice of enforced disappearances satisfies the legal elements of crimes against humanity under the Rome Statute, and touching upon the issues of complementarity and individual criminal responsibility;
- 7) conclusions.

The authors of this communication are Mykola Komarovskiy (KHPG lawyer), Hanna Ovdienko (KHPG lawyer), Yevgeniy Zakharov (KHPG Director) in close cooperation with and legal support provided by Dr Iryna Marchuk (Associate Professor at the University of Copenhagen and Founder/Director of 4Justice Legal Advisory headquartered in Copenhagen, Denmark).

The KHPG would like to express its gratitude to DIGNITY for their organizational and advisory support in the preparation of this submission.

III. METHODOLOGY

This Article 15 Communication is based on several types of evidentiary materials directly collected by KHPG or jointly collected by member organizations of the Global Initiative “Tribunal for Putin” (T4P), including the NGO “Human Rights Group SICH”.¹ They include testimonial, documentary, and open-source information, as well as audio-visual content. The collected evidentiary materials are stored in two different databases: KHPG’s own database and T4P’s joint database administered by KHPG.

III.1. DOCUMENTATION PROCESS

KHPG and T4P member organizations collect information about the commission of alleged core international crimes, such as war crimes, crimes against humanity, and genocide, falling within the jurisdiction of the ICC. They primarily focus on collecting information of evidentiary value to the ICC in relation to alleged crimes that have taken place since the beginning of Russia’s full-scale invasion of Ukraine on 24 February 2022. KHPG previously collected information on alleged crimes, which were committed prior to 2022.

T4P collects a significant amount of information about alleged atrocity crimes from open sources. T4P members, including KHPG and SICH, also interview witnesses and victims of crimes, and where possible, send mobile groups to document incidents where they occurred.²

While T4P has a central database, which primarily contains open-source information about alleged atrocity crimes, T4P member organizations, such as KHPG and SICH, have their own databases where they preserve information of evidentiary value regarding the commission of alleged atrocity crimes.

KHPG collects information using four methods:

- **Interview of victims and witnesses:** KHPG conducts interviews with victims and witnesses of alleged atrocity crimes falling within the jurisdiction of the ICC. KHPG identifies potential interviewees during its monitoring visits to the affected areas and through other forms of contact (e.g. phone, online meetings, drop-in office hours). The interviews are conducted in accordance with the Standard Operating Procedures (SOPs) for witness interviewing,³ which have been jointly developed by KHPG and DIGNITY in compliance with the ICC-Eurojust Guidelines for civil society organizations on documenting international crimes and human rights violations for accountability purposes, the Méndez Principles on Effective Interviewing, the Istanbul Protocol, and best practices in trauma-informed interviewing.
- **Monitoring visits:** Since July 2022, KHPG has been conducting monitoring visits to the liberated territories in the Kharkiv, Sumy, Kyiv, and Chernihiv regions. Visits were additionally organized in locations where internally displaced persons relocated, including Lviv, Ivano-Frankivsk, and other regions. KHPG’s team also provides humanitarian, legal, and psychological support to victims. Such support is aimed at prioritizing their needs without any prerequisites related to their involvement in the atrocity crimes documentation process. The visits serve a twofold purpose: to identify potential victims/

¹ For more about the NGO “SICH”, see <https://sich-pravo.org/nasha-istorija/>.

² T4P, Quick Facts (Where Does T4P Get Its Information?), <https://t4pua.org/en/>.

³ Annex A: Standard Operating Procedures (SOPs) for witness interviewing.

witnesses who are willing to provide information about the alleged crimes, as well as to identify broader patterns of criminal conduct that took place during the period of occupation and/or its aftermath.

- **Legal representation.** KHPG lawyers provide legal aid to victims and represent them before national courts, the European Court of Human Rights and other fora. Further to this, KHPG lawyers conduct atrocity crimes documentation work by collecting information of alleged international crimes for the purposes of criminal investigations and prosecutions at the ICC and other international accountability mechanisms. In all instances, KHPG lawyers obtain informed consent from victims/witnesses prior to sharing their case files and any other relevant information with national authorities and/or international accountability mechanisms, including the ICC. In the course of legal representation, KHPG lawyers cooperate with Ukrainian law enforcement agencies investigating and prosecuting international crimes, which allows them to obtain access to case files of the clients they represent, exchange information on incidents related to alleged international crimes and jointly visit crime scenes with the purpose of collecting information of such crimes. KHPG psychologists and lawyers may also be present during interviews of witnesses and victims that are taken by Ukrainian law enforcement authorities, as well as during other investigative activities undertaken in accordance the Ukrainian criminal procedural law (Article 56.2.4 of the Code of Criminal Procedure).
- **Open-source information:** KHPG and T4P member organizations jointly collect and analyse open-source information of evidentiary value that can be used in criminal proceedings and for other accountability purposes. They focus on the events and incidents during the first months of Russia's full-scale invasion when the risks for documenters were overwhelmingly high, with limited or no access to the regions under occupation and/or in the areas of active hostilities. The collected open-source information is used to corroborate incidents of alleged crimes and establish a broader pattern of criminal conduct that goes to the proof of contextual elements of international crimes.

III.2. EVIDENTIARY MATERIALS

III.2.1. Testimonial Information

Interviews with victims and witnesses of enforced disappearances by KHPG and partners

For the purposes of this communication, KHPG documenters interviewed victims of enforced disappearance, family members and relatives of disappeared persons, eyewitnesses of enforced disappearances, and other relevant witnesses. The interviews were conducted by qualified documenters (lawyers and journalists), with prior experience of working with victims and witnesses of international crimes. All the documenters received training on the legal, technical, and psychological aspects of witness interviewing. They were guided by the SOPs for witness interviewing in their work with victims and witnesses.

KHPG documenters always ensure that a person is only interviewed once in order to avoid risks of duplication and over-documentation. If a victim has not been interviewed by Ukrainian law enforcement authorities, the documenters are encouraged to conduct short interviews and to share the collected information with competent authorities. If the authorities do not demonstrate a genuine interest in the case and there exists a substantial risk of losing important information, the documenters will proceed to conduct a full interview and will share the collected information with law enforcement authorities and/or international accountability mechanisms.

Informed consent

Informed consent is collected using a standard form (see Annex B) developed on the basis of the template provided in the ICC-Eurojust guidelines. If it is not possible to obtain the signature of the interviewee (for example, interviews conducted remotely), informed consent is obtained using alternative methods, such as audio-recording the person's consent.

Documentation Challenges

In some cases, KHPG was unable to determine the precise date of a person's disappearance and could only establish an approximate period when it likely occurred. This challenge is particularly pronounced in temporarily occupied territories. In such instances, the fact of a person's disappearance was inferred from a number of surrounding circumstances: the period of a person's alleged disappearance coincided with the phase of Russia's occupation; all forms of contact were lost with the person, even in areas with known mobile coverage; a person's body was not discovered when the area was liberated.

The documentation process was further complicated by the lack of access to phones or other means of communication for individuals in temporarily occupied regions. This made it difficult to obtain detailed and accurate information about instances of alleged enforced disappearances.

Ukrainian law enforcement agencies encountered significant challenges when investigating the alleged crimes in temporarily occupied territories. The investigations were conducted remotely by under-resourced authorities, facing obstacles such as limited access to crime scenes and the inability to directly communicate with victims/witnesses in these territories. Additionally, after the liberation of certain regions in Ukraine, the recovery of crucial evidence became nearly impossible in many cases, as witnesses had been intimidated, or some had long left the area to live abroad. All these factors combined highlight information gaps in cases of enforced disappearances.

III.2.2. Documentary Information

The case files in criminal cases and procedural history of each individual case of enforced disappearance serve as primary sources of information for this communication. KHPG lawyers have access to such files and procedural history of individual cases, as they provide legal aid and represent victims in national criminal proceedings and other international fora. Case files contain information on individual cases of enforced disappearances and include investigative protocols, motions filed by the lawyers, other procedural documents, as well as evidentiary materials collected during the proceedings, such as witness statements, telecommunications data, and intelligence information. Procedural history contains requests (inquiries) filed by KHPG/SICH lawyers aimed at establishing the fate and whereabouts of missing persons. Such requests were filed on behalf of victims' families to competent Ukrainian authorities,⁴ Russian authorities,⁵ international organizations (e.g. International Committee of the Red Cross) and Russian occupa-

⁴ As evidenced by procedural history of cases studies included in this communication, KHPG lawyers submitted requests (inquiries) about victims' fate and whereabouts to competent Ukrainian authorities in the government-controlled territories, such as the National Information Bureau, Ukrainian Coordination Headquarters for the Treatment of Prisoners of War, Ukrainian Ombudsman, Joint Coordination Center for Search and Release of Illegally Deprived Persons and Hostages as a result of the armed aggression of the Russian Federation against Ukraine within the Security Service of Ukraine etc.

⁵ As evidenced by procedural history of cases studies included in this communication, KHPG lawyers submitted requests (inquiries) about victims' fate and whereabouts to Russian authorities, such as the Investigative Committee of the Russian Federation, the Office of the Prosecutor General of the Russian Federation, the Federal

tion authorities in Crimea, so-called “Donetsk People’s Republic” (DPR) and “Luhansk People’s Republic”.

Documents pertaining to the procedural history in individual cases of enforced disappearances, such as letters and responses from Ukrainian and/or Russian authorities were at times obtained from victims and witnesses during interviews. Additionally, messages from mobile phones and other materials related to the person’s disappearances were collected during these interviews. The obtained data is treated with strict confidentiality and in accordance with data protection laws.

III.2.3. Open-source information

KHPG and T4P member organisations collected a significant portion of open-source information corroborating alleged crimes of enforced disappearances and the context in which they have occurred, including media articles, webpages of Ukrainian and Russian state authorities and quasi-governmental bodies of the so-called LPR and DPR, archived posts from social media platforms (Meta (formerly Facebook), Instagram, X (formerly Twitter) and VK/Vkontakte), audio-visual content from streaming and video hosting services (YouTube and TikTok), archived posts from channels and groups in messaging platforms (Viber and Telegram).

III.3. STORAGE OF EVIDENTIARY MATERIALS

The evidentiary materials are stored in two different databases: (1) the joint database of T4P, which is designed to process and store information on core international crimes documented by its member organizations, including KHPG and SICH;⁶ and (2) KHPG’s own database, which contains information on individual criminal proceedings and individual cases in which lawyers affiliated with KHPG provide legal aid to victims and represent them in national and international fora.

III.3.1. T4P’s Database

Developed in 2016 as a simple MySQL database operated by KHPG, T4P database has been significantly upgraded in 2022 and 2023 as a response to growing data security threats and the need for a different organization and classification of data stemming from atrocity crimes documentation work. It migrated from the KHPG internal server to being hosted on an external server provided by ‘MiroHost’ to facilitate remote access for numerous documenters from T4P member organisations. The database is backed up daily, with the backup copies stored in both Ukraine and Germany.

Entering data into the database

Designated staff (administrators, supervisors, lawyers, documenters) of the T4P member organizations review each piece of information before entering it into the database. The information is then reviewed by senior documenters with expertise in international humanitarian law and international criminal law in order to verify the evidentiary value of the information, which had been entered in the database.

Penitentiary Service of the Russian Federation, Ombudsman of the Russian Federation, the Administration of the President of the Russian Federation, the Ministry of Defence of the Russian Federation, the Ministry of Justice of the Russian Federation etc.

⁶ <https://t4pua.org/1200>

Each instance of enforced disappearance is recorded as a separate “episode” in the database in line with the legal elements of the crime of enforced disappearance as laid down in the Rome Statute and the ICC Elements of Crimes. The “episode” entry includes information about the time, location, circumstances of the alleged crime, as well as the details about the persons involved (victims, witnesses and perpetrators). Accompanying files, such as witness testimonies, signed copies of informed consent forms, and media files, are also linked to each “episode”. Each episode is assigned a unique number associated with the date and location of enforced disappearance. The unique number is also assigned to each witness testimony, which can be attached to multiple episodes.

Database security

KHPG technician is the only person with access to the source code of the database and with the capacity to modify its organizational structure. Additionally, the technician is authorized to grant database access solely at KHPG Director’s instructions. Access to the database is personal and users are prohibited from sharing it with any third parties.

The database can be accessed using a username, password, which is followed by a two-factor authentication. Personal data is protected by automatic encoding and storage in the encoded form.

The database contains tools to prevent unauthorized modification, deletion, access, or distortion of the data entered. It records any actions related to adding new or editing previously entered data and their authors in a detailed log. KHPG’s technician is the only authorized person who can view the log history and delete the respective data.

III.3.2. KHPG’s Database

KHPG’s database is built on the same software platform as the T4P database, sharing its security features as explained above.

Full access to the database is restricted to KHPG documenters and lawyers exclusively. Other users (e.g. legal assistants, in-house journalists) are only authorised to access a brief description of the incident, enabling them to grasp the basic context of the incident, and do not have access to any personal data of witnesses and/or victims. They are denied access to any case file(s) or personal data.

Additionally, database operators (i.e. documenters, lawyers) are responsible for entering the information and documents into the database. They create new entries, including the location, time, and a brief description of the incident, personal details of victims, witnesses, and perpetrators, and upload any relevant documents (e.g., individual witness /victim statements, signed copies of informed consent forms, related audio-visual content etc.).

III.3.3. Case studies

This communication relies on the testimonies of victims and witnesses of enforced disappearances, along with corroborating open-source information. It comprises **22** individual case studies that detail the circumstances surrounding the arrest, detention, or abduction leading to enforced disappearances; and families’ vain attempts to establish the fate and whereabouts of their missing family members. Out of the **22** case studies, **19** were prepared by KHPG lawyers, and the remaining **3** cases were prepared by the KHPG partner organisation, “Human Rights Group SICH”.

The selection of these case studies was based on specific criteria:

- **Informed consent:** Ensuring that informed consent from victims and witnesses to share information with the ICC has been obtained. SICH lawyers use the same informed consent template as the one developed for KHPG (see Annex B).
- **Completeness of Testimonies:** Assessing whether witness testimonies align with the constitutive legal elements of the crime of enforced disappearance as laid down in the Rome Statute.
- **Thorough Procedural Steps:** Evaluating whether thorough procedural steps have been taken to ascertain the fate and whereabouts of the missing persons.
- **Additional Corroborating Information:** Considering additional information and the availability of evidence in corroboration, such as witness testimony from individuals who were released from captivity in Russia or occupied territories and witnessed the missing person in unlawful detention places.

The case studies were prepared by KHPG and SICH lawyers through the use of a standardized template (Annex C), which encompasses 1) a brief overview of each case (date/period, location of the alleged crimes, victim's anonymised name, victim's unique number in the database); 2) description of circumstances surrounding the victim's arrest, detention or abduction leading to enforced disappearance;⁷ and 3) procedural history detailing a list of authorities (Ukrainian, Russian and its occupying authorities, as well as international organisations) that have been contacted by the victims' family members to ascertain the fate and whereabouts of their missing family members. All case studies are accompanied by witness testimonies, informed consent forms and supplementary documents (if available). These documents are stored in KHPG's database.

⁷ The summary describing the circumstances of the alleged crime was typically prepared based on one or multiple witness interviews, which is explained in accompanying footnotes to each case study.

IV. CONTEXTUAL AND REGIONAL ANALYSIS OF RUSSIA'S WIDESPREAD AND SYSTEMATIC POLICY OF ENFORCED DISAPPEARANCES IN UKRAINE

IV.1. BACKGROUND

Enforced disappearances prior to Russia's full-scale invasion of Ukraine (2014–2022)

In 2019, KHPG filed an Article 15 communication to the ICC Office of the Prosecutor regarding enforced disappearances that occurred between 2014 and 2019.⁸ Out of the 4,656 registered cases, 3,982 concerned male victims, 659 — female victims, and 239 — children of both genders.⁹ Among the total number of missing persons that KHPG previously documented, 3,505 individuals have now been located. The incidents of enforced disappearances occurred exclusively in the territory of the Luhansk and Donetsk regions, spanning both across government and non-government-controlled territories.

The circumstances surrounding the cases of enforced disappearances of civilians in Donbas can be categorized as follows:

- 14 civilians disappeared after being unlawfully detained;
- 61 civilians disappeared while crossing checkpoints;
- 26 civilians disappeared during hostilities taking place in the Luhansk and Donetsk regions;
- 488 civilians disappeared after being abducted;
- 958 civilians went missing under unclear circumstances.¹⁰

The widespread and systematic nature of enforced disappearances in Donbas prior to Russia's full-scale invasion of Ukraine is further corroborated by Ukrainian NGO reports and official governmental figures. Kathryn Bomberger, Director-General of the International Commission of Missing Persons, (ICMP) reported that 30,000 civilians went missing in Ukraine since the beginning of Russia's full-scale invasion and urged to conduct investigations into such crimes.¹¹ Deputy Interior Minister Leonid Tymchenko informed that the Unified Register of Persons Missing Under Special Circumstances holds data about 28,000 missing persons.¹² More information, including references to the UN reports, can be found in the previous KHPG communication to the ICC OTP.

⁸ KHPG, ICC Art. 15 Communication regarding enforced disappearances in Donbas in the period between 2014–2019, August 2019. The analytical report based on the findings of the Art. 15 communication is available at: <https://library.khpg.org/index.php?id=1574017356>.

⁹ The gender of 15 missing children could not be determined due to the lack of sufficient information.

¹⁰ This means that the victims' relatives lost all contact with them either through phone or the Internet.

¹¹ Dinara Khalilova, 'ICMP Chief: 30,000 Civilians Missing in Ukraine' (*Kyiv Independent*, Oct. 19, 2023), <https://kyivindependent.com/icmp-chief-30-000-civilians-missing-in-ukraine/>.

¹² Ibid.

The incidents of enforced disappearance occurred in various settings, including public places, workplaces, and private homes of missing individuals. All cases of enforced disappearances of civilians that KHPG documented had severe and devastating effect on the mental well-being of the victims' family members. As evidenced by case studies included in this Communication, some missing individuals endured both physical and psychological violence in unlawful detention.

IV.2. CONTEXTUAL ANALYSIS

Enforced disappearances following Russia's full-scale invasion of Ukraine (2022 – ongoing)

From February 24, 2022 until to March 31, 2023, KHPG gathered information on 2,858 incidents of enforced disappearances involving 5,140 civilians. The data was collected during interviews with victims and/or witnesses, as well as from open sources. KHPG conducted interviews with 204 witnesses of enforced disappearances. Many of the missing individuals disappeared alongside their companions, mostly family members, housemates, or fellow travellers when travelling between various locations.

As for the geographical distribution of enforced disappearances, they were mostly concentrated in specific regions: Kharkiv (1,874 cases), Kherson (429 cases), Zaporizhzhya (259 cases), Kyiv (131 cases), Donetsk (63 cases), Luhansk (40 cases), and other regions.

The highest number of enforced disappearances coincided with the initial stages of Russia's full-scale invasion of Ukraine. In March 2022, 759 cases of disappearances were recorded, accounting for 26.7% of the total number of documented cases. Afterwards, the number of reported cases gradually declined until reaching an average range of approximately 120–160 missing individuals on a monthly basis in June-July 2022, maintaining the same level until mid-autumn 2022. Following the de-occupation of parts of Ukraine, in particular the Kharkiv region, the numbers of enforced disappearances fell to approximately 100 cases per month, with the same level continuing to the present day.

IV.2.1. Patterns identified

This section provides a comprehensive description of the patterns of enforced disappearances following Russia's full-scale invasion of Ukraine in 2022. Based on the collected information, five patterns of enforced disappearances have been identified:

1. Enforced disappearances were taking place following the practice of arrests/detention/abductions of persons who were perceived as being potentially dangerous to the Russian authorities.
2. Enforced disappearances were taking place following arrests/detention/abductions at the victims' homes or on the road, often combined with the victims' searches.
3. Enforced disappearances targeted men who were perceived as potential instigators of armed resistance against Russian occupying authorities.
4. Once victims disappeared, it proved challenging to obtain information about the victims' fate and whereabouts from Russian local occupation authorities and Russian official governmental agencies.
5. The missing persons were often subject to physical and mental violence in unlawful detention facilities, and lacked access to proper medical care.

Pattern 1¹³ (targeted victims perceived 'dangerous' to Russian authorities)

During the temporary occupation of parts of the Ukrainian territory by the Russian military, Russian interim administrations were established. Aided by the Russian military, such occupying authorities carried out searches in towns or other locations with the aim of identifying individuals who were deemed to be potentially threatening to Russian occupation. The individuals were targeted based on their official functions, actions, or statements (or those of their family). The lists of such individuals, which often featured Ukrainian political and public figures, were often compiled in advance. Initially, the Russian military and occupying authorities targeted for enforced disappearances individuals associated with Ukrainian government authorities, pro-Ukrainian political factions, law enforcement agencies, as well as judges, prosecutors, journalists, and volunteers. Further to this, retired and former members of the UAF (along with their families) and former law enforcement officials, who refused to collaborate with the Russian occupation administration, were among those who were specifically targeted for enforced disappearances.

The measures undertaken by the Russian occupying authorities against targeted individuals were intended to quell any form of armed and/or informational resistance, and to prevent the emergence of the Ukrainian resistance movement opposed to the Russian occupation. The curtailment of free speech went hand in hand with the unlawful arrests and disappearances of journalists and public figures due to the nature of their work. For example, writers, leaders of other religious movements than the Russian Orthodox Church, athletes, and celebrities, or anyone who could influence the public opinion disappeared. Prior to the disappearance, some targeted individuals were offered collaboration with Russian occupying authorities, while being threatened or financially encouraged.

Following the initial wave of unlawful detentions of the listed individuals, Russian agents perpetuated their strategy of enforced disappearances, fostering an atmosphere of terror within the local population. Residents were encouraged to act as informants to the Russian administration, which resulted in numerous instances of innocent individuals becoming victims, often due to conflicts with neighbours or other acquaintances.¹⁴

As a result, the practice of enforced disappearances expanded over time to encompass other groups of targeted individuals. Instances of detention and enforced disappearances occurred for various reasons, including:

- Individuals voicing pro-Ukrainian sentiments in conversations.
- Individuals having family members in the Ukrainian Armed Forces.
- Individuals who kept Ukrainian state symbols at home, spoke Ukrainian and refused to switch to Russian.
- Individuals who refused to cooperate:
 - Teachers who refused to instruct students using Russian textbooks prior to the commencement of the school year (July-August 2022).
 - Ukrainian civil servants refusing to cooperate or actively resisting the Russian military (e.g. civil servants disappearing after speaking at collective rallies during the war's initial stages when people attempted to hinder the Russian military in this way).
- Individuals who volunteered by, among others, providing humanitarian aid, repairing military equipment or correcting artillery fire for the UAF.

¹³ See: e.g. case studies no. 2, 6, 11, 13, 14, 16 included in the Communication.

¹⁴ See: e.g. case study no. 4 included in the Communication.

- Individuals whose contacts, photos, correspondence/chats in their phones, or social media accounts were deemed 'suspicious' to the Russian military.
- Individuals who had tattoos featuring Ukrainian national symbols, UAF symbols, or other symbols that the Russian military found 'ambiguous'.

In some instances, the circumstances surrounding the cases of enforced disappearance remain unknown or poorly understood, which necessitated further investigations. Some individuals disappeared during evacuation attempts from the temporarily occupied territories. According to witness testimonies collected by KHPG, some missing individuals might have been suspected of providing assistance to the UAF during an inspection or search when attempting to leave, which resulted in their detention in filtration camps or accusations levied against them of partaking in certain illegal activities.¹⁵

Pattern 2¹⁶ (enforced disappearances taking place at home or on the road)

Arrests mainly occurred at home or on the road, and were typically preceded by searches: 374 individuals went missing from their homes, while 185 disappeared during their journeys on the road. The cases of disappearances during the victims' travel meant that they had vanished at checkpoints during document inspection, or while traveling between various locations in the temporarily occupied territories.

Older individuals were also known to disappear from their homes, as they were taken by the Russian military to unknown destinations, with any form of contact being subsequently lost. Similar, persons who were injured, mostly in the context of artillery shelling by the Russian military, went missing. Following their hospital stays, some individuals were transferred to filtration camps, where communication with relatives was further limited. Enforced disappearances were often preceded by either a personal search or an unlawful house search. The searches were introduced by the Russian military to find documents revealing connections to the Ukrainian authorities or security forces, military paraphernalia, weapons, suspicious photographs, chats, contacts, or any Ukrainian national symbols. However, individuals could still be at risk of enforced disappearance even if such items had not been discovered.

Mostly, victims of disappearances were taken away, while their hands were tied with ropes and bags placed over their heads, so they could not see where they were being taken by the Russian military. The reasons for detention were not announced to the victims on the spot, and the perpetrators did not serve them with any arrest documents.

Pattern 3¹⁷ (enforced disappearances predominantly targeting men)

The data collected by KHPG demonstrates a distinct trend of enforced disappearances predominantly affecting men, outnumbering women almost two to one (62% men compared to 34% women, with 4% involving children).

The alleged crimes primarily targeted the male population due to the Russian occupation authorities' policy aimed at suppressing any anti-Russian resistance. Ukrainian men were perceived as the most likely instigators of armed resistance against the Russian authorities. Many male victims were suspected of directly or indirectly collaborating with the Ukrainian Armed Forces, whereas women were less frequently suspected of being implicated in such activities. Ukrainian men who retired, were dismissed from the UAF, served as law enforcement officers,

¹⁵ See: e.g. case study no. 2 included in this Communication.

¹⁶ See: e.g. case studies no. 1, 5, 6, 7, 9, 10, 12, 14, 15 included in this Communication.

¹⁷ All case studies included in this Communication include male victims.

or were government officials who refused to collaborate with the Russian administration were among those detained.

For instance, victims of enforced disappearances included 180 Ukrainian civil servants, notably those from local municipalities who refused to cooperate, as well as 90 former military, law enforcement, and intelligence officers. Additionally, 13 journalists and 86 volunteers involved in transporting humanitarian aid or evacuating civilians were also identified among those who disappeared.¹⁸

In the case of enforced disappearances of female victims, they often occurred in association with the disappearance of their relatives and husbands.

Pattern 4¹⁹ (futile attempts of the victims' families to establish the fate of their missing family member(s))

After a victim's disappearance, their family faced significant challenges in obtaining information about the missing family member from Russian local occupation authorities or government officials. Confirmation of the victim's captivity often took months, and in some cases, more than a year since the victim's disappearance. Even when family members received confirmation of the victim's captivity, it lacked details about the victim's precise location of captivity and health status. Consequently, the families of the missing persons remained in an information void, initially unaware of the victim's fate and later uncertain about their condition of detention, or whether they had been subjected to violence.

As documented by the procedural history of this Communication's case studies, Russian government authorities consistently failed to provide specific answers to inquiries from victims' family members, whether submitted personally or through a lawyer, regarding the victims' fate and whereabouts. In most instances, these inquiries were ignored, receiving no response. Ukrainian authorities lack effective means to compel the Russian side to provide timely and accurate information about the victims' fate and whereabouts, as the Russian government fails to abide by its obligations under IHL and human rights law. This lack of cooperation by the Russian authorities appears deliberate, as the responses received from Russian government and its occupation authorities — lacking specific details about the circumstances of the victims' arrest/detention/abduction — are uniform across all cases of enforced disappearances.

Pattern 5²⁰ (physical violence in the places of unlawful detention)

KHPG found that physical force was used against 998 victims of enforced disappearances during the period of their unlawful detention. Such information became known after the missing persons were released and provided testimonies about the circumstances of their detention, as well as the instances of physical violence directed against fellow detainees. The use of physical force included beatings, extorting confessions, or forcing to hand over certain material possessions (e.g. money, jewellery), requiring to disclose the names of other people, etc. Such physical violence was often taking place in front of others for the purpose of intimidation.

It is unclear whether the victims received any medical care while in detention, as their whereabouts and health status often remain unknown. In cases where the missing victims

¹⁸ Please note that collected data reflects only those instances where the professional activity of the victim could be accurately identified. Therefore, the number of victims may significantly differ from the total count.

¹⁹ All case studies included in this Communication provide a detailed procedural history, demonstrating the futile attempts of the victims' families to establish the fate and whereabouts of their family member(s).

²⁰ See: e.g. case studies no, 5, 6, 8, 10, 11, 12, 13, 14, 16, 17 which form part of this Communication.

were located later, they reported the lack of access to medical care in the places of unlawful detention.

Foreigners who raised suspicions among the Russian military, irrespective of their nationality (including U.S. or European citizens or any foreigners in the temporarily occupied territories), were also subjected to enforced disappearances.

IV.2.2. Alleged perpetrators identified

KHPG has been able to verify and confirm the involvement of the Russian military in 1,136 cases of enforced disappearances. In 32 instances, individuals who were associated with the Russian military, e.g. members of the militia groups from the so-called DPR/LPR or collaborators from the local population, were involved.

In most cases, identifying individual perpetrators behind the cases of enforced disappearances proved to be a challenge, but KHPG is actively working toward establishing their identities by collecting more evidence. The perpetrators of enforced disappearances include individuals at various levels within the Russian governmental or military hierarchy. They encompass direct perpetrators, i.e. those members of the Russian military committing the crime, and accomplices who aid, abet or in any other way facilitate the commission of the alleged crimes. Further, individuals who failed to provide accurate information about the fate or whereabouts of the missing persons, despite being aware of the fact that they were under the control of the Russian Federation, are also counted among the perpetrators.

IV.2.3. Regional analysis

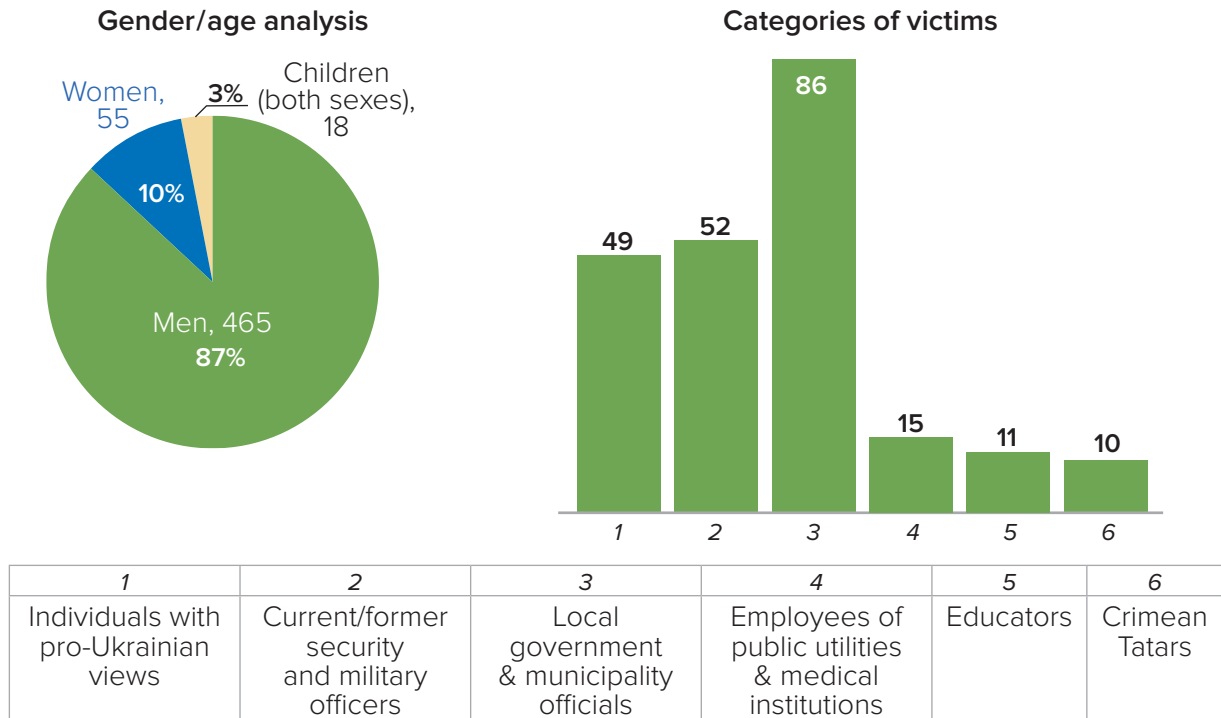
KHPG conducted an in-depth regional analysis of the cases of enforced disappearances. The regions were selected based on the number of recorded cases of enforced disappearances, using interviews with victims/witnesses and/or collecting open-source information. The analysis took into account several factors, such as gender and the geography of the alleged crimes, while highlighting the cases of mass enforced disappearances (when more than two persons became the victims of the crime).

However, the criteria for information collection varied across different regions due to the divergence in data collected in different locations and the specificities of individual regions. The analysis is presented in visual graphs below.

Kherson region

Following Russia's full-scale aggression against Ukraine, the Kherson region has experienced a surge in reported cases of enforced disappearances and unlawful detention of civilians. This pattern extends across various locations across the region, encompassing villages and larger towns. The combined practice of enforced disappearances and unlawful detentions serves as a tool of oppression against the civilian population of the Kherson region aimed to silence individuals with pro-Ukrainian views and suppress the freedom of speech more broadly. Then objective is to coerce the Ukrainian civilian population in occupied territories into cooperating with the Russian occupation regime.

Between February 24, 2022, and March 31, 2023, KHPG recorded 525 cases of enforced disappearances in the Kherson region. Among the missing persons, 465 were men (87%), 55 were women (10%), and 5 were children under 18 of both sexes (less than 3%). The graph below illustrates the seven categories of civilians who most often became victims of enforced disappearances.



1. Category (activists with pro-Ukrainian views)

Initially, the Russian occupiers targeted participants in pro-Ukrainian rallies, volunteers, and social activists as part of their strategy to “suppress the resistance” within the most patriotic and nationally conscious segment of the population. KHPG recorded **49** such cases. The abductions were primarily carried out by FSS officers and the Russian military. They usually unlawfully detained their victims after the rallies when the participants were leaving home. The abducted persons were taken to unofficial detention facilities, which were established and run by the Russian authorities. While in detention, individuals were frequently subjected to psychological violence and faced threats of physical violence. The Russian captors pressured detainees to abandon their pro-Ukrainian activities and instead collaborate with the “newly created occupation authorities”. Detainees endured captivity for a period ranging from four days to a week, after which some of them were released.

2. Category (former and current law enforcement and military officials)

Following the “suppression of resistance” and the dispersal of pro-Ukrainian rallies, the Russian occupiers shifted their focus to identifying and targeting current or former security and military officials, i.e. retired members of the Ukrainian military, former law enforcement and special services officers. The occupiers frequently resorted to kidnapping close relatives of these persons, intending to influence into surrendering and/or coercing them to collaborate with the Russian occupation regime. KHPG recorded **52** cases falling into this category.

3. Category (local government and municipality officials)

In an effort to “legitimize” the Russian occupation authorities, the occupiers initiated abductions of members of the local government and municipality councils. KHPG recorded **86** cases within this category. The majority of such officials were abducted from their homes or workplaces. Some officials, unwilling to collaborate with the Russian occupation authorities, were forced to leave the occupied territory. Local officials in Kherson were subjected to both physical and psychological violence.

4. Category (employees of public utilities and medical institutions)

In an attempt to ensure the functioning of the infrastructure in the Kherson region, the Russian occupation authorities exerted pressure on employees of public utilities and medical institutions. KHPG recorded **15** cases falling within this category. Abductions typically occurred at the victims' homes or workplaces. A significant number of victims resisted collaboration with the Russian occupation authorities and were consequently compelled to flee the occupied territory. They were replaced with loyal employees, mostly IDPs from Mariupol in the Donetsk region. Some employees, however, succumbed to collaboration after being abducted, and being subjected to physical and psychological violence.

5. Category (educators)

In May 2022, the Russian occupation authorities began replacing Ukrainian educational programs with Russian ones, urging local educators to collaborate to implement in implementing such changes. Despite the pressure exerted, the majority of Ukrainian educational institutions and their staff refused to comply. In Kherson, for instance, out of **60** educational institutions, only two agreed to collaborate with the Russian occupation regime. This resistance heightened the pressure on these institutions. KHPG recorded **11** cases of enforced disappearances involving educators, primarily heads of educational institutions. Subsequent to these disappearances, announcements were made about a "change of leadership", with collaborators appointed by the Russian occupation authorities to replace those who resisted the educational program alterations.

6. Category (Crimean Tatars)

The Russian military and occupation authorities have extended their targeting to include representatives of the Crimean Tatars, the indigenous people of the Crimean Peninsula, who were forced to flee the temporarily occupied Crimea after 2014 to protect their life and safety. KHPG has documented **ten** cases of enforced disappearances involving Crimean Tatars. The pretext for these unlawful detentions often cited by Russian occupation authorities is "suspected involvement in the 'Noman Chelebidzhikhan' battalion. The majority of missing persons remain in captivity, primarily held on the territory of the temporarily occupied Crimea.

7. Category (Others)

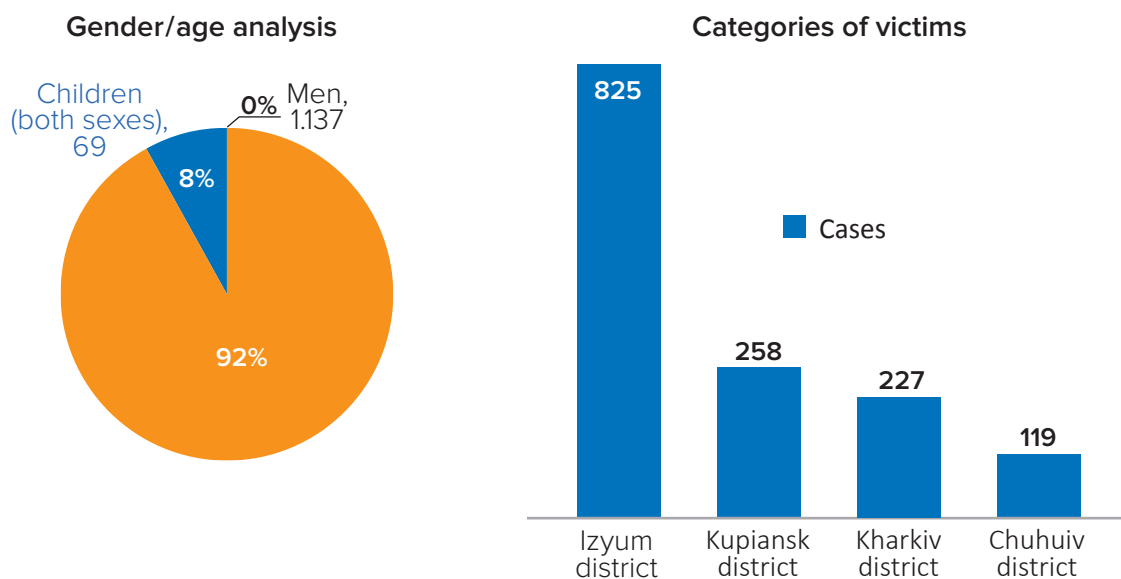
Random victims were targeted as they were accused of cooperation with Ukrainian authorities, allegedly passing on information to them, adjusting artillery fire for the UAF, and taking pictures of Russian military equipment or personnel. Refusal to cooperate with the Russian occupation authorities and participate in a "pseudo-referendum" also became grounds for abduction, which was followed by the person's disappearance. A significant number of civilians were abducted when attempting to evacuate from the occupied territories. The Russian military frequently arrested civilians while checking their documents and belongings, who subsequently became victims of enforced disappearance. KHPG recorded at least **51** falling within such category.

Kharkiv region

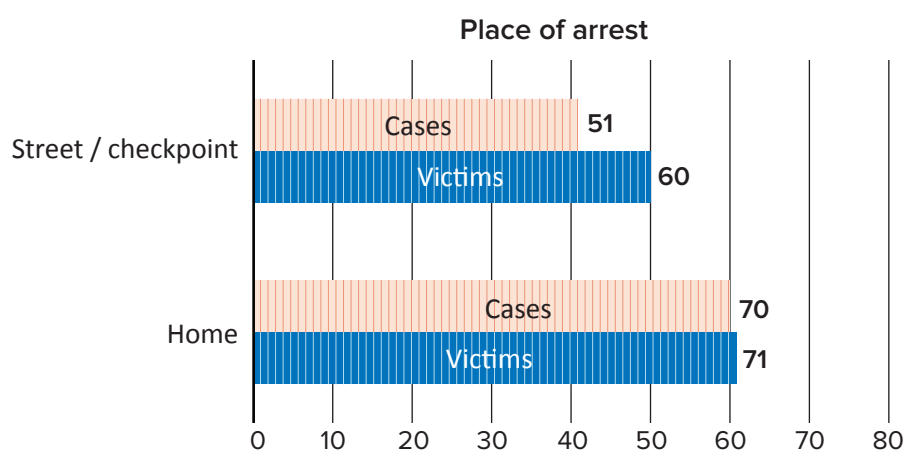
Between February 24, 2022, and March 31, 2023, KHPG recorded 1,874 cases of enforced disappearances in the Kharkiv region. In total, 2,025 people went missing. This total includes 1,137 men (56%), 819 women (40%), and 69 children under 18 of both sexes (4%).

Most disappearances took place in the areas temporarily occupied by the Russian military for a long period of time. The highest number of disappearances was documented in the Izyum district (825 cases), Kupiansk district (258 cases), Kharkiv district (227 cases), and Chuhuyiv district

(119 cases) of the Kharkiv region. A high number of enforced disappearances in the Izyum district can be explained by the significant size of the district and its large population.



In certain cases, KHPG faced challenges in establishing the exact time of the victim's disappearance. Given that enforced disappearances occurred within the context of an ongoing war, relatives of missing person are not always able to definitively state when the alleged crimes took place. In some instances, the fact of the person's disappearance was reported days or even weeks later. Only in a few cases it was possible to determine the time of day when the incident occurred. Similar difficulties were encountered in determining the exact location of disappearance. In many cases, the last place where the person was seen was indicated either as the entire municipality or the last place of residence. The specific details regarding the place, time, and circumstances of the disappearance, with sufficient level of accuracy could be established in cases where there were direct eyewitnesses or when the disappeared individuals have finally been located.

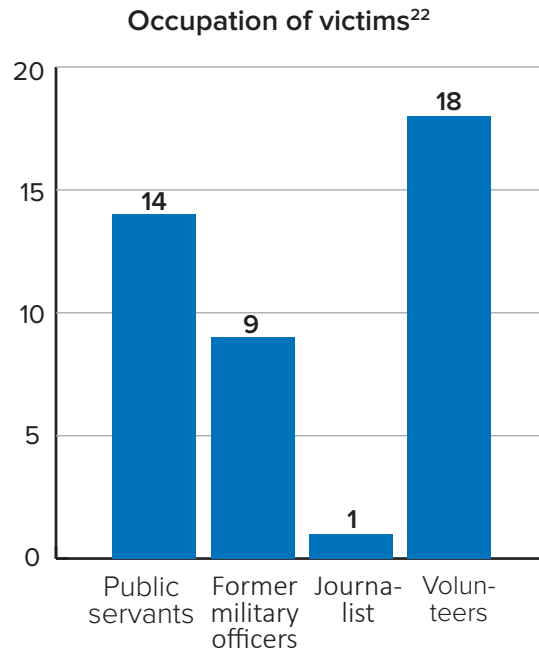


The enforced disappearances of former border guards²¹ have emerged as a distinct characteristic of the Kharkiv region due to its status as a border region with Russia. In the temporarily occupied areas of the Kharkiv region, Russian authorities have actively promoted a policy of denunciation, encouraging individuals to report on their neighbours, relatives, and former colleagues. This practice has become widespread, fostering an atmosphere of terror and mutual distrust among the local population. The tactics employed are designed to deter any potential

²¹ State Border Guard Service of Ukraine, <https://dpsu.gov.ua/en/>.

mass resistance and inhibit the population's participation in partisan groups against the Russian occupation regime.

In some cases, relatives, including parents and children of the Ukrainian military in active service who found themselves in the temporarily occupied territories, also fell victims of enforced disappearances. However, in many cases, KHPG faced challenges in establishing a clear causal link between the occupation of the missing individual, or their relatives, and their disappearance.



The grounds for the unlawful detentions and disappearance often included accusations of cooperation with the Ukrainian authorities, allegedly passing on information to Ukrainian authorities, adjusting artillery fire for the UAF, photographing Russian military equipment or personnel, refusing to cooperate with the occupation authorities, etc.

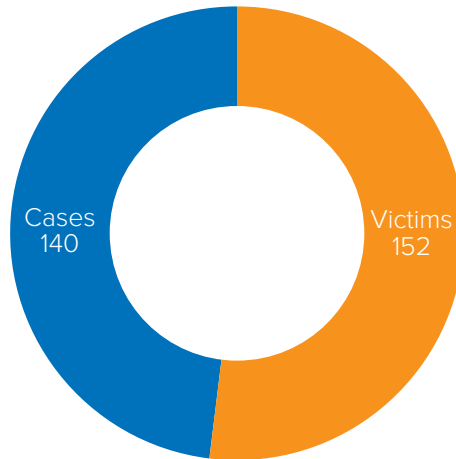
The procedures of enforced disappearances were rather uniform and followed two main scenarios. The first scenario involved a targeted visit by the Russian military or associated persons to the victim's home. During the visit, the house was searched, and items were found that, in the opinion of the Russia military, compromised the house owner/resident. These items included chevrons of Ukrainian military uniforms, photographs in military uniforms, any military-coloured clothing, weapons (including hunting weapons), and national symbols of Ukraine (e.g. a flag or coat of arms). A personal search was also conducted, during which the person was asked to undress in order to check for tattoos on their body. The inspection of cell phones included checking messengers, shared media files, and phone contacts. At least 71 individuals in 70 cases disappeared according to such a scenario.

The second scenario involved the disappearance of a person on the street or at checkpoints. While checking the documents and belongings of passers-by, the Russian military often arrested some of them, who later disappeared. At least 60 people disappeared in 51 cases disappeared according to such a scenario. Physical force was used during the unlawful detention of 145 victims in 133 cases. The arrest/ detention/abduction preceded the enforced disappearance and included the use of physical violence against victims, provoked or more often not provoked by the victim's actions. Violence usually included beatings, the use of small arms, etc.

²² Please note that collected data reflects only those instances where the professional activity of the victim could be accurately identified. Therefore, the number of victims may significantly differ from the total count.

Notwithstanding limited sources of information, KHPG was able to establish the alleged involvement of the Russian military in 140 cases covering 152 victims. In another 9 cases, the involvement of members of the militia groups from the DPR/LPR was established.

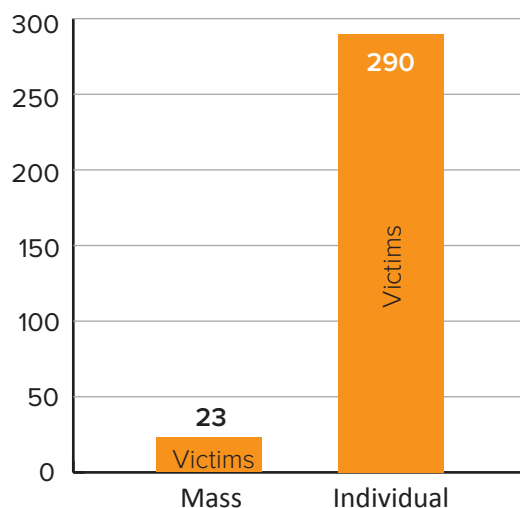
Alleged involvement of the Russian military



Zaporizhzhya region

Between February 24, 2022, and March 31, 2023, KHPG recorded 313 cases of enforced disappearances in the occupied area of the Zaporizhzhya region. The vast majority of disappearances were recorded in Berdyansk, Melitopol, and Polohiv districts. Among the missing persons 239 were men, 47 were women, and 2 were children under 18 of both sexes. The age and gender of 23 other individuals could not be established.

Mass v individual disappearances

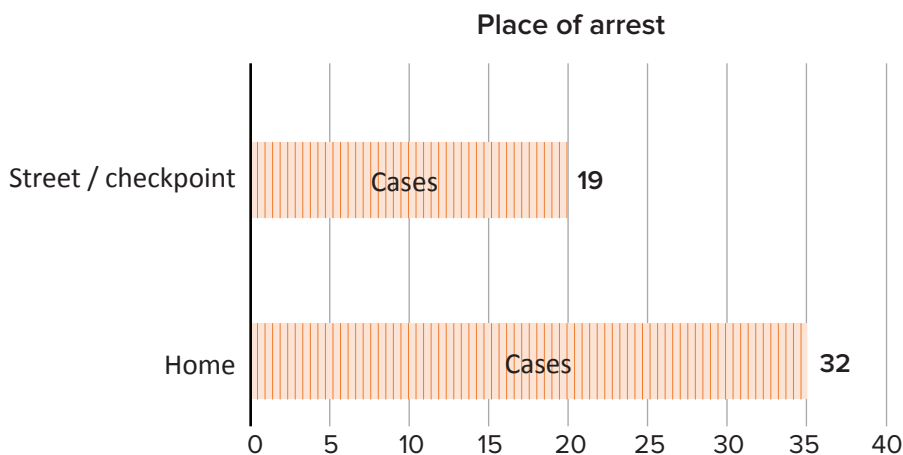


In most cases, the disappearances were individual (290 cases involving 290 victims), meaning that one person went missing rather than groups of individuals. An individualised approach towards the policy of enforced disappearances was evident in all actions of the Russian military. To legitimise the Russian occupation authorities, Russians compiled lists of people who might show loyalty to the Ukrainian authorities, i.e. civil servants, teachers/academics, researchers, and members of pro-government political parties. The lists also included people who could potentially organize public rallies against the Russian occupation authorities, such as journalists, public figures, and volunteers. Relatives of Ukrainian military in active service who found themselves in

the temporarily occupied territories were also viewed as a threat and often became victims of enforced disappearances. KHPG recorded cases of mass disappearances that include 23 victims.

In 32 cases of enforced disappearances, the Russian military and associated persons arrested the victims in their own homes. Generally, the procedure was well planned in advance. Typically, a search was conducted in the victim's house, during which something was found that, in the opinion of the Russian military, indicated the victim's cooperation with the Ukrainian authorities (e.g. passing on information or adjusting artillery fire for the UAF). These items could include chevrons of Ukrainian military uniforms, photographs in military uniforms, any military-coloured clothing, weapons (including hunting weapons), and Ukrainian national symbols (e.g. a flag or coat of arms). A personal search was also conducted, during which the person was asked to undress in order to check for tattoos on their body. The inspection of cell phones included checking messengers, shared social media content, and contacts.

KHPG documented 19 cases of enforced disappearances of persons while the victims were attempting to evacuate from the occupied territories or moving from one location to another within the region. The Russian military often arrested individuals during documents and belonging check of passers-by or at checkpoints, and these individuals later went missing. Additionally, when locals encountered Russian military columns of equipment while traveling, they were frequently detained on suspicion of cooperating with the Ukrainian authorities and artillery fire adjustment.



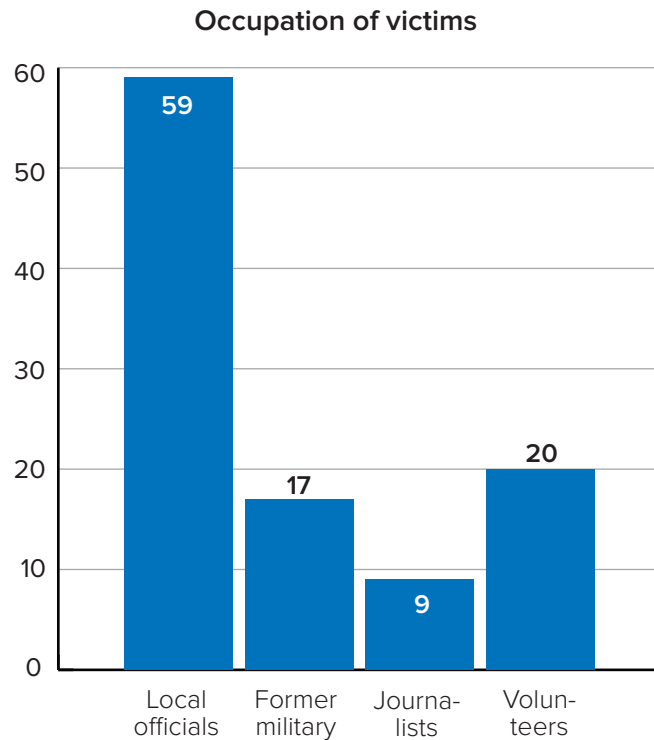
The Russian military and its associates primarily targeted local government and municipality officials, teachers/academics, researchers, and employees of utility companies at their workplaces. KHPG recorded 59 such cases.

In 80 cases, physical force was used during the unlawful detention. The arrest/detention preceded the enforced disappearance and was accompanied by the use of physical violence against victims. Violence usually included beatings, use of small arms, etc. The Russian military demonstratively beat victims during the period of detention to instil fear in the local population.

KHPG was able to establish a causal link between the disappearance and the person's occupation for the following categories of victims:²³

- local government and municipality officials, teachers/academics, and employees of public utility companies — 59 persons;
- retired military officers, former law enforcement and special services officers — 17 persons;
- volunteers — 20 persons;
- journalists — 9 persons.

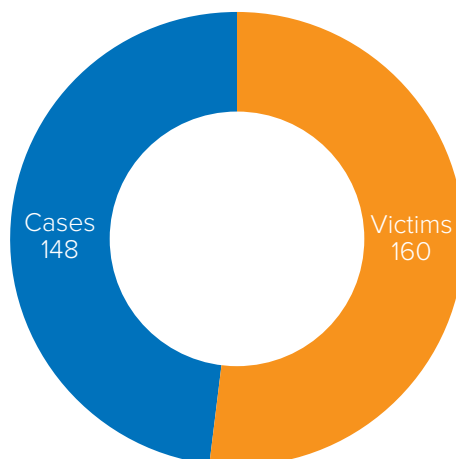
²³ Please note that collected data reflects only those instances where the professional activity of the victim could be accurately identified. Therefore, the number of victims may significantly differ from the total count.



KHPG also documented 6 cases of enforced disappearances of foreigners.

KHPG was able to establish the alleged involvement of the Russian military in 148 recorded cases of enforced disappearances. In another three cases, the involvement of individuals affiliated with the Russian military, such as members of the militia groups from the DPR/LPR was established. Due to limited information sources, the involvement of the Russian military and its affiliated military personnel was established in 55 cases.

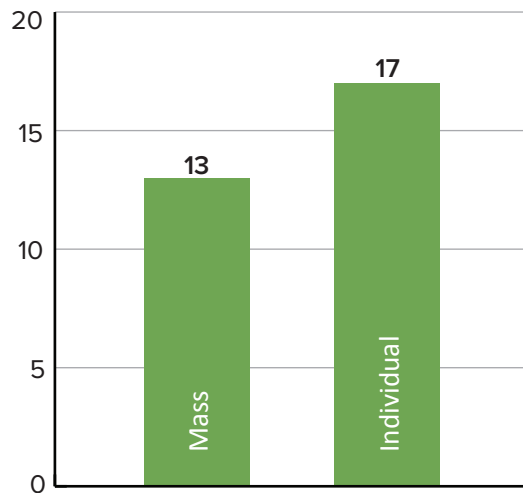
Alleged involvement of the Russian military



Luhansk region

Between February 24, 2022, and March 31, 2023, KHPG recorded 35 cases of enforced disappearances. Although the number of incidents is relatively low, KHPG established that they included enforced disappearance of 220 individuals. Hence, the percentage of mass enforced disappearances in the Luhansk region was the highest in Ukraine: 13 out of 30 incidents of enforced disappearances involved mass disappearances (see graph below).

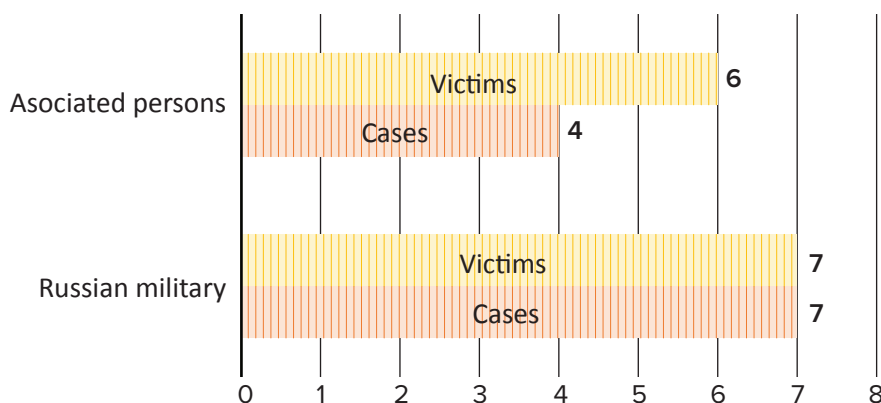
Mass / individual disappearances



The limited access to the occupied area, which remains to be occupied to date, did not allow to establish in sufficient detail the circumstances of the vast majority of cases of enforced disappearances. The available information was obtained from open-source information due to the lack of access to the affected communities. Another obstacle is that a significant number of victims, their relatives, and witnesses remain either in the temporarily occupied territories, left or were forcibly taken to the territory of Russia, where they continue to reside, or went abroad. A relatively small number of victims’ relatives returned to the government-controlled territory of Ukraine.

However, KHPG has found that in 7 cases involving seven individuals, the victim was detained, arrested, or otherwise deprived of their liberty by the Russian military. All these cases were cases of individual, not mass disappearances. In addition, in 4 cases, the alleged perpetrators were Russia-affiliated military personnel, namely representatives of the so-called LPR who belonged to military formations, security forces, or other quasi-state bodies of the self-proclaimed entity (see graph below).

Alleged involvement of the Russian military



The data collected indicates that only one of the disappeared persons had been subjected to torture or other physical violence. However, it is possible that the actual number of cases where violence was actually used is higher, and data collected by KHPG may not reflect the absence of violence but rather the lack of information from the temporarily occupied region.

Four victims were identified as civil servants, and no information was received on the status or profession of other detainees. The largest number of cases of enforced disappearances was recorded in the Sievierodonetsk district and Starobilsk district of the Luhansk region.

V. CASE STUDIES

CASE N° 1

Victim's name	Mr. P.
Victim's number in KHPG Database	DB1 #13486
Date of the alleged crime	30 March 2022
Location of the alleged crime	Tsyркuny village Kharkiv district Kharkiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces together with members of IAGs of the DPR/LPR accompanied by physical and psychological abuse in illegal detention facilities, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i), Art. 7(1)(k) RS War crimes: Art. 8(2)(a)(iii), Art. 8(2)(a)(vii) RS

At the beginning of Russia's full-scale invasion of Ukraine on February 24, 2022, Mr. P. [PERSONAL INFORMATION REDACTED] lived with his family in the village of Tsyркuny in the Kharkiv district of the Kharkiv region [ADDRESS REDACTED]. On 24 February 2022, the village of Tsyркuny was occupied and came under the temporary control of the so-called DPR/LPR and the Russian regular armed forces until the village was de-occupied on 7 May 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim²⁴

On March 30, 2022, approximately at 07:00 pm, two cars carrying unidentified armed men, dressed in military uniforms typical of the Russian armed forces ("dubok"), drove up to the victim's house in the village of Tsyркuny [ADDRESS REDACTED]. At that time, in addition to Mr. P., his relatives, namely Ms. M., Mr. E and Mr. N. [PERSONAL INFORMATION REDACTED], were also present in the house. After getting out of the cars, individuals dressed in military uniforms made their way to Mr. P.'s house. Some of them jumped over the fence, while others entered through the door.

According to Ms. M., there were eight individuals in total. The unidentified men dressed in military uniforms were armed. Some of them spoke Russian with a characteristic Russian accent. Others, who were addressing Ms. M. and Mr. P. spoke by mixing Russian and Ukrainian, which suggests that the individuals were members of IAGs from the DPR/LPR.

First, they struck Mr. P. in the stomach with a rifle butt before proceeding to search the house and garage. During their search, they found and confiscated old non-functional walkie-talkies and

²⁴ The information provided in this sub-section is based on witness testimony of Ms. D. given to KHPG on 13 December 2022, which is stored in the KHPG database and linked to the victim's unique number.

a laptop. Mr. P., along with the other men, Mr. E. and Mr. N., had bags placed over their heads and were taken out of the yard. They were then taken to an unknown location.

According to unofficial information received by Mr. P.'s wife from individuals who were held captive together with her husband in the basement of an unknown building in the village of Liptsi in the Kharkiv region, Mr. P. was subjected to physical and psychological violence. According to the witness testimony, Mr. P. endured constant beating, systematic death threats and starvation. Fearing for his own safety, the witness did not provide information about the perpetrators who used physical and psychological violence against Mr. P., noting only that they were the members of the Russian armed forces and IAGs of the DPR/LPR.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

1. International organizations

Filing date	Filing party	Authority	Status
9 January 2023	Ms. D. (victim's daughter)	ICRC	Pending
9 May 2023	Lawyer of KHPG	UN Human Rights Committee	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
23 June 2022	Mr. T. (victim's son)	Kharkiv District Police Department No. 2 of the Main Department of the National Police in the Kharkiv Region	1. Opening of criminal proceedings. 2. On 11 July 2022, the police investigator interviewed Mr. T. as a witness in the case. 3. On 15 July 2022, the case file was further sent to the Investigation Department of the SSU in the Kharkiv Region. The applicant was granted the victim's status. 4. On 22 July 2022, the police investigator interviewed Mr. P.'s wife as a witness.
29 July 2022	MP Sushko P. M.	Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine (hereinafter — MinTOT)	A response was received confirming the captivity of Mr. P. The information was received from the ICRC.
15 December 2022	Lawyer of KHPG	SSU in Kharkiv region	Pending
17 December 2022	Ms. D. (victim's daughter)	Joint Coordination Center for Search and Release of Illegally Deprived Persons and Hostages as a result of the armed aggression of the Russian Federation against Ukraine within the Security Service of Ukraine (hereinafter — the SSU Joint Center)	A response was received confirming Mr. P.'s illegal deprivation of liberty. No information was provided about Mr. P.'s place of detention in the territory of Russia.
23 December 2022	Ms. D. (victim's daughter)	National Information Bureau owned by the state enterprise 'Ukrainian National Center for Peacebuilding' (hereinafter — NIB)	On December 30, 2022, a response was received stating that information about Mr. P. was entered into the register.

6 January 2023	Ms. D. (victim's daughter)	Joint Center of the Ukrainian Ombudsman	Pending
6 January 2023	Ms. D. (victim's daughter)	Chief of the Defence Intelligence of Ukraine	Pending
6 January 2023	Ms. D. (victim's daughter)	Ukrainian Coordination Headquarters for the Treatment of Prisoners of War, CMU (hereinafter — PoW Coordination HQ)	On 7 January 2023, a response was received notifying that information about Mr. P. was entered into the register and his captivity was confirmed by the ICRC.
19 January 2023	Ms. D. (victim's daughter)	Ukrainian Ombudsman	1. On 20 January 2023, a response was received stating that Mr. P. was included in the list of persons illegally deprived of liberty. 2. On January 30, 2023, a response was received stating that, in connection with Mr. P.'s abduction and illegal detention, all necessary steps were undertaken in order to facilitate his release. ²⁵
6 February 2023	Ms. D. (victim's daughter)	Ukrainian Red Cross Society	Pending

3. Russian authorities

Filing date	Filing party	Authority	Status
29 September 2022	Ms. D. (victim's daughter)	President of the Russian Federation	Pending
29 September 2022	Ms. D. (victim's daughter)	Presidential Administration of the Russian Federation	Pending
13 October 2022	Ms. D. (victim's daughter)	Ministry of Defence of the Russian Federation (hereinafter — MoD RF)	A response was received confirming that Mr. P. was on the territory of the Russian Federation and he was being investigated for his alleged involvement in the crimes against the Russian Federation. No information was provided on Mr. P.'s place of detention in Russia.
19 December 2022	Lawyer of KHPG	Ombudsman of the Russian Federation	Pending
23 December 2022	Ms. D. (victim's daughter)	Investigative Committee of the Russian Federation (hereinafter — IC)	Pending
30 December 2022	Ms. D. (victim's daughter)	Federal Security Service of the Russian Federation (hereinafter — FSS)	On January 27, 2023, a response was received notifying that there was no available information about Mr. P.
6 January 2023	Ms. D. (victim's daughter)	Russian Red Cross	On the same day, a response was received urging to contact the ICRC.
9 January 2023	Ms. D. (victim's daughter)	Main Military Investigation Department of the IC	On February 15, 2023, a response was received that the inquiry was further sent to another competent authority i.e. the Main Military Police Department of the MoD.
10 January 2023	Ms. D. (victim's daughter)	Main Military Prosecutor's Office of the Russian Federation	On February 19, 2023, a response was received stating that the inquiry was further sent to the Military Prosecutor of the Joint Group of Forces for information verification. As of 26 May 2023, no further response was received.

²⁵ The response stated that the Secretariat of the Ukrainian Ombudsman sent letters to the NIB and the SSU Joint Center to take appropriate measures to locate and secure release of Mr. P. Further to this, a separate letter was sent to the ICRC Delegation in Ukraine with the view of facilitating the possibility of the victim's communication with his family and receiving appropriate assistance, including medical care; ensuring the victim's adequate conditions of detention; and informing the victim's family about the issues raised. This was done to ensure that all the necessary measures aimed at the victim's release were undertaken.

11 January 2023	Ms. D. (victim's daughter)	Ministry of Internal Affairs of the Russian Federation (hereinafter — MIA RF) ²⁶	Pending
11 January 2023	Ms. D. (victim's daughter)	MoD RF ²⁷	Pending
8 February 2023	Ms. D. (victim's daughter)	Federal Penitentiary Service of the Russian Federation	Pending
8 February 2023	Ms. D. (victim's daughter)	Government of the Russian Federation	On 9 February 2023, a response was received informing that the inquiry was further sent to the MoD RF.
10 February 2023	Ms. D. (victim's daughter)	Main Military Prosecutor's Office of the Russian Federation	Pending
10 February 2023	Ms. D. (victim's daughter)	President of the Russian Federation	Pending
10 February 2023	Ms. D. (victim's daughter)	Ombudsman of the Russian Federation	Pending
10 February 2023	Ms. D. (victim's daughter)	IC RF	Pending

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing date	Authority	Status
24 January 2023	Ms. D. (victim's daughter)	so-called Ministry of Justice (MoJ) of the DPR	On 1 February 2023, a response was received requesting to confirm the applicant's kinship and identity.
24 January 2023	Ms. D. (victim's daughter)	so-called Ministry of Internal Affairs (MIA) of the DPR	Pending
24 January 2023	Ms. D. (victim's daughter)	so-called Ministry of State Security of the LPR	Pending
24 January 2023	Ms. D. (victim's daughter)	so-called Ombudsman in the LPR	On 2 February 2023, a response was received stating that information about Mr. P would be provided, should it become known.
31 January 2023	Ms. D. (victim's daughter)	so-called Ombudsman in the DPR	Pending
2 February 2023	Ms. D. (victim's daughter)	so-called MoJ of the DPR (second request)	On 13 February 2023, a response was received stating that Mr. P. was not being held in penitentiary institutions and pre-trial detention centers overseen by the MoJ.
06 February 2023	Ms. D. (victim's daughter)	so-called MIA of the LPR	Pending
06 February 2023	Ms. D. (victim's daughter)	so-called Ministry of State Security of the DPR	Pending
06 February 2023	Ms. D. (victim's daughter)	so-called MoJ of the LPR	On 7 February 2023, a response was received stating that the matter was outside its competence.

CASE N° 2

Victim's name	Mr. S.
Victims's number in KHPG database	DB1 #7987
Date of the alleged crime	18 May 202

²⁶ The inquiry was sent through the Presidential Administration of the Russian Federation.

²⁷ Ibid.

Location of the alleged crime	Savyntsi village / Izyum district / Kharkiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces accompanied by physical and psychological abuse in illegal detention facilities, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(f), Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(ii), Art. 8(2)(a)(vii) RS

Since early March 2022, the village of Savyntsi in the Izyum district of the Kharkiv region, where Mr. S. and his family lived at the time, was occupied and came under the temporary controlled by the so-called DPR/LPR and the Russian regular armed forces until the village was deoccupied on 10 September 2022.

Mr. S. lived in the village of Savyntsi [ADDRESS REDACTED] with his mother, sister and brother. He carried out the volunteer work since February 24, 2022 by taking people to safer areas. Mr. S. has a 2-year-old son with disability. Mr. S.'s common law partner evacuated to a safer area with their son.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim²⁸

On May 18, 2022, two large military vehicles arrived at Mr. S.'s house. About 15 armed men, adorned with the insignia of the Federal Security Service (FSS) of the Russian Federation, including chevrons and inscriptions on military uniforms, disembarked from the vehicles. The FSS officers surrounded Mr. S.'s house. Mr. S. was not at home at the time. They entered the yard and started asking Mr. S.'s mother, Ms. O., about the whereabouts of her son. She told the FSS officers that she did not know. They grabbed her and led her to a police car, in which she saw a young man from the same village, Mr. V. When he saw Ms. O. being put into the car, Mr. V. told the FSS officers to leave her alone, as he knew about the whereabouts of Mr. S. and was willing to show the way. Afterwards, the FSS officers forced Ms. O. and her children, a 10-year-old son and a 14-year-old daughter, against the fence outside the yard and put machine guns to their faces. They searched the house, confiscated Ms. O.'s mother's phone, Mr. S.'s phone and the phone of Ms. O.'s eldest daughter. One of the vehicles drove away to pick up Mr. S., while the other one remained parked near the house. Soon afterwards, the FSS offices took Mr. S. from his work. Ms. O. saw her son in the car window when the police car was driving by their house.

According to Ms. P.'s eyewitness account, who is Mr. S.'s neighbour, she witnessed Mr. S. being taken away by the Russian military personnel. On 18 May 2022, around lunchtime, Russian soldiers drove up to the neighboring house [ADDRESS REDACTED]. Two Russian military vehicles stopped next to her house. The Russian soldiers got out of the vehicle and went to the neighbors' house. They took Ms. O. and her children to the yard and put them against the fence. Ms. P. asked the Russian soldiers twice for their permission to take the children to her house, but they replied: "You are safe, go back to the yard, we need the children here". Half an hour later, the Russian

²⁸ The information provided in this sub-section is based on witness testimony of Ms. O. given to KHPG on 5 April 2023, which is stored in the KHPG database and linked to the victim's unique number.

soldiers came to Ms. P. asking her to look after Ms. O.'s children, as they wanted to take the children's mother to show them the location where her son had gone. At that time, it turned out that Mr. S.'s friend, Mr. V., was in the car. After he was beaten, he agreed to show them the location of Mr. S, while Ms. O. was left at home. The Russian soldiers went to collect Mr. S. in one car, while another car remained parked near Ms. P.'s yard. About 20 minutes later, the Russian soldiers returned with Mr. S. Ms. P. saw Mr. S. being transferred to another car.

Another eyewitness to the incident was Ms. K., who is also a neighbor of Mr. S. According to her account, together with her five family members, she witnessed that the Russian FSS paid visit to Mr. S.'s house on May 18, 2022. As Ms. K.'s and Mr. S.'s gardens were adjacent, the Russian military presumed that Mr. S. was at Ms. K.'s place. The FSS officers threatened Ms. K.'s husband and her two sons, aged 15 and 22 years old respectively, with a loaded assault rifle and ordered them to raise their hands and refrain from making any sudden movements. Ms. K.'s husband replied that there were two other persons in the yard, namely Ms. K. and her 7-year-old daughter, who was playing in the sandbox. At that time, two FSS officers were coming their way to the house. They searched Ms. K.'s house looking for her neighbor Mr. S., but did not find him.

The next day, on May 19, 2022, Ms. O. went to the Russian military checkpoint to hand over warm clothes for her son. The Russian soldiers said that they were still conducting a "check" on Mr. S., but would probably release him soon. However, Mr. S. has never come home. Then Ms. O. travelled to Balakliya in the Kharkiv region. At the Balakliya police station, she found the FSS major who had taken Mr. S. and asked him about her son's whereabouts. He said that Mr. S. had been taken to the Russian Federation, and criminal proceedings had been opened against him on the basis of directing fire at the positions of the Russian military.

Mr. S.'s common law partner left for a safer region when Russia's full-scale invasion began. Before leaving, she left her mobile phone with Mr. S. for safety reasons, since the Russian occupation authorities were checking mobile phones at checkpoints. The phone was logged into her social media accounts. On May 24, 2022, a text message was sent from Mr. S.'s phone with the following text: "Hello, this is a Russian Cossack." Mr. S.'s common-law partner replied: "Do you have my husband's phone number, is he alive?". In response, she received a message that her husband was alive and was undergoing correctional labor. Soon afterwards, a video of Mr. S. kneeling appeared on Mr. S.'s social media accounts on Instagram and TikTok. Russian soldiers were also posting videos when they were driving military vehicles.²⁹

Later, it became known from Mr. Ts., who was held in captivity but released, that Mr. S. was initially held in the premises of the Balakliya District Police Department located at 33 Zhovtneva Street in Balakliya of the Kharkiv region where he was tortured. According to him, one one occasion, when Mr. S. returned to his cell from interrogation, his whole body was shaking. He said that he and another prisoner were taken for interrogation, and ordered to shoot at another prisoner with a gun, which was placed on the table. Mr. S. fired the gun, but the gun was not loaded. The Russian soldier said that he would summon Mr. S.'s wife and she would be sexually assaulted in front of him. The lawyer of KHPG has the testimony of Mr. Ts. The account is corroborated by the account provided by Mr. Ch who confirmed that Mr. S. was initially held in the premises of the Balakliya District Police Department where prisoners were systematically tortured.

In December 2022, Mrs. S. received a letter from Mr. S. without the sender's address in the envelope imprinted with "Russian Post". The letter was received through the state enterprise 'Ukrainian National Center for Peacebuilding' that performs the functions of the National Information Bureau in accordance with the Geneva Conventions.

²⁹ The videos are stored in the KHPG database.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

1. International organizations

Filing date	Filing party	Authority	Status
20 April 2023	Ms. O. (victim's mother)	ICRC and its Russian branch	A response was received about the receipt of the inquiry. Registration nr PRE-086830 was assigned.
27 June 2023	Lawyer of KHPG	UN Human Rights Committee	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
13 August 2022	Ms. O. (victim's mother)	SSU	Opening of criminal proceedings
18 April 2023	Ms. O. (victim's mother)	Defence Intelligence of Ukraine, MoD	Pending
18 April 2023	Ms. O. (victim's mother)	Office of the Ukrainian Ombudsman	On 2 May 2023, a response was received noting the fact of Mr. S.'s disappearance and confirming search efforts, however, informing that his whereabouts had not been established.
18 April 2023	Ms. O. (victim's mother)	PoW Coordination HQ	On 19 May 2023, a response was received confirming that Mr. S. was included in the NIB register. The captivity of Mr. S. was confirmed by the ICRC. There was no further information about Mr. S.'s whereabouts on the territory of Russia.
18 April 2023	Ms. O. (victim's mother)	MoD	Pending
18 April 2023	Ms. O. (victim's mother)	MinTOT	On 9 May 2023, a response was received confirming that the NIB received information about Mr. S.'s captivity.
18 April 2023	Ms. O. (victim's mother)	National Committee of the Red Cross Society	Pending
18 April 2023	Ms. O. (victim's mother)	NIB	Pending
18 April 2023	Ms. O. (victim's mother)	SSU Joint Center	On 4 May 2023, a response was received confirming the fact of Mr. S.'s disappearance and illegal deprivation of liberty backed by open source information, however, there was no official information confirming Mr. S.'s illegal deprivation of liberty.

3. Russian authorities

Filing date	Filing party	Authority	Status
18 April 2023	Ms. O. (victim's mother)	Ombudsman of the Russian Federation	No response received
18 April 2023	Ms. O. (victim's mother)	IC RF	1. The inquiry was assigned registration nr 1031886. 2. On 31 May 2023, a response dated 25 May 2023 was received confirming that the inquiry was handled; and that the Main Investigation Department had no information about any ongoing criminal proceedings against Mr. S.
18 April 2023	Ms. O. (victim's mother)	Presidential Administration of the Russian Federation	A response was received stating that the inquiry was further sent to the MoD RF and MIA RF.

18 April 2023	Ms. O. (victim's mother)	Federal Penitentiary Service of the Russian Federation	On 24 April 2023, a response was received stating that the inquiry was further sent to the MoD RF.
18 April 2023	Ms. O. (victim's mother)	MoD RF	On 10 May 2023, a response was received stating that Mr. S. was detained for opposing the special military operation and is currently in the territory of the Russian Federation.
18 April 2023	Ms. O. (victim's mother)	Main Military Prosecutor's Office	No response received.
17 May 2023	Ms. O. (victim's mother)	Prosecutor General's Office of the Russian Federation	On 23 May 2023, a response was received informing that the inquiry registered under ID No. ID_GP_466751 was further sent for consideration of IC in line with its competence.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
18 April 2023	Ms. O. (victim's mother)	Ombudsman of the so-called DPR	On 20 April 2023, a response was received stating that there was no information about the whereabouts of Mr. S.
31 May 2023	Ms. O. (victim's mother)	Interdepartmental Commission for the Search of Missing Persons, Search for Burial Places of the Bodies (Remains) of the Deceased in Areas of the Armed Conflict in Donbas	No response received.

CASE N° 3

Victim's name	Mr. Sh.
Victim's number in KHPG database	DB1 #1000551
Date of the alleged crime	29 March 2022
Location of the alleged crime	Vilkhivka village Kharkiv district Kharkiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine on February 24, 2022, Mr. Sh. [PERSONAL INFORMATION REDACTED], a university student, lived together with his family in their home in the village of Vilkhivka in the Kharkiv district of the Kharkiv region [ADDRESS REDACTED]. The vil-

lage came under the temporary occupation of the Russian regular armed forces from 26 February 2022 until 29 March 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim³⁰

On March 29, 2022, Mr. Sh.'s grandmother, Mrs. L. [PERSONAL INFORMATION REDACTED], was in the basement of her house in the village of Vilkhivka [ADDRESS REDACTED] together with her grandson Sh., son, daughter-in-law, granddaughter, husband, niece and twenty other neighbors .

Around 11 a.m., her grandson, Mr. Sh., decided to go to the barn near the village council to feed the chickens, as they had not left the basement for three days due to shelling. Around 13:30, four persons entered the basement of the house and introduced themselves as the Russian military servicemen.

Later, Mr. V. [PERSONAL INFORMATION REDACTED], a neighbor who was fetching water, came and urged everyone to leave to the village of Verkhnya Rohanka within an hour because at about 15:00 they [Russian army] would “wipe the village of Vilkhivka off the face of the Earth”. Mr. Sh. had not returned by that time. Everyone in the basement, including other residents of the village of Vilkhivka, left and ran towards the village of Verkhnya Rohanka. From there, all of them were taken at gunpoint to the so-called “safe place” in a “KRAZ” truck by individuals wearing military uniforms typical of the Russian armed forces. Mr. Sh.'s family, as well as other residents of the village of Vilkhivka (except for Mr. Sh.) were forcibly taken to the city of Belgorod in Russia. When the first opportunity presented itself, Mr. Sh.'s grandmother escaped and returned home to Ukraine. Her son, daughter-in-law, Mr. Sh.'s parents and granddaughter remained in Russia and resorted to all possible means to search for Mr. Sh.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

Mr. Sh.'s mother sought legal services from a local lawyer, Mr. S. [PERSONAL INFORMATION REDACTED] during her stay in Russia.

1. International organizations

Filing date	Filing party	Authority	Status
13 March 2023	Lawyer of KHPG	UN Human Rights Committee	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
23 November 2022	Mrs. L. (victim's grandmother) & her lawyer	SSU in the Kharkiv region	1. Opening of criminal proceedings under Art. 438 of the Criminal Code of Ukraine (CCU). 2. On 21 December 2022, Mr. Sh.'s grandmother was interviewed by the SSU investigator and was recognized as a victim in the case.
9 December 2022	Mrs. L.	Pow Coordination HQ	On 12 December 2022, a response was received stating that Mr. Sh. was included in the NIB Register. Mr. Sh.'s captivity was confirmed by the ICRC.

³⁰ The information provided in this sub-section is based on witness testimony of Mrs. L. given to KHPG and open source information, which are stored in the KHPG database and linked to the victim's unique number.

3. Russian authorities

Filing date	Filing party	Authority	Status
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	IC RF	Pending
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	MoD RF	Pending
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	Chief Military Prosecutor's Office of the Russian Federation	Pending
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	Main Military Investigation Department of the IC RF	On 15 August 2022, a response was received stating that there was no information about the initiation of criminal proceedings against Mr. Sh.
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	Russian Red Cross	Pending
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	MIA RF	Pending
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	MoD RF	On 22 August 2022, a response was received stating that Mr. Sh. was detained for opposing a special military operation; no criminal proceedings were initiated against Mr. Sh.; and necessary security check measures were underway in the case.
1 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	Office of the Ombudsman of the Russian Federation	Pending
01 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	FSS RF	Pending
01 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	Federal Penitentiary Service of the Russian Federation	Pending
01 August 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	Human Rights Council under the President of the Russian Federation	Pending
28 September 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	The Main Military Investigation Department of the IC RF	<p>1. On 03 October 2022, a response was received that the lawyer's inquiry was further sent for consideration of the 12th Military Investigation Department of the IC of Russia (Donetsk, DPR).</p> <p>2. A response followed from the 124th Military Investigation Department of the 12th Military Investigation Department (IC) that the lawyer's complaint concerning the unlawfulness of the MoD actions was considered and further sent to the 517th Military Investigation Department of IC.³¹</p> <p>3. A response was received from the 517th Military Investigation Department stating it had no information about criminal proceedings against Mr. Sh.; no information about the detention of Mr. Sh. by the MoD for committing the offense, and no information about the place of his detention. The lawyer's request for the investigative review was, therefore, denied.</p>

³¹ This was done on the basis of the MoD letter dated 22 August 2022 no. 113/5/7445 confirming that Mr. Sh. was detained by the MoD for opposing the special military operation and was on the territory of the Russia (yet no specific whereabouts of Mr. Sh. were provided).

27 November 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	235th Garrison Military Court of Moscow	On 12 December 2022, the lawyer's complaint was dismissed accompanied by the following ruling: «Mr. Sh. is detained for illegal actions, while he is not a defendant in any criminal case. He is not under investigation, and therefore, he does not enjoy any procedural rights, including the right to a lawyer.»
26 December 2022	Mr. S. (Russian lawyer on behalf of the victim's mother)	2nd Western District Military Court	On February 10, 2023, the judge upheld the ruling of the judge of the 235th Garrison Military Court and dismissed the appeal of Mr. S's lawyer.
27 January 2023	Mr. S. (Russian lawyer on behalf of the victim's mother)	Chief Military Prosecutor's Office	Pending

CASE N° 4

Victim's name	Mr. P.
Victim's number in KHPG Database	DB1 #918
Date of the alleged crime	17 April 2022
Location of the alleged crime	Balakliya town Kharkiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. P. [PERSONAL INFORMATION REDACTED] lived with his mother in the city of Balakliya in the Kharkiv region [ADDRESS REDACTED]. It was occupied on 2 March 2022 and came under the temporary control of the so-called DPR/LPR and the Russian regular armed forces until it was de-occupied on 8 September 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim³²

During the period of the Russian occupation, Mr. P. delivered humanitarian aid to local residents. He went to buy food every other day together with his friend Ms. Y. Around 14 April 2022, two local residents came to Mr. P's house and asked for bread. At that time, Ms. Y. [PERSONAL INFORMATION REDACTED] was in the yard of Mr. P's house. One of the local residents began pushing her. At the same time, Mr. P. came out of the house and said that there was no bread. He realised that one of the men was bothering Ms. Y. and made a remark about it, which prompt-

³² The information provided in this sub-section is based on witness testimony of Ms. L. given to KHPG on 15 January 2023 and open source information, which is stored in the KHPG database and linked to the victim's unique number.

ed a fight between the men. After that, the two men left the yard telling Mr. P. that he would not live here and should leave the town.

On 17 April 2022, seven Russian soldiers came to Mr. P's household, which is confirmed by Mr. P's mother, Ms. L., who was in the house at the time, while Mr. P and Ms. Y. were away to buy groceries. Two Russian soldiers entered the yard and pointed their assault rifles at Ms. L. They said they were looking for what they had come for and began to inspect the house, persistently asking about Mr. P. The Russian soldiers took a photo of Mr. P. and a photo of Mr. P's daughter, Ms. A. [PERSONAL INFORMATION REDACTED] with her husband, who was wearing a military uniform of a serviceman of the Ukrainian Armed Forces. They said they would return.

On 17 April 2022, Mr. P. was supposed to return home at about 16:00. At that time, Mr. P's friends and acquaintances (about 10 persons in total) came to the house. Approximately 5 minutes after Mr. P's return home, the seven Russian soldiers, who had earlier come in the morning, entered the yard and began checking the documents of all those present. One Russian soldier approached Mr. P. and told him to follow him. Mr. P. followed the soldier, while at that time all other Russian soldiers started to leave the yard. Ms. Y. followed them, but only saw them put Mr. P. into the car and drive him away in an unknown direction. The next day, Ms. L., her younger son and Ms. Y. went to the commandant's office to find out about Mr. P's whereabouts, however, they were not given any information.

Sometime around 21 April 2022, two unfamiliar men approached Ms. L.'s house and told her that they shared the same cell with Mr. P. in the Balakliya police department. They said that Mr. P. asked them to tell Ms. L. that he was fine. Later, Ms. L. and Ms. Y. managed to find out that Mr. P. was held at the police station until approximately 26 April 2022.

Prior to the de-occupation of Balakliya, Ms. L. contacted the occupation commandant's office several times to inquire about Mr. P's whereabouts. They replied that Mr. P. was neither admitted, nor was being held there. Given the lack of information about Mr. P's whereabouts, Ms. L. began searching for him herself.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

On January 15, 2023, Ms. L. sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
6 March 2023	Lawyer of KHPG	Bureau of the Central Tracing Agency (CTA) of the ICRC	On 14 March 2023, a response was received acknowledging the receipt and further handling of the inquiry.
6 March 2023	Lawyer of KHPG	ICRC	Pending
3 April 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
15 January 2023	Lawyer of KHPG	SSU Office in the Kharkiv region	1. On 14 March 2023, Ms. L. was recognised as a victim in the ongoing criminal proceedings. She was formally interviewed by the prosecutor. 2. On 17 May 2023, Ms. Y. gave a witness account and provided all information known to her.
6 March 2023	Lawyer of KHPG	Main Intelligence Directorate, MoD	Pending

6 March 2023	Lawyer of KHPG	NIB	On 29 March 2023, a response was received informing about the handling of the inquiry received from the Ombudsman. It confirmed that the information about Mr. P. was included in the NIB register, however, there was no further information available. On 6 April 2023, the identical response was received, noting that the information gathering was ongoing.
6 March 2023	Lawyer of KHPG	PoW Coordination HQ	On 11 March 2023, a response was received confirming that Mr. P. was included in the Register of IDPs, while noting that Mr. P.'s captivity was not confirmed by the Russian Federation, as well as the ICRC did not have any information.
6 March 2023	Lawyer of KHPG	MoD	Pending
6 March 2023	Lawyer of KHPG	MinTOT	Pending
6 March 2023	Lawyer of KHPG	Ukrainian Red Cross Society	Pending
6 March 2023	Lawyer of KHPG	Ukrainian Ombudsman	On 21 March 2023, a response was received stating that the inquiry was further sent to the SSU.
6 March 2023	Lawyer of KHPG	Commissioner for Persons Missing in Special Circumstances, MinTOT	Pending
6 March 2023	Lawyer of KHPG	SSU Joint Center	On 21 April 2023, a response was received about the possible illegal deprivation of liberty of Mr. P., but there was no official confirmation.
6 March 2023	Lawyer of KHPG	National Police of Ukraine	On 22 April 2023, a response was received informing about the ongoing pre-trial investigation in the case. The investigator checked information about Mr. P. in the available databases. No information was found about Mr. P. accessing health care facilities.
11 May 2023	Lawyer of KHPG	Department of Informatization of the MIA	Pending
14 June 2023	Lawyer of KHPG	MinTOT	Pending

3. Russian authorities

Filing date	Filing party	Authority	Status
6 March 2023	Lawyer of KHPG	FSS RF	Pending.
6 March 2023	Lawyer of KHPG	MoJ RF	On 06 April 2023, a response was received stating that the MoJ had no information about Mr. P. and the inquiry was further sent to the IC and the MoD RF.
6 March 2023	Lawyer of KHPG	Russian Red Cross	On 7 March 2023, a response was received urging to contact the ICRC and the Russian Ombudsman.
6 March 2023	Lawyer of KHPG	Russian Ombudsman	On 13 March 2023, an e-mail was received stating that the inquiry was sent to competent authorities.
6 March 2023	Lawyer of KHPG	Presidential Administration of the Russian Federation	1. On 15 March 2023, a response was received stating that the inquiry dated 13 March 2023 and addressed to the MoD RF was registered the following day and further sent to the MoD RF. 2. On 16 March 2023, a response was received stating that the inquiry dated 13 March 2023 and addressed to the so-called Ministry of State Security of the DPR was registered the following day and further sent to the MoD RF for consideration. 3. On March 17, 2023, a response was received stating that the inquiry addressed to the so-called MoJ of the LPR and dated 15 March 2023 was registered the following day and further sent to the 'LPR government'.

10 March 2023	Lawyer of KHPG	MIA RF	<p>1. On March 14, 2023, a response was received stating that the complaint dated March 10, 2023 was registered on March 13, 2023 and submitted to the IC.</p> <p>2. On 17 March 2023, a response was received stating that the MIA had no information about Mr. P., and he was not on the wanted list. It was also stated that due to the fact that the alleged unlawful actions against Mr. P. took place in the Kharkiv region, it was advisable to file an inquiry with the territorial division of internal affairs at the place of the alleged crime.</p>
10 March 2023	Lawyer of KHPG	Main Military Investigation Department of the IC of the Russian Federation	Pending
10 March 2023	Lawyer of KHPG	Main Military Prosecutor's Office of the Russian Federation	On 28 March 2023, a response was received stating that the inquiry was further sent to the military prosecutor of the Joint Group of Forces. No further response followed.
11 March 2023 & 19 April 2023	Lawyer of KHPG	IC RF	Pending
11 March 2023	Lawyer of KHPG	Federal Penitentiary Service of the Russian Federation	On March 17, 2023, a response was received stating that the matter was outside its competence.
13 March 2023	Lawyer of KHPG	MoD RF	Pending
27 March 2023 & 2 May 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	Pending

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
6 March 2023	Lawyer of KHPG	so-called MIA of the DPR	Pending
6 March 2023	Lawyer of KHPG	so-called MoJ of the DPR	On 17 March 2023, a response was received stating that, as of 13 March 2023, Mr. P. was not held in any penitentiary institutions in the DPR.
6 March 2023	Lawyer of KHPG	so-called MoD of the DPR	Pending
6 March 2023	Lawyer of KHPG	so-called DPR Ombudsman	On 21 March 2023, a response was received stating that there was no information about the whereabouts of Mr. P. in the territory of the so-called DPR; and urging to contact the MoD RF and the Federal Penitentiary Service.
6 March 2023	Lawyer of KHPG	so-called MIA of the LPR	Pending
6 March 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	Pending
6 March 2023	Lawyer of KHPG	so-called Ombudsman in the LPR	On 7 April 2023, a response was received stating that there was no person matching Mr. P.'s personal information among the Ukrainian military servicemen who laid down their arms and were held in the LPR. The inquiry was further sent to the so-called MIA of the LPR, but no response followed.
11 March 2023	Lawyer of KHPG	so-called Bureau of Forensic Medicine of the Ministry of Health of the DPR	Pending
13 March 2023	Lawyer of KHPG	so-called Ministry of State Security of the DPR	Pending
15 March 2023	Lawyer of KHPG	so-called MoJ of the LPR	Pending

15 March 2023	Lawyer of KHPG	so-called MoD of the LPR	Pending
23 March 2023	Lawyer of KHPG	so-called MoJ for the Republic of Crimea	Pending
23 March 2023	Lawyer of KHPG	so-called MIA of the Republic of Crimea	On 22 May 2023, a response was received stating that Mr. P. was not being held on the territory of the Republic of Crimea; was not registered in any ministerial records; [Mr. P.] did not file a crime report with local authorities; and [Mr. P.] was not detained by local authorities.
23 March 2023	Lawyer of KHPG	so-called Ombudsman for the Republic of Crimea	On 28 March 2023, a response was received stating that the complaint was sent to the Regional Military Police Department for the Southern Military District (Rostov-on-Don), but no response followed.
23 March 2023	Lawyer of KHPG	Russian FSS Office in the Republic of Crimea and Sevastopol	1. On 9 June 2023, a response was received stating there was no information about Mr. P.'s detention and his whereabouts. 2. On 16 June 2023, the same reply followed (in response to the inquiry forwarded by the so-called Ombudsman in the Republic of Crimea).
27 March 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service for the DPR	Pending
27 March 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service for the LPR	Pending
27 March 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service for the Republic of Crimea	Pending

CASE N° 5

Victim's name	Mr. P.
Victim's number in KHPG Database	DB1 #5643
Date of the alleged crime	21 April 2022
Location of the alleged crime	Balakliya town Kharkiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces together with representatives of the IAGs of the LPR/DPR, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii), Art. 8(2)(b)(xvi) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. P. [PERSONAL INFORMATION REDACTED] lived with his family in the town of Balakliya in the Kharkiv region [ADDRESS REDACTED].

On 2 March 2022, the town was occupied and came under the temporary control of the so-called DPR/LPR and Russian regular armed forces until it was de-occupied on 8 September 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim³³

During the occupation of Balakliya, Mr. P. lived with his mother, Ms. L., at different addresses in the town and volunteered to deliver humanitarian aid to local residents.

On April 21, 2022, Mr. P. told his mother that he was going to the village of Andriivka in the Balakliya district to take care of his business. He told her that he would stop by in the evening to inform her that he had already returned. However, on April 21, 2022, Mr. P. did not come to Ms. L.'s house in the evening.

On April 22, 2022, in the morning, an unidentified man came to Ms. L.'s house and said that he was coming from the Balakliya Police Department, where he had been detained for five days and met Mr. P., who asked him to tell Ms. L. that he was fine. On the same day, Ms. L. received a call from her friends who said that Mr. P.'s apartment was being searched. Ms. L. approached the apartment and saw an armored personnel carrier and military personnel who had already loaded bags with Mr. P.'s belongings into the vehicle. In total, the apartment was searched 4 times, and Mr. P.'s personal belongings were stolen.

On April 23, 2022, Ms. L. went to the police department to find out about Mr. P., but representatives of the LPR (according to Ms. L.) said that they did not have Mr. P. After some time, Ms. L. went to the commandant's office and started asking about Mr. P. A person who introduced himself as the commandant with call sign 'Sokol' spoke to Ms. L. and told her that Mr. P. was detained by LPR representatives on 21 April 2022 at the block post in the village of Lageria in the Balakliya district. Mr. P.'s whereabouts remain unknown to date.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

On January 15, 2023, Ms. L. (victim's mother) sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
1 February 2023 & 20 February 2023	Ms. L. (victim's mother) Lawyer of KHPG	Central Tracing Agency Bureau, ICRC	Pending
20 February 2023	Lawyer of KHPG	ICRC	Pending
1 April 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
15 January 2023	Lawyer of KHPG	SSU Office in the Kharkiv region	On 6 March 2023 Ms. L. was granted the victim's status in the criminal proceedings, which were initiated on 16 September 2022. On the same day, she was interviewed as a victim in the case with the participation of the KHPG lawyer.
20 February 2023	Lawyer of KHPG	Main Intelligence Directorate, MoD	Pending

³³ The information provided in this sub-section is based on witness testimony of Ms. L. given to KHPG on 15 January 2023 and open source information, which is stored in the KHPG database and linked to the victim's unique number.

20 February 2023	Lawyer of KHPG	NIB	1. On 10 March 2023, a response was received stating that information about Mr. P. was entered in the NIB Register, but the NIB was not competent to establish the whereabouts of a missing person. 2. On 9 April 2023, a response was received informing that the NIB had received information about Mr. P.'s captivity. The information was being verified by competent authorities.
20 February 2023	Lawyer of KHPG	PoW Coordination HQ	On 25 February 2023, a response was received stating that Mr. P. was included in the register of IDPs. However, Mr. P.'s captivity was not confirmed by the Russian side and the ICRC. No other information was available.
20 February 2023	Lawyer of KHPG	MoD	Pending
20 February 2023	Lawyer of KHPG	MinTOT	Pending
20 February 2023	Lawyer of KHPG	Ukrainian Red Cross Society	Pending
20 February 2023	Lawyer of KHPG	Ukrainian Ombudsman	1. On 8 March 2023, a response was received stating that the inquiry was further sent to the NIB, the SSU Joint Center and the Commissioner for Persons Missing in Special Circumstances (MinTOT). 2. On 6 April 2023, a response was received stating that Mr. P.'s information was entered in the Register. The MinTOT Commissioner received the inquiry about Mr. P. and was working to locate him.
20 February 2023	Lawyer of KHPG	Commissioner for Persons Missing in Special Circumstances, MinTOT	On 2 March 2023, a response was received notifying that information about Mr. P. was entered in the NIB Register. No further information about Mr. P.'s whereabouts was available.
20 February 2023	Lawyer of KHPG	SSU Joint Center	Pending
20 February 2023	Lawyer of KHPG	National Police of Ukraine	On 5 April 2023, a response was received notifying about the pre-trial investigation carried out by the SSU in the Kharkiv region. Mr. P.'s whereabouts have not been established.
17 March 2023	Lawyer of KHPG	Main Department of the National Police in the Kharkiv region	Pending
17 March 2023	Lawyer of KHPG	SSU Office in the Kharkiv region	Pending
17 March 2023	Lawyer of KHPG	MIA State Research Forensic Center	On 22 March 2023, a response was received declining to disclose information about the ongoing criminal proceedings.
10 May 2023	Lawyer of KHPG	MIA Department of Informatization	Pending
14 June 2023	Lawyer of KHPG	MinTOT	Pending

3. Russian authorities

Filing date	Filing party	Authority	Status
20 February 2023	Lawyer of KHPG	FSS RF	Pending
20 February 2023	Lawyer of KHPG	Federal Penitentiary Service of the Russian Federation	Pending
20 February 2023	Lawyer of KHPG	MoD RF	On 23 March 2023, a response was received stating that all information about prisoners had been communicated to the ICRC. This information is treated as confidential by Russia and is not disclosed to any third parties. For that reason, it was advised to contact the ICRC.

20 February 2023	Lawyer of KHPG	MIA RF	Pending
20 February 2023	Lawyer of KHPG	MoJ RF	On 28 March 2023, a response was received stating that there was no information about Mr. P. The inquiry was further sent to MoD RF.
20 February 2023 & 21 February 2023	Lawyer of KHPG	Russian Red Cross	On 21 February 2023, a response was received from the Russian Red Cross advising to fill out an online form to contact the ICRC. ³⁴ It was further stated that in order to search for civilians, it was necessary to send an inquiry to another e-mail.
20 February 2023	Lawyer of KHPG	Russian Ombudsman	Pending
20 February 2023	Lawyer of KHPG	Presidential Administration of the Russian Federation	On March 16, 2023, a response was received stating that all information about prisoners had been communicated to the ICRC. This information is treated as confidential by Russia and is not disclosed to any third parties. For that reason, it was advised to contact the ICRC.
20 February 2023	Lawyer of KHPG	IC RF	Pending
20 February 2023	Lawyer of KHPG	Main Military Investigation Department of the IC of the Russian Federation	On 27 February 2023, a response was received stating that the inquiry had been reviewed and further sent to the Main Military Investigation Police of the MoD RF. No further response followed.
20 February 2023	Lawyer of KHPG	Main Military Prosecutor's Office of the Russian Federation	On 3 March 2023, a response was received stating that the inquiry was further sent to the MoD RF.
23 February 2023	Lawyer of KHPG	Presidential Administration of the Russian Federation	On 28 February 2023, a response was received stating that the inquiry dated 23 February 2023 was registered on 27 February 2023 and was further sent to the MoD RF for consideration.
27 March 2023 & 2 May 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	Pending
19 April 2023	Lawyer of KHPG	IC RF	Pending
8 May 2023	Lawyer of KHPG	Regional Police Board for the Southern Military District (Rostov-on-Don)	On 16 May 2023, a response was received stating that Mr. P. was not detained in the territory of Russia

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
20 February 2023	Lawyer of KHPG	so-called Bureau of Medical Examination within the so-called the Ministry of Health of the DPR	On 25 May 2023, a response was received stating that it had no authority to search for individuals; and that information re the seeking of medical care was treated with medical confidentiality.
20 February 2023	Lawyer of KHPG	so-called MIA of the DPR	Pending
20 February 2023	Lawyer of KHPG	so-called MoJ of the DPR	On 10 March 2023, a response was received stating that, as of 1 March 2023, Mr. P. was not held in the penitentiary institutions of the so-called State Penitentiary Service of the MoJ of the DPR.
20 February 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	Pending
20 February 2023	Lawyer of KHPG	so-called MIA of the LPR	Pending
20 February 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	Pending
20 February 2023	Lawyer of KHPG	so-called LPR Ombudsman	1. On 2 March 2023, a response was received confirming the receipt of the inquiry. If information were to become available about Mr. P.'s captivity, Ms. L. would be informed.

³⁴ Ms. L. (victim's mother) filled in the online form addressed to the ICRC on 1 February 2023.

20 February 2023	Lawyer of KHPG	so-called LPR Ombudsman	2. On 27 March 2023, a response was received stating that there were no persons matching Mr. P.'s personal information among the Ukrainian military personnel who laid down their arms and were held in the LPR.
24 February 2023	Lawyer of KHPG	so-called MoJ of the LPR ³⁵	1. On 28 March 2023, a response was received stating that the inquiries dated 24 February 2023 to the so-called MoD of the LPR and the so-called Ministry of Justice of the LPR were registered on 27 February 2023 and further sent to the so-called Government of the LPR for consideration. 2. On 10 March 2023, the so-called MoJ of the LPR replied that it had further sent the inquiry to the MIA of the LPR. 3. On 16 March 2023, the so-called MoJ of the LPR replied that the matters raised in the inquiry fell outside its competence. It was noted that, during 2022–2023, Mr. P. did not contact the so-called civil registration authorities of the MoJ of the LPR. The inquiry was further sent to the so-called Ombudsman in the LPR.
24 February 2023	Lawyer of KHPG	so-called MoD of the LPR ³⁶	On 28 March 2023, a response was received stating that the inquiries dated 24 February 2023 and addressed to the so-called MoD of the LPR and the so-called MoJ of the LPR were registered on 27 February 2023, and further sent to the so-called government of the LPR.
25 February 2023	Lawyer of KHPG	so-called Ministry of State Security of the DPR ³⁷	On 28 February 2023, a response was received stating that the inquiry dated 24 February 2023 to MoD of the DPR and the inquiry dated 25 February 2023 to the so-called Ministry of State Security of the DPR were registered on 27 February 2023. They were further sent to the so-called Government of the DPR.
22 March 2023	Lawyer of KHPG	so-called MoJ for the Republic of Crimea	Pending
22 March 2023	Lawyer of KHPG	so-called MIA for the Republic of Crimea	Pending
22 March 2023	Lawyer of KHPG	so-called Ombudsman for the Republic of Crimea and his office	On 28 March 2023, a response was received stating that the inquiry was further sent to the Regional Military Police Department for the Southern Military District in Rostov-on-Don.
22 March 2023	Lawyer of KHPG	FSS Office in the Republic of Crimea and Sevastopol	On 10 April 2023, a reply was received that the complaint was denied based on the abuse of right to file such complaint.
23 March 2023	Lawyer of KHPG	so-called Ministry of Justice of the Republic of Crimea ³⁸	On 24 March 2023, a response was received stating that the inquiry dated 23 March 2023 to the so-called MoJ of the Republic of Crimea was registered on 24 March 2023 and further sent to the MoD RF.
23 March 2023	Lawyer of KHPG	so-called Main Department of the Federal Penitentiary Service in the DPR	Pending

³⁵ The inquiry was submitted through the Presidential Administration of the Russian Federation.

³⁶ The inquiry was submitted through the website of the Presidential Administration of the Russian Federation.

³⁷ The inquiry was submitted through the website of the Presidential Administration of the Russian Federation.

³⁸ The inquiry was submitted through the website of the Presidential Administration of the Russian Federation.

27 March 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service in the LPR	Pending
27 March 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service in the Republic of Crimea	Pending

CASE N° 6

Victim's name	Mr. S.
Victim's in KHPG Database	DB1 #3910
Date of the alleged crime	12 June 2022
Location of the alleged crime	Savyntsi village Izyum district Kharkiv region
Facts	Unlawful arrest/detention/ abduction of a civilian by members of the Russian armed forces accompanied by physical and psychological abuse in illegal detention facilities, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(f), Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(ii), Art. 8(2)(a)(vii) RS

At the beginning of Russia's full-scale invasion of Ukraine, Mr. S. [PERSONAL INFORMATION REDACTED], a retired police major from 2008, lived in the village of Savyntsi in the Izyum district of the Kharkiv region [ADDRESS REDACTED] together with his wife, Ms. O. [PERSONAL INFORMATION REDACTED]. Mr. S. and his wife remained in the village during the occupation because they had to take care of their parents who were unable to relocate for health reasons.

On 24 February 2022, the village of Savyntsi was occupied and came under the temporary control of the so-called DPR/LPR and the Russian regular armed forces until it was de-occupied on 11 September 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim³⁹

On 12 June 2022, at about 11:00 am, Ms. O. was at home when five armed soldiers wearing military uniforms with Russian insignia came to their house and began searching it. The reason for the house search was to find weapons because Mr. S. was a former police officer. Mr. S. was not at home during the house search. The Russian soldiers broke into a safe with a sledge-

³⁹ The information provided in this sub-section is based on witness testimony of Ms. O. given to KHPG on 15 January 2023, which is stored in the KHPG database and linked to the victim's unique number.

hammer but did not find any weapons. All the soldiers were wearing masks, except for the commander of the Russian military unit. According to Ms. O., the commander appeared to be under 50 years old, of medium height, with no tattoos or notable anatomical features. When Mr. S. arrived, they asked him if he had a weapon, to which he replied that he did not. Russian soldiers had lists of local residents who owned weapons. Referring to that list, they noted that Mr. S. possessed a pistol. Mr. S. stated that this information was unreliable and incorrect, as he did not own a weapon.

Afterwards, the Russian soldiers ordered Mr. S. to go to the garage to inspect if there were any prohibited items there. Ms. O. remained in the house, while Mr. S. followed the Russian soldiers to the garage. Following that, Mr. S. was taken by the Russian soldiers in an unknown direction.

Ms. H., a neighbor of Mr. S., witnessed Mr. S. being taken away by the Russian soldiers. According to her account, on 12 June 2022, a large grey car with a machine gun on top was parked near Mr. S.'s house. The five armed Russian soldiers got out of it and broke into the victim's apartment.

Ms. H. heard loud noises in Mr. S.'s apartment. Shortly afterwards, Mr. S. himself arrived and entered the apartment. About 5 minutes later, he was taken out of the apartment by the Russian soldiers who led Mr. S. down [REDACTED] street in the village of Savintsy. Ms. H. has not seen Mr. S. since then. Mr. S.'s abduction was also witnessed by other neighbors, namely Ms. L., Ms. I and Mr. S.'s mother-in-law, Mrs. C, whose account is identical to that provided by Ms. H.

The next day after Mr. S.'s abduction, on June 13, 2022, Mrs. O. went to the Russian military base in the village to find out about the whereabouts of her husband. However, the Russian soldiers replied that Mr. S. had not been brought to them and advised her to contact the Russian military commandant's office in Balakliya. On the same day, Ms. O. went to the military commandant's office located on the territory of the Baldruk enterprise, asking about the fate and whereabouts of her husband. The military commandant's office confirmed that Mr. S. had been taken to their office and, after undertaking the necessary measures, he was later moved to the Balakliya district police department located at [ADDRESS REDACTED]. The information was also confirmed by local residents.

Mr. K. [PERSONAL INFORMATION REDACTED], who was detained and tortured between May 13, 2022 and June 23, 2022 at the premises of the Balakliya District Police Department at [ADDRESS REDACTED] confirmed that Mr. S. was also detained at the premises of the Balakliya District Police Department. Mr. K. saw that Mr. S. was taken by the Russian soldiers for interrogation, after which Mr. S. never returned.

Mr. Ch. [PERSONAL INFORMATION REDACTED], who was detained and tortured in captivity between May 9, 2022 and June 15, 2022 in the Balakliya District Police Department, cell #2, confirmed that Mr. S. was also detained with him. According to his account, all those who were in captivity with him were constantly subjected to torture, such as systematic beatings, and held in inadequate detention conditions.

In November 2022, it became known from Mr. V. [PERSONAL INFORMATION REDACTED], who was held in captivity with Mr. S., that Mr. S. was also held in captivity in Russia in SIZO No. 2 in the village of Novozybkiv in the Bryansk region. He told that Mr. S. was taken to the detention center on September 30, 2022.

In December 2022, Ms. O. received a letter from Mr. S. without the sender's address, with the envelope bearing the stamp 'Russian Post'. The letter was received through the state enterprise "Ukrainian National Center for Peacebuilding", which performs the prisoner of war search service.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction**1. International organizations**

Filing date	Filing party	Authority/body	Status
7 March 2023	Ms. O. (victim's wife)	ICRC and its Russian branch	A response was received stating that the inquiry had been received and processed, however, there was no available information to date.
8 May 2023	Lawyer of KHPG	UN Human Rights Committee	On May 11, 2023, the communication was received; interim measures were granted requesting Russia to provide information regarding Mr. S.'s status and his health condition.

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
25 February 2023	Ms. O. (victim's wife)	Defence Intelligence of Ukraine, MoD	No response received.
25 February 2023	Ms. O. (victim's wife)	Office of the Ukrainian Ombudsman	A response dated March 13, 2023 was received informing that the inquiry was further sent to other competent authorities. ⁴⁰
25 February 2023	Ms. O. (victim's wife)	PoW Coordination HQ	On 4 March 2023, a response was received confirming that Mr. S. was included in the NIB register, however, Mr. S.'s captivity in Russia was not confirmed by the Russian side and the ICRC.
25 February 2023	Ms. O. (victim's wife)	MoD	No response received.
25 February 2023	Ms. O. (victim's wife)	MinTOT	On 7 March 2023, a response was received stating that there was information about the fact of Mr. S.'s disappearance and illegal deprivation of liberty, but there was no official information confirming that.
25 February 2023	Ms. O. (victim's wife)	National Committee of the Red Society	Ms. O. was contacted by the representatives of the Red Cross by phone who confirmed Mr. S.'s captivity.
25 February 2023	Ms. O. (victim's wife)	NIB	On March 20, 2023, a response was received stating that information about Mr. S. was entered into the NIB register. Although the NIB received information about Mr. S.'s captivity, the verification of such information was being conducted by competent authorities. ⁴¹
15 September 2022	Ms. O. (victim's wife)	SSU	1. On the same day, the investigator opened criminal proceedings and entered information into the Unified Register of Pre-trial Investigations 2. On 6 March 2023, Ms. O. was interviewed as a victim in criminal proceedings regarding the abduction of her husband, Mr. S.
25 January 2023	Lawyer of KHPG	SSU Joint Center	On 17 February 2023, a response was received stating that they had information about the fact of Mr. S.'s disappearance and illegal deprivation of liberty, but there was no official information confirming that. On 4 July 2023, a response was received stating that the records included information about Mr. S.'s detention in the Penitentiary Institution No. 1 in Donskoy, Tula region in Russia (as of May 2023).

⁴⁰ These include the Commissioner on Missing Persons under Special Circumstances (within the CMU), the National Information Bureau (NIB), and the SSU Joint Center requesting them to undertake all the appropriate measures within their competence to locate Mr. S.

⁴¹ The available information regarding Mr. S. was further sent to the Coordination Headquarters for the Treatment of Prisoners of War (CMU).

3. Russian authorities

Filing date	Filing party	Authority	Status
25 February 2023	Ms. O. (victim's wife)	Ombudsman of the Russian Federation	No response received.
25 February 2023	Ms. O. (victim's wife)	IC RF	1. The inquiry was registered under nr 1011498, but no response followed. 2. On 27 April 2023, a response was received stating that the inquiry was being considered. It was further added that the Main Investigation Department, which was contacted for a legal assessment in the case, had no information about the initiation of criminal proceedings against Mr. S. 3. On 3 May 2023, a response was received stating that the inquiry was considered and sent further to the head of the Military Investigation Department of the IC for the Joint Group of Forces in Donetsk.
6 March 2023	Ms. O. (victim's wife)	Presidential Administration of the Russian Federation	The inquiry was registered under nr I-8584. On March 9, 2023, a response was received stating that the inquiry was further sent to the MoD RF.
6 March 2023	Ms. O. (victim's wife)	MIA RF	The inquiry was registered under nr ID=9897625. On 28 March 2022, a response was received stating that the inquiry was further sent to the IC to verify the obtained information.
7 March 2023	Ms. O. (victim's wife)	FSS RF	No response received.
9 March 2023	Ms. O. (victim's wife)	MoD RF	1. On 14 March 2023, a response was received stating that the inquiry was sent to the Ministry of Internal Affairs of the Russian Federation. 2. On March 17, 2023, an additional response was received stating that MoD ensures the confidentiality of information about detainees, noting that the disclosure of information to third parties contradicts GC III. 3. On 10 May 2023, a response No. 113/5/9694 was received stating that the search inquiry for Mr. S. was handled; and informing that, as of 4 May 2023, Mr. S. was detained for opposing the special military operation. It confirmed that Mr. S. was held on the territory of the Russian Federation, however, no specific location was disclosed.
4 March 2023	Ms. O. (victim's wife)	Chief Military Prosecutor's Office of the Russian Federation	The inquiry was registered under No. 241851. No further response was received.
10 April 2023	Ms. O. (victim's wife)	Prosecutor General's Office of the Russian Federation	On 18 April 2022, a response was received stating that the inquiry was further sent to the RIC.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
25 February 2023	Ms. O. (victim's wife)	Ombudsman in the so-called DPR	No response received.
7 March 2023	Ms. O. (victim's wife)	Interdepartmental Commission for the Search of Missing Persons, Search for Burial Places of the Bodies (Remains) of the Deceased in the Areas of the Armed Conflict in Donbas	No response received.

CASE N° 7

Victim's name	Mr. B.
Victim's number in KHPG Database	DB1 #1000674
Date of the alleged crime	March 16, 2022
Location of the alleged crime	Rikhta village Vyshhorod district Kyiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts
The identify of perpetrator(s) known	No
Legal representation by KHPG	Yes
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁴²

At the time of Russia's full-scale invasion of Ukraine, Mr. B. was residing together with his common law partner Mrs. G. and their three children in the village of Rikhta in the Vyshhorod district of the Kyiv region.

On March 16, 2022, due to the lack of stable mobile network coverage, Mr. B. went to a transmitting tower located near the village of Rikhta in an attempt to join the mobile network. To improve signal quality, he climbed the tower with his mobile phone and tried to establish a connection. At that time, Russian soldiers, who entered the territory the village, spotted Mr. B. on the tower. Although Mr. B.'s behaviour was not in any way provocative toward the Russian armed forces, and he was unarmed, Mr. B. was stopped, searched and subsequently arrested by the Russian soldiers. His mobile phone was confiscated, and he was then taken away in an unknown direction.

Until now the whereabouts of Mr. B. remain unknown. As of August 19, 2022, he is considered to be a captive of the Russian armed forces by the ICRC.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

1. International organizations

Filing date	Filing party	Authority	Status
6 March 2023	Lawyer of KHPG	ICRC (Russian and Ukrainian branches)	A response was received that the inquiries were duly received and would be processed. It was later confirmed that Mr. B. was registered as a prisoner of war. No other information was provided.

⁴² The information provided in this sub-section is based on witness testimony of Mrs. G. given to KHPG on 7 February 2023, which is stored in the KHPG database and linked to the victim's unique number.

16 April 2023	Lawyer of KHPG	United Nations Human Rights Committee (HRC)	On April 21, 2023, the HRC granted interim measures in the case and obliged Russia to provide up-to-date information about the whereabouts and health condition of Mr. B., as well as initiated its own examination into the matter.
16 April 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
17 February 2023	Lawyer of KHPG	SSU in Kyiv and in the Kyiv region	On March 2, 2023, a response was provided stating that the pre-trial investigation authorities were investigating criminal case No. 1202211150000622 as of June 17, 2022, under Article 438 (1) CCU, specifically re the enforced disappearance of Mr. B. However, case files were not transmitted properly to the SSU and may be with the authority that previously conducted the pre-trial investigation. ⁴³
6 March 2023	Lawyer of KHPG	NIB	On March 17, 2023, a response was received confirming that Mr. B. was held as a prisoner of war by Russia through the ICRC Central Office. Russian authorities refuse to provide information regarding detention of Ukrainian citizens or foreigners, who find themselves under its control, including their places of detention and health condition.
6 March 2023	Lawyer of KHPG	SSU Joint Centre	On March 19, 2023, a response was received confirming Mr. B.'s PoW status in Russia.
6 March 2023	Lawyer of KHPG	Ukrainian Ombudsman	On March 15, 2023, a response was received informing that there was no information regarding the detention of Mr. B.

3. Russian authorities

Filing date	Filing party	Authority	Status
6 March 2023	Mrs. G. (common law partner)	FSS RF	No response received.
6 March 2023	Mrs. G. (common law partner)	Ombudsperson of the Russian Federation	Pending
20 February 2023	Mrs. G. (common law partner)	IC RF	The inquiry was registered, but no response followed.
3 March 2023	Mrs. G. (common law partner)	General Prosecutor's Office of the Russian Federation	On March 27, 2023, a response was received informing that the inquiry was registered and further sent to a lower level authority.
6 March 2023	Mrs. G. (common law partner)	Main Military Prosecutor's Office of the Russian Federation	On March 23, 2023, a response was received informing that the complaint was further sent to the MoD RF. No further response followed.
9 March 2023	Mrs. G. (common law partner)	Main Military Investigative Department of the IC RF	On March 22, 2023, the complaint was further sent to the Main Military Police Department of the MoD. No other response followed.
6 March 2023	Mrs. G. (common law partner)	President of the Russian Federation's reception office	On the same day, the complaint was further sent to the MoD RF. No further response followed.

⁴³ Additionally, as part of the response, an excerpt from the Unified Register of Pre-Trial Investigations was provided. The excerpt stated that a report regarding the disappearance of Mr. B was sent to the Duty Unit of the Vyshhorod District Police Department of the Main Department of the National Police in the Kyiv region. It was received on the «hotline» of the National Police of Ukraine from [PERSONAL INFORMATION REDACTED].

CASE N° 8

Victim's name	Mr. L.
Victim's number in KHPG Database	DB1 #1001998
Date of the alleged crime	About 28 February 2022
Location of the alleged crime	Lytvynivka village Vyshgorod district Kyiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) Rome Statute War crimes: Art. 8(2)(a)(vii) Rome Statute.

At the time of Russia's full-scale invasion of Ukraine, Mr. L. [PERSONAL INFORMATION REDACTED] lived with his mother in the village of Lytvynivka in the Vyshgorod district of the Kyiv region [ADDRESS REDACTED]. In the first days of the active hostilities, the Dymer community, in particular the village of Lytvynivka, was occupied by the Russian armed forces.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁴⁴

On 28 March 2022, the members of the Russian armed forces abducted Mr. L., while he was driving his Mercedes Sprinter in the direction of the village of Dymer in the Kyiv region. Ms. L. learned from the persons who were detained with her son that he was held for several days by the Russian soldiers at the 'VIKNALAND' factory located at 22 Vyshneva Street in the village of Dymer.

Later, Ms. L. [PERSONAL INFORMATION REDACTED] received information from the released prisoners that Mr. L. was held in SIZO No. 2 in Novozybkov in the Bryansk region in Russia, and later he was transferred to SIZO No. 1 in Donskoy in the Tula region in Russia. To date, Mr. L.'s whereabouts and condition remain unknown.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

In May 2023, Ms. L. sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
26 June 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

⁴⁴ The information provided in this sub-section is based on witness testimony of Ms. L. given to KHPG on 30 May 2023, which is stored in the KHPG database and linked to the victim's unique number.

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
4 April 2022	Ms. L. (victim's mother)	Investigation Department of the Main Directorate of the SSU in Kyiv and in the Kyiv Region	On 5 April 2022, information about Mr. L.'s disappearance was entered into the Unified Register of Pre-trial Investigations.
7 June 2023	Lawyer of KHPG	SSU Joint Center	On 8 June 2023, a response was received stating that information about Mr. L. was entered into the register, however, there was no information about him. The captivity was not confirmed by the ICRC. The information was sent further to the PoW Coordination Headquarters.
7 June 2023	Lawyer of KHPG	NIB	A response was received that information about missing Mr. L. was entered into the register, however, there was no information about him. The captivity was not confirmed by the ICRC. The information was sent further to the Coordination Headquarters for the Treatment of Prisoners of War (CMU)
7 June 2023	Lawyer of KHPG	Ukrainian Ombudsman	On 16 June 2023, a response was received stating that the inquiry was further sent to the Commissioner for Persons Missing in Special Circumstances (MinT-oT), the NIB and the SSU Joint Center to assist in the search for Mr. L., as well as to inform the lawyer of the results. The Ombudsman's office had no information about Mr. L.
7 June 2023	Lawyer of KHPG	Main Intelligence Directorate of Ukraine, MoD	No response received.

3. Russian authorities

Filing date	Filing party	Authority	Status
12 June 2023	Lawyer of KHPG	IC RF	The inquiry was registered, but no response followed.
12 June 2023	Lawyer of KHPG	Main Military Prosecutor's Office of the Russian Federation	No response received.
12 June 2023	Lawyer of KHPG	Main Military Investigation Department of the Investigative Committee of the Russian Federation	No response received.
12 June 2023	Lawyer of KHPG	FSS RF	No response received.
12 June 2023	Lawyer of KHPG	Federal Penitentiary Service of the Russian Federation	On 14 June 2023, a response was received that the matter was outside the authority's competence.
12 June 2023	Lawyer of KHPG	Ombudsman of the Russian Federation	No response received.
20 June 2023	Lawyer of KHPG	MIA RF	No response received.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
12 June 2023	Lawyer of KHPG	So-called Ombudsman in the DPR	On 15 June 2023, a response was received stating that that Mr. L. was not held as a PoW in the DPR.
12 June 2023	Lawyer of KHPG	so-called Ombudsman in the LPR	On 15 June 2023, a response was received stating that Mr. L. was not held as a PoW on the territory of the LPR.
12 June 2023	Lawyer of KHPG	so-called MoJ of the DPR	No response received.

12 June 2023	Lawyer of KHPG	so-called MoJ of the LPR	On 13 June 2023, a response was received that the matter was outside the authority's competence.
12 June 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	No response received.
12 June 2023	Lawyer of KHPG	Russian Red Cross	On 13 June 2023, a response was received urging to contact the ICRC.

CASE N° 9

Victim's name	Mr. Kh.
Victim's number in KHPG Database	DB1 #8894
Date of the alleged crime	26 February 2022
Location of the alleged crime	Dymer town Vyshgorod district Kyiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) Rome Statute War crimes: Art. 8(2)(a)(vii) Rome Statute, Art. 8(2)(a)(vii) Rome Statute

At the time of Russia's full-scale invasion of Ukraine, Mr. Kh. [PERSONAL INFORMATION REDACTED] lived with his wife in the town of Dymer in the Vyshhorod district of the Kyiv region. During the first days of hostilities, the Dymer community, in particular the town of Dymer, was occupied by the Russian armed forces.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁴⁵

On February 26, 2022, Mr. Kh. intended to evacuate from the town of Dymer to his daughter's place in the village of Demydiv in the Vyshhorod district of the Kyiv region. On the same day, Mr. Kh. left his home and walked down Soborna Street in the direction of Demydiv. At that time, a convoy of heavy military vehicles belonging to the Russian armed forces was moving down Soborna Street in the town of Dymer. The members of the Russian armed forces called out to Mr. Kh., asking him to approach them. Mr. Kh. told the Russian soldiers that he was going home. They started beating Mr. Kh., forcibly took him to an armored personnel carrier, and then transported him to an unknown location. Mr. Kh.'s classmate, Mr. O., witnessed the detention.

⁴⁵ The information provided in this sub-section is based on witness testimony of Ms. Sh. given to KHPG in May 2023 and open source information, which is stored in the KHPG database and linked to the victim's unique number.

In an effort to secure the release of her father, Mr. Kh., from captivity, his daughter, Ms. Sh., initiated a search for contacts within the Russian armed forces who might be open to releasing him in exchange for money or a car. Ms. Sh. connected with Mr. Okh., a collaborator who assumed an informal leadership role in the town of Dyer in March 2022 (later detained by the SSU) and maintained close ties with Russian commanders.

Ms. Sh. spoke to Mr. Okh., who told that Mr. Kh. had been detained for bad behavior. He assured Ms. Sh. that her father would be released on 19 March 2022. However, Mr. Kh. did not return on that day. A witness identified by Ms. Sh. later replied that Mr. Kh. had been taken out of the detention facility on March 19 and has never been seen there since.

In the spring of 2023, Ms. Sh. found out from one of the exchange prisoners that he had heard Mr. Kh.'s name in the pre-trial detention center located in the Bryansk region of the Russian Federation. As of now, Mr. Kh.'s whereabouts and health status remain unknown.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

In May 2023, Ms. Sh. sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
21 June 2023	Lawyer of KHPG	ICRC	A response was received that the inquiry was registered. No further response followed.
3 July 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
9 June 2022	Ms. Sh. (victim's daughter)	Investigation Department of the Main Directorate of the SSU in Kyiv and in the Kyiv Region	On 10 June 2022, a response was received stating that Mr. Kh.'s enforced disappearance was registered in the Unified Register of Pre-Trial Investigations.
7 June 2023	Lawyer of KHPG	SSU Joint Center	On 08 June 2023, a response was received stating that that information about Mr. Kh. was entered into the register. The ICRC did not confirm the information about the victim's captivity. The information provided in the inquiry was further sent to the PoW Coordination Headquarters.
7 June 2023	Lawyer of KHPG	NIB	A response was received stating that that information about Mr. Kh. was entered into the register. The ICRC did not confirm the information about the victim's captivity. The information provided in the inquiry was further sent to the PoW Coordination Headquarters.
7 June 2023	Lawyer of KHPG	Ukrainian Ombudsman	On 16 June 2023, a response was received stating that the Office had no information about Mr. Kh.; and the complaint was further sent to other competent authorities. ⁴⁶
7 June 2023	Lawyer of KHPG	Main Intelligence Directorate of Ukraine, MoD	On 26 June 2023, a response was received stating that there was no available information about Mr. Kh.'s unlawful deprivation of liberty.

⁴⁶ These include the Commissioner for Persons Missing in Special Circumstances (MinTOT), the NIB and the SSU Joint Center requesting to assist in the search for Mr. Kh. and to inform the lawyer of the results.

3. Russian authorities

Filing date	Filing party	Authority	Status
April 2023	Ms. Sh. (victim's daughter)	MoD RF	On 2 May 2023, a response was received that Mr. Kh. was not included in the list of persons detained for opposing the special military operation.
06 June 2023	Lawyer of KHPG	IC RF	A response was received stating that the inquiry was registered. No further response followed.
13 June 2023	Lawyer of KHPG	Chief Military Prosecutor's Office of the Russian Federation	No response received.
13 June 2023	Lawyer of KHPG	Main Military Investigation Department of the IC RF	No response received.
13 June 2023	Lawyer of KHPG	FSS RF	On 16 June 2023, a response was received that the matter was outside its competence.
13 June 2023	Lawyer of KHPG	Federal Penitentiary Service of the Russian Federation	On 14 June 2023, a response was received that the matter was outside its competence.
13 June 2023	Lawyer of KHPG	Ombudsman of the Russian Federation	No response received.
13 June 2023	Lawyer of KHPG	Russian Red Cross	On June 13, 2023, a response was received urging to contact the ICRC.
13 June 2023	Lawyer of KHPG	MIA RF	No response received.
13 June 2023	Lawyer of KHPG	MoD RF	On 26 June 2023, the inquiry was further sent by the Office of the President of the Russian Federation (Civil Complaints Division) to the MoD RF.
13 June 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.
13 June 2023	Lawyer of KHPG	President of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
13 June 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	On 15 June 2023, a response was received stating that that Mr. Kh. was not held as a PoW in the DPR.
13 June 2023	Lawyer of KHPG	so-called Ombudsman in the LPR	On 15 June 2023, a response was received that that Mr. Kh. was not held as a PoW in the LPR.
13 June 2023	Lawyer of KHPG	so-called MoJ of the DPR	No response received.
13 June 2023	Lawyer of KHPG	so-called MoJ of the LPR	On 13 June 2023, a response was received stating that the matter was outside its competence.
13 June 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	No response received.

CASE N° 10

Victim's name	Mr. S.
Victim's number in KHPG Database	DB1 #8225
Date of the alleged crime	about 10 March 2022
Location of the alleged crime	Makariv village / Bucha district / Kyiv region

Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. S. [PERSONAL INFORMATION REDACTED] lived in the village of Makariv in the Makariv district of the Kyiv region. In early March 2022, the village was occupied by the Russian armed forces.

On March 10, 2022, Mr. S's wife, Ms. A.S. [PERSONAL INFORMATION REDACTED] was evacuated from the village, but her husband decided to stay at home. On her departure day, Ms. A.S. saw her husband at home for the last time.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁴⁷

On the evening of March 10, 2022, Ms. A.S. contacted Mr. S. by phone and informed him about the successful evacuation. As of March 11, 2022, she lost all contact with Mr. S.

As of January 25, 2023, Mr. S. has been listed as a PoW on the Russian website 'NEMEZIDA'. In March 2023, Ms. A.S. saw a photo of her husband on social media. The description of the photo stated that he was a Ukrainian PoW held in SIZO No. 28 in Novozybkiv in the Bryansk region of the Russian Federation.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

At the end of March, Ms. A.S. sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
24 May 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
27 April 2023	Lawyer of KHPG	SSU Joint Center	On 8 May 2023, a response was received stating that the register included information about the illegal detention of Mr. S. The lawyer will be notified about the progress concerning the release of Mr. S.
27 April 2023	Lawyer of KHPG	NIB	A response was received stating that that information about Mr. S. was entered into the register. The ICRC confirmed the information about the victim's captivity. The information provided in the inquiry was further sent to the PoW Coordination Headquarters.

⁴⁷ The information provided in this sub-section is based on witness testimony of Ms. A.S. given to KHPG on 30 March 2023, which is stored in the KHPG database and linked to the victim's unique number.

27 April 2023	Lawyer of KHPG	Ukrainian Ombudsman	On 4 May 2023, a response was received stating that the Office had no information about Mr. S.; and the complaint was further sent to other competent authorities. ⁴⁸
---------------	----------------	---------------------	--

3. Russian authorities

Filing date	Filing party	Authority	Status
4 April 2023	Lawyer of KHPG	IC RF	A response was received stating that the inquiry was registered. No further response followed.
13 March 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.
9 May 2023	Lawyer of KHPG	Ombudsman of the Russian Federation	No response received.
9 May 2023	Lawyer of KHPG	Chief Military Prosecutor's Office of the Russian Federation	No response received.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
9 May 2023	Lawyer of KHPG	so-called MoJ of the LPR	On 10 May 2023, a response was received stating that the matter was outside its competence.
9 May 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	No response received.
9 May 2023	Lawyer of KHPG	so-called Ombudsman in the LPR	On 22 May 2023, a response was received stating that that Mr. S. was not held in the territory of the LPR as a PoW.
15 May 2023	Lawyer of KHPG	so-called Ministry of Justice of the DPR	On 18 May 2023, a response was received stating that that the lawyer of KHPG, representing Mr. S.'s wife, was not included in the list of persons who have the right to access information about the prisoners.

CASE N° 11

Victim's name	Mr. P.
Victim's number in KHPG Database	DB1 #8514
Date of the alleged crime	7 March 2022
Location of the alleged crime	Babyntsi village Bucha district Kyiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO

⁴⁸ These include the Commissioner for Persons Missing in Special Circumstances (MinTOT), the NIB and the SSU Joint Center requesting to assist in the search for Mr. S. and to inform the lawyer of the results.

Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia’s full-scale invasion of Ukraine, Mr. P. lived in the village of Babyntsi in the Bucha district of the Kyiv region. On 3 March 2022, the village was occupied and came under the temporary control of the Russian armed forces until it was de-occupied on 31 March 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁴⁹

On the day of his unlawful detention, Mr. P. lived with his girlfriend in the village of Babyntsi in one of the two houses located on the territory of the residential plot. The girlfriend’s parents, sister and her husband lived in the other house.

On March 7, 2022, the militia fighters of the ‘Akhmat’ special rapid response unit (known as ‘Kadyrovites’) raided the village checking documents and searching for members of the Ukrainian armed forces. When they approached the residential bloc of houses, in which Mr. P. lived, they entered the yard, removed all the people present there, lined them up and began checking their documents and personal phones. The fighters had a pronounced Caucasian appearance and identified themselves as members of the Akhmat unit during the document check. Unlike the other people present, Mr. P. did not have any documents on him, so he wanted to use the ‘Diia’ application (e-government mobile app) to verify his identity.

However, during the inspection of Mr. P.’s phone, the Kadyrovites found photos of the Russian helicopter that was shot down by the Ukrainian military.⁵⁰ The Kadyrovites were outraged that Mr. P. had taken such a photo and began interrogating him about why he took such photos etc. Unsatisfied with Mr. P.’s answers, they decided to detain him for “further checks for a short period of time”.

After that, Mr. P. was taken out of the yard at gunpoint, put into a car, and driven in the direction of the dairy plant. Mr. P., along with other detainees, including Mr. V., who later provided information about the circumstances of Mr. P.’s detention, were taken out of the car and placed along the wall facing the bus stop near the plant, while the Kadyrovites went to rob the store. Mr. V, who described the circumstances of Mr. P.’s detention, was released because the Kadyrovites said they “knew him”. He said that after robbing the store, the Kadyrovites took Mr. P. and other detainees towards the village of Zdvyzhivka in the Kyiv region. Further events and the fate of Mr. P. are unknown.

According to unofficial and unverified information, Mr. P. is being held in the Detention Center No. 2 in Bryansk in Russia. However, Russian authorities have not officially confirmed this information.

(ii) Attempts by the family to establish the victim’s fate/whereabouts and information about his/her unlawful arrest/detention/abduction

1. International organizations

Filing date	Filing party	Authority	Status
22 June 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending
22 June 2023	Lawyer of KHPG	UN Human Rights Committee	On June 28, 2023, the HRC granted interim measures requesting Russia to provide information about the whereabouts and health condition of Mr. P.

⁴⁹ The information provided in this sub-section is based on witness testimony of Mrs. G. given to KHPG on 12 April 2023, which is stored in the KHPG database and linked to the victim’s unique number.

⁵⁰ The photo may have been taken in a selfie style next to the helicopter. Mr. P.’s mother, Mrs. G., claims that her younger son told her that, but she did not see the photo herself.

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
In 2022	Mrs. G. (victim's mother)	NIB	A response was received confirming that that Mr. P. was in captivity. This was confirmed through the Central Search Agency of the ICRC.
23 April 2023	Lawyer of KHPG	Main Directorate of the SSU in Kyiv and in the Kyiv Region	1. On May 4, 2023, a response was received informing that, as of June 14, 2022, the Investigation Department was conducting a pre-trial investigation in criminal proceedings under Art. 438 CCU registered under No. 12022111050001915 in the Unified Register of Pre-trial Investigations. ⁵¹ 2. On June 28, 2022, Ms. G. was recognized as a victim in criminal proceedings.
2 May 2023	Lawyer of KHPG	SSU Joint Center	On May 16, 2023, a response was received stating that, as of August 2022, Mr. P. was confirmed to be in captivity.
2 May 2023	Lawyer of KHPG	Ukrainian Ombudsman	In May 2022, a response was received providing information about main authorities, which are authorized to search for prisoners. On 19 May 2022, unofficial information was provided that Mr. P was most probably being held in SIZO No. 2 in the city of Bryansk in Russia.

3. Russian authorities

Filing date	Filing party	Authority	Status
2 May 2023	Ms. G. (victim's mother)	FSS RF	In May 2023, a response was received stating that there was no information about the whereabouts of Mr. P.
2 May 2023	Ms. G. (victim's mother)	Ombudsman's Office of the Russian Federation	On 5 June 2023, a response was received stating that the inquiry was further sent to other Russian competent authorities. No further response followed.
2 May 2023	Ms. G. (victim's mother)	Main Military Investigation Department of the IC RF	No response received.
2 May 2023	Ms. G. (victim's mother)	Reception of the President of the Russian Federation	On the same day, a response was received stating that the inquiry was further sent to the MoD RF. No further response followed.
2 May 2023	Ms. G. (victim's mother)	Federal Penitentiary Service of the Russian Federation	On May 5, 2023, a response was received stating that the matter was outside its competence.
7 May 2023	Ms. G. (victim's mother)	MoD RF	On May 15, 2023, a response was received stating that all information about prisoners was communicated to the ICRC Central Office.
28 April 2023	Ms. G. (victim's mother)	IC RF	A response was received stating that the inquiry was registered. No further response followed.
7 May 2023	Ms. G. (victim's mother)	Prosecutor General's Office of the Russian Federation	On May 12, 2023, a response was received stating that the complaint was registered and further sent to the IC RF, i.e. the authority whose actions had been subject of the complaint. No further response followed.

⁵¹ The investigation was initiated on the basis of the Ukrainian Ombudsman's request acting upon the inquiry of Mr. V., victim's brother, who informed that Mr. P was taken by the Russian military from his home on 7 March 2022 and taken to an unknown location.

CASE N° 12

Victim's name	Mr. P.
Victim's number in KHPG Database	DB1 #8401
Date of the alleged crime	about 1 March 2022
Location of the alleged crime	Bucha Bucha district Kyiv region
Facts	Unlawful arrest/detention/disappearance of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(iii), Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. VI. P. [PERSONAL INFORMATION REDACTED] lived in Bucha in the Bucha district of the Kyiv region. In early March 2022, Bucha was occupied and came under the temporary control of the Russian regular armed forces until it was de-occupied on 31 March 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁵²

On 28 February 2022, Mr. VI. P. and his stepmother, Mrs. Ch, were driving the car along the Blyskavytsia-Bucha highway to the place of work of Mr. VI. P.'s father. On the way, near the dam, they were stopped by the members of the Russian armed forces. Immediately, without any warning given, the car was shot at with small arms, injuring Mr. VI. P. and Mrs. Ch. Mrs. Ch. was shot in the neck and leg, and lost consciousness as a result of painful shock. When she regained her consciousness, her stepson Mr. VI. P. was not there with her.

As it became known later, Mr. VI. P., probably believing that Mrs. Ch. had died, decided to escape on his own and walked to the village of Nemyshayevo in the Bucha district of the Kyiv region where he stayed for about 5–6 days with local residents who provided him with first aid and hid him from the Russian military who might have been looking for him. This information was provided by local residents B. and T., as well as VI.P.'s relatives who said that their son had told that he was wanted by Russians. According to local residents, Mr. VI. P. was seen in early March 2022 near the building of the Bucha City Council. The witnesses are now abroad and their whereabouts are unknown to Mr. VI.P.'s father.

Mr. VI. P. wanted to use an evacuation bus to leave the territory of Bucha because of the threat of detention by the Russian armed forces. However, when he boarded the bus, he was identified by the Russian soldiers, detained and taken to an unknown location. There is no other information about the use of physical violence against Mr. VI. P., except for the gunshot wound that he sustained on 28 February 2022.

⁵² The information provided in this sub-section is based on witness testimony of Mr. Va. P. given to KHPG on 12 April 2023, which is stored in the KHPG database and linked to the victim's unique number.

According to unofficial sources, Mr. VI. P.' father learned that his son was being held captive in Kursk in Russia, namely in local SIZO No. 1. However, there was no official confirmation of this information. As of April 2023, Mr. VI. P. was confirmed to be in captivity through the Central Office of the ICRC. However, nothing is known about his exact location of detention and his health condition. Mr. VI. P.' father has not received a single letter from his son almost a year after his son's disappearance.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

1. International organizations

Filing date	Filing party	Authority	Status
3 May 2023	Mr. Va. P. (victim's father)	ICRC	On the same day, a response was received about the receipt of the inquiry, but it was advised to use other means of communication. Mr. Va. P. then contacted the ICRC by phone, and his inquiry was successfully registered.
4 June 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending
4 June 2023	Lawyer of KHPG	UN Human Rights Committee	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
23 April 2023	Lawyer of KHPG	Main Directorate of the SSU in Kyiv and in the Kyiv region	On May 4, 2023, a response was received stating that, as of April 20, 2022, the Investigation Department was conducting a pre-trial investigation in criminal proceedings under Art. 438 CCU registered under No. 12022111050001296 in the Unified Register of Pre-trial Investigations. ⁵³
3 May 2023	Lawyer of KHPG	SSU Joint Center	On May 12, 2023, a response was received stating that that Mr. VI. P. was confirmed to be in captivity.
3 May 2023	Lawyer of KHPG	Ukrainian Ombudsman	In May 2022, a response was received providing general information about the powers of the Ombudsman in the cases of enforced disappearances. The response did not provide any factual information about the fate of Mr. VI. P.
3 May 2023	Lawyer of KHPG	NIB	In May 2023, a response was received stating that VI. P. was in captivity, which was confirmed through the Central Office of the ICRC. However, Russia does not provide information about the conditions of detention for Ukrainian citizens and foreigners under its control, including their health condition and the exact location of detention.
3 May 2023	Lawyer of KHPG	Red Cross Society in Ukraine	Pending

3. Russian authorities

Filing date	Filing party	Authority	Status
3 May 2023	Mr. Va. P. (victim's father)	FSS RF	In May 2023, a response was received stating that there was no information about the whereabouts of VI. P.

⁵³ The proceedings were initiated on the basis of the victim's mother statement, Ms. T. P., that her son, Mr. VI. P., who was most probably being held in SIZO no. 1 in Kursk in Russia (not officially confirmed), had disappeared.

3 May 2023	Mr. Va. P. (victim's father)	Ombudsman of the Russian Federation	No response received.
3 May 2023	Mr. Va. P. (victim's father)	Main Military Investigation Department of the IC RF	No response received.
3 May 2023	Mr. Va. P. (victim's father)	Administration of the President of the Russian Federation	On the same day, a response was received stating that the complaint was further sent to the MoD RF. No further response followed.
3 May 2023	Mr. Va. P. (victim's father)	MoD RF ⁵⁴	On May 5, 2023, a response was received stating that all information about PoW was communicated to the ICRC Central Office. They refused to provide specific information about VI. P.
3 May 2023	Mr. Va. P. (victim's father)	Federal Penitentiary Service of the Russian Federation	On 15 May 2023, a response was received stating that the matter was outside its competence.
3 May 2023	Mr. Va. P. (victim's father)	Chief Military Prosecutor's Office of the Russian Federation	Pending
28 April 2023	Mr. Va. P. (victim's father)	IC RF	A response was received that the inquiry was registered. No further response followed.
6 May 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	On 12 May 2023, a response was received that the inquiry was registered and further sent to the IC RF, i.e. the authority whose actions were subject of the complaint.

CASE N° 13

Victim's name	Mr. P.
Victim's number in KHPG Database	DB1 #8133
Date of the alleged crime	14 March 2022
Location of the alleged crime	Bucha Bucha district Kyiv region
Facts	Unlawful arrest/detention/ abduction of a civilian by members of the Russian armed forces accompanied by physical violence, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(iii), Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. K. [PERSONAL INFORMATION REDACTED] lived in Bucha in the Bucha district of the Kyiv region. On 3 March 2022, the town of Bucha was occupied and came under the temporary control by the Russian regular armed forces until it was de-occupied on 31 March 2022.

⁵⁴ The inquiry was submitted through the Presidential Administration of the Russian Federation.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁵⁵

On the evening of March 14, 2022, individuals dressed in Russian military uniforms forcibly entered the apartment where Mr. K. and his wife, Ms. L. [PERSONAL INFORMATION REDACTED], lived together in Bucha. They did not introduce themselves; instead they attacked Mr. K., beating him in front of his wife and hitting him all over his body. Subsequently, Mr. K. was forcibly removed from the apartment and taken to an unknown location.

Mrs. L. believes that the reason for her husband's detention is that he was a former member of the Ukrainian armed forces. However, at the time of his detention, Mr. K. had already been discharged from military service due to his health condition and had received the status of a person with a disability several years ago.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction**1. International organizations**

Filing date	Filing date	Authority	Status
8 April 2023	Lawyer of KHPG	ICRC and its Russian branch	A formal response was received that the contact would be made in the near future. No response followed.
18 May 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending
18 May 2023	Lawyer of KHPG	UN Human Rights Committee	Pending

2. Ukrainian authorities

Filing date	Filing date	Authority	Status
In 2022	Ms. L. (victim's wife)	NIB	A response was received confirming Mr. K's captivity in Russia through the CTA Bureau of the ICRC.
2 April 2023	Lawyer of KHPG	Main Directorate of the SSU in Kyiv and in the Kyiv region	A response was received recognizing Mr. K. as a victim of the crime committed against him by the Russian military. A pre-trial investigation was initiated in the case.

3. Russian authorities

Filing date	Filing party	Authority	Status
4 April 2023	Ms. L. (victim's wife)	IC RF	A response was received stating that the inquiry was registered. No further response followed.
13 April 2023	Ms. L. (victim's wife)	Prosecutor General's Office of the Russian Federation	No response received.
8 April 2023	Ms. L. (victim's wife)	Federal Penitentiary Service of the Russian Federation	On April 13, 2023, a response was received stating that the matter was outside its competence.
8 April 2023	Ms. L. (victim's wife)	FSS RF	No response received.
8 April 2023	Ms. L. (victim's wife)	Ombudsman of the Russian Federation	A response was received stating that the inquiry was further sent to other competent authorities (no list of such authorities was provided).
8 April 2023	Ms. L. (victim's wife)	Administration of the President of the Russian Federation	On the same day, a response was received stating that the complaint was further sent to the MoD RF. No further response followed.
8 April 2023	Ms. L. (victim's wife)	Chief Military Prosecutor's Office of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.

⁵⁵ The information provided in this sub-section is based on witness testimony of Mrs. L. given to KHPG on 24 March 2023, which is stored in the KHPG database and linked to the victim's unique number.

8 April 2023	Ms. L. (victim's wife)	MoD RF ⁵⁶	On April 22, 2023, a response was received stating that all information about PoW had been communicated to the ICRC in accordance with the GC. It was noted that such information cannot be disclosed to a third party. The fact that Ms. L. is not a third party but the victim's wife was not taken into account, despite her providing supporting documentation confirming their marital relationship.
--------------	---------------------------	----------------------	---

CASE N° 14

Victim's name	Mr. S.
Victim's number in KHPG Database	DB1 #8417
Date of the alleged crime	12 March 2022
Location of the alleged crime	Gostomel Bucha district Kyiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. S. [PERSONAL INFORMATION REDACTED] lived with his wife Mrs. Sh. [PERSONAL INFORMATION REDACTED] at [ADDRESS REDACTED] in the town of Gostomel in the Bucha district of the Kyiv region. During the first days of the hostilities, the town was occupied by the Russian regular armed forces until it was de-occupied on 1 April 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁵⁷

On March 22, 2022, Mrs. Sh. was injured as a result of shelling. Mr. S. provided first aid to his wife, Mrs. Sh, and then they went to a local hospital to receive further medical care. On the way to the hospital, Mr. S. and Mrs. Sh were detained by members of the Russian armed forces. Following the detention, Russian soldiers took Mr. S. to the filtration camp, which was located at the airport in Gostomel at that time. Mrs. Sh. was taken to a recreational center (sanatorium) located in the territory of the Republic of Belarus, where she later died.

As of January 25, 2023, Mr. S. has been listed as a prisoner of war on the Russian website 'NEMEZIDA'. To date, Mr. S.'s whereabouts and health condition remain unknown.

⁵⁶ The inquiry was submitted through the Presidential Administration of the Russian Federation.

⁵⁷ The information provided in this sub-section is based on witness testimony of Mr. M. given to KHPG on 24 May 2023, which is stored in the KHPG database and linked to the victim's unique number.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

On May 3, 2022, Mr. S.'s son, Mr. M., requested the National Police of Ukraine to open criminal proceedings regarding his father's abduction by the Russian military after having received information from witnesses regarding the circumstances of his father's unlawful detention, Mr. K. and Ms. O. On the same day, the police investigator opened criminal proceedings.

In May 2023 Mr. M. (victim's son) sought legal aid from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
6 July 2023	Lawyer of KHPG	ICRC	A response was received stating that the inquiry was registered. No further response followed.
25 July 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
9 September 2022	Mr. M. (victim's son)	NIB	A response was received stating that information about Mr. S. was entered into the register; and that Mr. S.'s captivity was confirmed by Russia through the CTA Bureau of the ICRC. In addition, information about Mr. S. was further sent to the PoW Coordination Headquarters.
6 July 2023	Lawyer of KHPG	Ukrainian Ombudsperson	A response was received stating that the Office communicated the complaint to other competent authorities. ⁵⁸
6 July 2023	Lawyer of KHPG	National Information Bureau	A response was received stating that information about Mr. S. was entered into the register; and that Mr. S.'s captivity was confirmed by Russia through the CTA Bureau of the ICRC. In addition, information about Mr. S. was further sent to the PoW Coordination Headquarters.
6 July 2023	Lawyer of KHPG	SSU Joint Center	A response was received stating that Mr. S.'s captivity was confirmed by Russia through the CTA Bureau of the ICRC. In addition, information about Mr. S. was further sent to the PoW Coordination Headquarters.

3. Russian authorities

Filing date	Filing party	Authority	Status
19 October 2022	Mr. M. (victim's son)	Prosecutor General's Office of the Russian Federation	On November 14, 2022, a response was received stating that Mr. M.'s complaint was further sent to the MoD RF.
19 October 2022	Mr. M. (victim's son)	MoD RF	On November 8, 2022, a response was received confirming that that Mr. S. had been detained for opposing the special military operation and was being held on the territory of Russia, without providing information about his actual whereabouts. The response also stated that Mr. S.'s health condition was satisfactory.
28 November 2022	Mr. M. (victim's son)	MIA RF	On December 30, 2022, a response was received stating that there was no information about the detention of Mr. S. and his whereabouts.

⁵⁸ These include the Commissioner for Persons Missing in Special Circumstances (MinTOT), the NIB and the SSU Joint Center requesting to assist in the search for Mr. Kh. and to inform the lawyer of the results.

28 November 2022	Mr. M. (victim's son)	MoJ RF	On December 30, 2022, a response was received stating that there was no information about the detention of Mr. S. and his whereabouts in Russia. The response also stated that the inquiry was further sent to the IC RF as a competent authority. No further response followed from the IC RF.
5 June 2023	Lawyer of KHPG	IC RF	A response was received stating that the inquiry was registered. No further response followed.
12 June 2023	Lawyer of KHPG	Russian Red Cross	On June 13, 2023, a response was received urging to contact the ICRC.
12 June 2023	Lawyer of KHPG	FSS RF	No response received.
12 June 2023	Lawyer of KHPG	Ombudsman of the Russian Federation	No response received.
12 June 2023	Lawyer of KHPG	Main Military Investigation Department of the IC RF	No response received.
12 June 2023	Lawyer of KHPG	Chief Military Prosecutor's Office of the Russian Federation	On June 13, 2023, a response was received stating that the inquiry was forwarded to the MoD RF in accordance with its competence.
13 June 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	On June 19, 2023, a response was received stating that the complaint on inaction of Russian authorities was further sent to the IC TF, i.e. the authority whose actions were the subject of the complaint. No further response followed.
4 July 2023	Lawyer of KHPG	President of the Russian Federation	On July 5, 2023, a response was received stating that the inquiry was forwarded to the MoD RF in accordance with its competence. No further response followed from the MoD RF.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
12 June 2023	Lawyer of KHPG	so-called Ombudsman in the LPR	On June 15, 2023, a response was received stating that Mr. S. was not held as a PoW in the territory of the LPR.
12 June 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	On June 22, 2023, a response was received stating that Mr. S. was not held as a PoW in the territory of the DPR. In addition, the response stated that it would be more effective to contact the MoD RF.
12 June 2023	Lawyer of KHPG	so-called MoJ of the DPR	No response received.
12 June 2023	Lawyer of KHPG	so-called MoJ of the LPR	No response received.
12 June 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	No response received.

CASE N° 15

Victim's name	Mr. K.
Victim's number in KHPG Database	DB1 #11143
Date of the alleged crime	10 March 2022
Location of the alleged crime	Dymer village / Vyshhorod district / Kyiv region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.

The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. K. [PERSONAL INFORMATION REDACTED] lived with his wife Mrs. L. [PERSONAL INFORMATION REDACTED] at [ADDRESS REDACTED] in the village of Dymer in the Vyshhorod district of the Kyiv region. During the first days of the active hostilities, the Dymer community, in particular the village of Dymer, was occupied by the Russian military until it was de-occupied on 1 April 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁵⁹

On March 10, 2022, Mr. K., together with his neighbor, Mr. M., left his apartment in search of a place to charge his mobile phone. While walking along Soborna Street, Mr. K. and Mr. M. were approached by members of the Russian armed forces who checked their documents. Following the document check, Mr. M. was released, but Mr. K. was taken away in an unknown direction.

In search of Mr. K., his wife, Mrs. L., sought assistance from Ukrainian authorities, including the National Information Bureau. Despite her efforts, she has not received any relevant information about her husband's fate and whereabouts. The lack of such information, especially amidst the withdrawal of the Russian armed forces from the Kyiv region and numerous reports of incommunicado detention of individuals abducted from Ukraine, led Mrs. L. to believe that her husband was being held in Russia, potentially transferred through Belarus. As of January 13, 2023, Mr. K. has been listed as a PoW on the Russian website 'NEMEZIDA'. To date, Mr. K.'s whereabouts and health condition remain unknown.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

In June 2023, Mr. K.'s wife, Mrs. L., sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
10 June 2023	Lawyer of KHPG	ICRC	A response was received stating that the inquiry was registered. No further response followed.
23 July 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
14 June 2023	Lawyer of KHPG	SSU Joint Center	On 20 June 2023, a response was received stating that information about Mr. K. was entered into the register, but there was no information about his fate/whereabouts, as his captivity was not confirmed by the ICRC. The information provided in the inquiry was further sent to the PoW Coordination Headquarters.

⁵⁹ The information provided in this sub-section is based on witness testimony of Mrs. L. given to KHPG on 07 July 2023, which is stored in the KHPG database and linked to the victim's unique number.

14 June 2023	Lawyer of KHPG	NIB	A response was received stating that information about Mr. K. was entered into the register, but there was no information about his fate/whereabouts, as his captivity was not confirmed by the ICRC. The information provided in the inquiry was further sent to the PoW Coordination Headquarters.
14 June 2023	Lawyer of KHPG	Ukrainian Ombudsman	A response was received stating that the Office had no information about Mr. K. and the complaint was sent to other competent authorities. ⁶⁰
14 June 2023	Lawyer of KHPG	Main Intelligence Directorate of Ukraine, MoD	On 4 July 2023, a response was received stating that there was no information about Mr. K.'s illegal deprivation of liberty.

3. Russian authorities

Filing date	Filing party	Authority	Status
14 June 2023	Lawyer of KHPG	IC RF	A response was received stating that the inquiry was registered. No further response followed.
15 June 2023	Lawyer of KHPG	Chief Military Prosecutor's Office of the Russian Federation	No response received.
16 June 2023	Lawyer of KHPG	Main Military Investigation Department of the IC RF	No response received.
16 June 2023	Lawyer of KHPG	FSS RF	On 16 June 2023, a response was received stating that the matter was outside its competence.
17 June 2023	Lawyer of KHPG	Federal Penitentiary Service of the Russian Federation	On 14 June 2023, a response was received stating that the matter was outside its competence.
18 June 2023	Lawyer of KHPG	Ombudsman of the Russian Federation	No response received.
18 June 2023	Lawyer of KHPG	Russian Red Cross	On 29 June 2023, a response was received urging to contact the ICRC.
19 June 2023	Lawyer of KHPG	MIA RF	No response received.
19 June 2023	Lawyer of KHPG	MoD RF ⁶¹	On July 3, 2023, a response was received from the Presidential Administration stating that the inquiry was further sent to the MoD RF.
23 June 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.
23 June 2023	Lawyer of KHPG	President of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
18 June 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	On 29 June 2023, a response was received stating that Mr. K. was not held as a PoW in the territory of the DPR.
18 June 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	On 26 June 2023, a response was received stating that Mr. K. was not held as a PoW in the territory of the LPR..
18 June 2023	Lawyer of KHPG	so-called MoJ of the DPR	No response received.

⁶⁰ These include the Commissioner for Persons Missing in Special Circumstances (MinTOT), the NIB and the SSU Joint Center requesting to assist in the search for Mr. K. and to inform the lawyer of the results.

⁶¹ The inquiry was submitted directly by mail and through the website of the Presidential Administration of the Russian Federation.

18 June 2023	Lawyer of KHPG	so-called MoJ of the LPR	On 27 June 2023, a response was received stating that the matter was outside its competence.
18 June 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	No response received.

CASE N° 16

Victim's name	Mr. S.
Victim's number in KHPG Database	DB1 #1001934
Date of the alleged crime	17 March 2022
Location of the alleged crime	Trostryanets town Ohtyrskyy district Sumy region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces together with representatives of the IAGs of the LPR/DPR accompanied by physical and psychological abuse in illegal detention facilities, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(iii), Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. Ye. [PERSONAL INFORMATION REDACTED] lived with his family in the town of Trostryanets of the Sumy region [ADDRESS REDACTED]. On 25 February 2022, the town was occupied and came under the temporary control of the so-called DPR/LPR and Russian regular armed forces until it was de-occupied on April 2, 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁶²

During the occupation, Mr. Ye. lived together with his brother Mr. A. [PERSONAL INFORMATION REDACTED], his nephew Mr. M. [PERSONAL INFORMATION REDACTED] and his brother's wife Ms. V. [PERSONAL INFORMATION REDACTED] in the house belonging to Mr. A.

In early March 2022, Russian soldiers and, according to local residents, members of the IAGs of the DPR/LPR began to settle on Zarichna Street in abandoned and temporarily unoccupied households.

On 17 March 2022, Mr. Ye. and Mr. M. were walking down Zarichna Street on their own business. Around 10 and 11 a.m., Mr. Ye. and Mr. M. were stopped by unidentified armed men wearing uniforms typical of the Russian armed forces near house No. 84 on Zarichna Street to check their documents and personal belongings. During the document check, the Russian soldiers found

⁶² The information provided in this sub-section is based on witness testimony of Mr. A. given to KHPG on 26 March 2023, which is stored in the KHPG database and linked to the victim's unique number.

Mr. Ye.'s personal photos from hunting on his phone. This provoked a negative reaction and became the basis for the unlawful detention of Mr. Ye.

While in detention, approximately five Russian soldiers shot at Mr. Ye.'s legs several times, and hit him on the shoulder with the assault rifle butt, while Mr. M. was not touched. During the document check, the Russian soldiers asked Mr. A.'s son, Mr. M., about his age. He replied that he was only 16 years old. He was then allowed to go home, while being told that Mr. Ye. was "going to the basement to clarify circumstances". After that, the Russian soldiers took Mr. Ye. to the basement of the house No. 6 on Zarichna Street, where they were stationed.

In the evening of 17 March 2022, Mr. A.'s wife, Mrs. V., went to the Russian military to find out about the fate of Mr. Ye., but they refused to release him and told her that he would return home after the war ends. This was witnessed by Mr. M., who was present at the time of Mr. Ye.'s detention by the Russian soldiers.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

On March 26, 2023, Mr. A. sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
29 April 2023	Lawyer of KHPG	CTA Bureau of the ICRC	On 2 May 2023, a response was received confirming the receipt of the inquiry and requesting to complete an online form. On the same day, the lawyer filled out the online form and obtained a registration number for his inquiry.
19 June 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
30 March 2022	Mr. A.(victim's brother)	Main Department of the National Police in the Sumy region	1. On 30 March 2022, upon the request of Mr. A., criminal proceedings were initiated re Mr. Ye's disappearance, and were assigned reg nr No. 42022202520000165. ⁶³ 2. On February 1, 2023, Mr. A was interviewed in the criminal case. On the same day, Mr. A.'s son, Mr. M., and Mr. A.'s wife, Mrs. V., were interviewed as witnesses. 3. On 5 May 2023, the KHPG lawyer had an opportunity to review case files.
29 April 2023	Lawyer of KHPG	Defence Intelligence of Ukraine, MoD	Pending
29 April 2023	Lawyer of KHPG	MoD	Pending
29 April 2023	Lawyer of KHPG	MinTOT	Pending
29 April 2023	Lawyer of KHPG	Ukrainian Red Cross Society	Pending
29 April 2023	Lawyer of KHPG	Ukrainian Ombudsman	Pending

⁶³ The case is under investigation by the Main Department of the National Police in the Sumy region.

29 April 2023	Lawyer of KHPG	NIB	On 19 May 2023, a response was received stating that that information about Mr. S. was entered into the register, but there was no information about Mr. Ye. Further data collection is ongoing.
29 April 2023	Lawyer of KHPG	PoW Coordination Headquarters	On 3 May 2023, a response was received stating that information about Mr. S. was entered in the register, but Mr. Ye's captivity in Russia was not confirmed by the Russian side and the ICRC.
29 April 2023	Lawyer of KHPG	Commissioner for Persons Missing in Special Circumstance (MinTOT)	On 8 June 2023, a response was received stating that there was no information about Mr. Ye's whereabouts and health condition.
29 April 2023	Lawyer of KHPG	SSU Joint Center	On 18 May 2023, a response was received stating that information was received about Mr. Ye's disappearance and illegal deprivation of liberty. However, there was no official information confirming Mr. Ye's illegal deprivation of liberty, including his whereabouts and health condition.
29 April 2023	Lawyer of KHPG	National Police of Ukraine	On 11 May 2023, a response was received stating that criminal proceedings were initiated regarding Mr. Ye's disappearance (Register number — 42022202520000165). Mr. Ye's whereabouts have not been established. He is considered a missing person.
10 May 2023	Lawyer of KHPG	Department of Informatization of the MIA	Pending
10 May 2023	Lawyer of KHPG	MinTOT	No response received.

3. Russian authorities

Filing date	Filing party	Authority	Status
27 April 2023	Lawyer of KHPG	Russian Red Cross	1. On 28 April 2023, a response was received stating that the inquiry was received and sent to a competent employee. 2. On 30 April 2023, a response was received urging to contact the Russian Ombudsman and the ICRC.
29 April 2023	Lawyer of KHPG	FSS RF	Pending
29 April 2023	Lawyer of KHPG	MoJ RF	On 26 May 2023, a response was received stating that there was no information about Mr. Y. and the inquiry was sent to the IC RF.
29 April 2023	Lawyer of KHPG	Russian Ombudsman	On 10 May 2023, a response was received informing that the inquiry was further sent to other competent authorities.
1 May 2023	Lawyer of KHPG	Federal Penitentiary Service	On 3 May 2023, a response was received stating that the matter was outside its competence.
1 May 2023	Lawyer of KHPG	IC RF	Pending
1 May 2023	Lawyer of KHPG	Main Military Investigation Department of the IC RF	Pending
3 May 2023	Lawyer of KHPG	MIA RF ⁶⁴	On 4 May 2023, a response was received from the Presidential Administration stating that the inquiry dated 3 May 2023 and addressed to the MIA RF was registered on 4 May 2023 and further sent to the MoD RF for consideration.
9 May 2023	Lawyer of KHPG	Presidential Administration of the Russian Federation	On 10 May 2023, a response was received stating that the inquiry dated 9 May 2023 was registered on 10 May 2023 and further sent to the MoD RF for consideration

⁶⁴ The inquiry was submitted through the Presidential Administration of the Russian Federation.

13 May 2023	Lawyer of KHPG	Chief Military Prosecutor's Office	On 5 June 2023, a response was received stating that the inquiry was further sent to the military prosecutor's office of the Joint Group of Forces, with a copy being sent to the MoD RF. No further response followed.
18 May 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	A response was received stating that the inquiry was registered. No further response followed.
19 May 2023	Lawyer of KHPG	Regional Military Police Department for the Southern Military District	On 24 May 2023, a response was received stating that the MoD RF does not disclose confidential information and urged to contact the ICRC for further information.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
27 April 2023	Lawyer of KHPG	so-called MoJ LPR	On 28 April 2023, a response was received stating that the matter was outside its competence. It was advised to contact the so-called LPR Ombudsman. The same reply was further received on 16 May 2023.
29 April 2023	Lawyer of KHPG	so-called MIA DPR	Pending
29 April 2023	Lawyer of KHPG	so-called MoD DPR	Pending
29 April 2023	Lawyer of KHPG	so-called Ombudsman in the DPR	Pending
29 April 2023	Lawyer of KHPG	so-called MoJ DPR	On 16 May 2023, a response was received stating that that Mr. Ye. was not held in penitentiary institutions in the DPR. There was no information about Mr. Ye.
30 April 2023	Lawyer of KHPG	so-called Ministry of State Security of the LPR	Pending
30 April 2023	Lawyer of KHPG	Ombudsman in the LPR	On 17 May 2023, a response was received stating that there was no person matching Mr. Ye.'s personal information among the Ukrainian military servicemen who laid down their arms and were held in the LPR.
30 April 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service for the DPR	Pending
30 April 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service for the LPR	Pending
30 April 2023	Lawyer of KHPG	so-called Department of the Federal Penitentiary Service for the Republic of Crimea	Pending
30 April 2023	Lawyer of KHPG	so-called MIA of the Republic of Crimea	Pending
30 April 2023	Lawyer of KHPG	so-called Ombudsman for the Republic of Crimea	On 2 May 2023, a response was received stating that the complaint was further sent to the Regional Military Police Department for the Southern Military District in Rostov-on-Don.
30 April 2023	Lawyer of KHPG	so-called Department of the Federal Security Service of the Russian Federation for the Republic of Crimea and Sevastopol	On 16 May 2023, a response was received stating that there was no information about Mr. Ye.

1 May 2023	Lawyer of KHPG	so-called MoJ of the Republic of Crimea	On 3 May 2023, a response was received from the Presidential Administration of the Russian Federation stating that the inquiry dated 1 May 2023 and addressed to the so-called MoJ of the Republic of Crimea was registered on 2 May 2023 and further sent to the MoD RF for consideration.
1 May 2023	Lawyer of KHPG	so-called MoD LPR	On 3 May 2023, a response was received from the Presidential Administration of the Russian Federation stating that the inquiry dated 1 May 2023 and addressed to the so-called MoD of the LPR was registered on 2 May 2023 and further sent to the MoD RF for consideration.
03 May 2023	Lawyer of KHPG	so-called Ministry of State Security of the DPR	Pending
10 May 2023	Lawyer of KHPG	so-called Bureau of Forensic Medicine of the Ministry of Health of the DPR ⁶⁵	On 11 May 2023, a response was received from the Presidential Administration of the Russian Federation stating that the inquiry dated 10 May 2023 and addressed to the so-called Bureau of the Ministry of Health was registered on 11 May 2023 and further sent to the MoD RF for consideration.
13 May 2023	Lawyer of KHPG	so-called MoJ of the Republic of Crimea ⁶⁶	On 16 May 2023, a response was received from the Presidential Administration of the Russian Federation stating that the inquiry dated 13 May 2023 and addressed to the so-called MoJ of the Republic of Crimea was registered on 15 May 2023 and further sent to the IC RF.

CASE N° 17

Victim's name	Mr. T.
Victim's number in KHPG Database	DB1 #1002234
Date of the alleged crime	14 March 2022
Location of the alleged crime	Trostyanyets town Ohtyrskyy district Sumy region
Facts	Unlawful arrest/detention/ disappearance of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. T. [PERSONAL INFORMATION HIDDEN] lived in the town of Trostyanyets in the Ohtyrskyy district of the Sumy region. On 24 February

⁶⁵ The inquiry was submitted through the Presidential Administration of the Russian Federation.

⁶⁶ Ibid.

2022, the town was occupied and came under the temporary control of the Russian regular armed forces until it was de-occupied on 21 March 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁶⁷

During the occupation of Trostyanets, Mr. T. decided to engage in volunteer work, which included food and medicine delivery to the elderly and people with disabilities. On March 14, 2022, Mr. T. left his home to deliver food to his neighbor. However, on the way, he was stopped by persons in military uniforms typical of the Russian armed forces near the local 'ATB' store at 24 Blahoveshchenska Street. The Russian military checkpoint was located nearby, where the documents were checked. After the document check, Mr. T. was detained and his further fate and whereabouts remain unknown.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

Mr. T.'s mother, Mrs. U. [PERSONAL INFORMATION REDACTED] repeatedly appealed for help from the ICRC, however, she was unable to obtain any information confirming or denying her son's whereabouts in Russia. At the end of October 2022, she sought legal assistance from the Kharkiv Human Rights Protection group.

1. International organizations

Filing date	Filing party	Authority	Status
11 February 2023	Lawyer of KHPG	ICRC and its Russian branch	A response was received stating that the inquiries were received and would be considered, but there was no information about Mr. T. to date.
28 February 2023	Lawyer of KHPG	UN Human Rights Committee	1. On March 1, 2023, a response was received stating that the complaint was registered and interim measures were granted in the case requesting Russia to inform about the whereabouts and state of health condition of Mr. T. 2. In May 2023, Russia responded that Mrs. U. (victim's mother) had not exhausted all national remedies prior to filing its complaint with the HRC. Russia failed to provide any information regarding the whereabouts and health condition of Mr. T. (neither confirming nor denying his captivity on its territory).
28 February 2023	Lawyer of KHPG	UN Working Group on Enforced or Involuntary Disappearances	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
12 November 2022	Lawyer of KHPG	SSU in the Sumy region	Pending
15 November 2022	Lawyer of KHPG	NIB	A response was received stating that information about Mr. T. was entered into the register, but there was no information about his fate/whereabouts, as his captivity was not confirmed by the ICRC.

⁶⁷ The information provided in this sub-section is based on witness testimony of Mrs. U. given to KHPG on 26 October 2022, which is stored in the KHPG database and linked to the victim's unique number.

11 January 2023	Lawyer of KHPG	SSU in the Sumy region	<p>1. Having received no response from the investigator about the opening of criminal proceedings concerning Mr.T.'s disappearance, on January 11, 2023, the lawyer filed a report about the commission of the alleged war crime against Mr. T.</p> <p>2. No formal response to the crime report was received, but during a conversation, the investigator promised to provide the necessary documents.</p> <p>3. On January 30, 2023, the lawyer received a response that a pre-trial investigation into the disappearance of Mr. T. was underway.</p>
4 February 2023	Lawyer of KHPG	SSU Joint Center	On February 11, 2023, a response was received stating that that information about Mr. T.'s unlawful detention had already been entered into the register. The lawyer will be notified about the progress concerning the release of Mr. T.
11 February 2023	Lawyer of KHPG	Ukrainian Ombudsman	On February 20, 2023, a response was received stating that the inquiry was sent to other competent authorities. ⁶⁸

3. Russian authorities

Filing date	Filing party	Authority	Status
20 November 2022	Mrs. U. (victim's nother)	MoD RF	No response received.
12 January 2023	Mrs. U. (victim's nother)	IC RF	A response was received stating that the inquiry was registered. No further response followed.
12 January 2023	Mrs. U. (victim's nother)	Main Department of the IC RF	No response received.
18 January 2023	Mrs. U. (victim's nother)	Prosecutor General's Office of the Russian Federation	On February 10, 2023, a response was received stating that the inquiry was registered and further sent to a lower level prosecutor's office. No further response followed.
6 February 2023	Mrs. U. (victim's nother)	Ombudsman of the Russian Federation	A response was received stating that there was no information about Mr. T. Should such information become known, it will be provided.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
3 February 2023	Mrs. U. (victim's nother)	so-called Ombudsman in the DPR	No response received.
3 February 2023	Mrs. U. (victim's nother)	so-called MIA in the DPR	A response was received stating that the matter was outside its competence.
6 February 2023	Mrs. U. (victim's nother)	so-called Ombudsman in the LPR	No response received.
6 February 2023	Mrs. U. (victim's nother)	so-called MoJ of the DPR	No response received.

⁶⁸ These include the Commissioner for Persons Missing in Special Circumstances (MinTOT), the NIB and the SSU Joint Center requesting to assist in the search for Mr. T. and to inform the lawyer of the results.

CASE N° 18

Victim's name	Mr. O.
Victim's number in KHPG Database	DB1 #1001282
Date of the alleged crime	6 April 2022
Location of the alleged crime	Mariupol city Donetsk region
Facts	Unlawful arrest/detention abduction of a civilian ⁶⁹ by members of the Russian armed forces together with members of the IAGs of the DPR/LPR accompanied by physical and psychological abuse in illegal detention facilities, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(iii), Art. 8(2)(a)(vii) RS

At the time of Russia's full-scale invasion of Ukraine, Mr. O. [PERSONAL INFORMATION REDACTED] lived with his family in Mariupol of the Donetsk region [ADDRESS REDACTED]. On 3 March 2022, the city was occupied and came under the temporary control of the so-called DPR/LPR and the Russian regular armed forces. It remains occupied to date.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁷⁰

On 6 April 2022, Mr. O., together with his common law partner, Mrs. A., and their daughter, were in the basement of one of the buildings in Mariupol. On that date, Mr. O. and his family were taken from the basement and accompanied by the DPR militia to a safe location, where a volunteer was waiting to take them from Mariupol to the village of Pionerske in the Donetsk region. Upon reaching the village, Mr. O. and his family were accommodated in an old camp. Shortly after their arrival, the DPR military commandant's office came to the camp and took Mr. O., explaining that they were taking him for verification (filtration).

On 10 April 2022, Mrs. A. learned from representatives of the occupation authorities that Mr. O. was taken to Bezymennoye village in the Kalmiuskyy district of the Donetsk region and then to Novoazovsk, also in the Kalmiuskyy district. On 16 April 2022, Mrs. A. was informed by the so-called MIA of the DPR that Mr. O. was taken to Donetsk for a full inspection. According to information provided by volunteers, Mr. O. was then transferred to Kalynivka correctional facility no. 27 located in Horlivka of the Donetsk region.

When Mr. O. was taken away by the so-called DPR military commandant's office, Mr. O. and Ms. A. were searched (Ms. A. was searched by male persons); their phones and personal belongings were checked. Ms. A.'s phone was confiscated. Following that Ms. A. and her children stayed

⁶⁹ At the time of his unlawful detention, Mr. O. was a civilian. Until 2018, he served as a contractor in the Ukrainian Armed Forces of Ukraine. Prior to that, in 2016-2017, he participated in the ATO.

⁷⁰ The information provided in this sub-section is based on witness testimony of Mrs. A. given to KHPG on 5 April 2023, which is stored in the KHPG database and linked to the victim's unique number.

in the village of Pionerske for about two weeks. They were sleeping in the camp in a shared room with about 15–20 other individuals with a commonly shared toilet.

According to unofficial information, Mrs. A learned from the man, who was taken together with Mr. O., that her husband was subjected to physical and psychological violence in front of that man.

(ii) Attempts by the family to establish the victim’s fate/whereabouts and information about his/her unlawful arrest/detention/abduction

On April 5, 2023, Mrs. A. sought legal assistance from KHPG.

1. International organizations

Filing date	Filing party	Authority	Status
4 June 2023	Lawyer of KHPG	CTA Bureau of the ICRC	On 4 June 2023, a response was received confirming the receipt of the inquiry and urged fill in the online form. The form had already been filled in by Ms. O. when she sought legal assistance from KHPG.
4 June 2023 & 23 June 2023	Lawyer of KHPG	ICRC	On 23 June 2023, a response was received confirming the receipt of the inquiry.
23 June 2023	Lawyer of KHPG	CTA Bureau of the ICRC	Pending

i

Filing date	Filing party	Authority	Status
8 June 2022	Ms. O.	Chernihiv Department of the Main Department of the National Police in the Chernihiv region	Criminal proceedings were opened. On 8 June 2023, Ms. A., Mr. O.’s common law partner, provided her account as a witness.
4 June 2023	Lawyer of KHPG	Main Intelligence Directorate, MoD	Pending
4 June 2023	Lawyer of KHPG	NIB	On 5 June 2023, a response was received stating that information about Mr. O. was entered in the register, but there was no information about his fate/whereabouts, as his captivity was not confirmed by the Russian side and the ICRC.
4 June 2023	Lawyer of KHPG	PoW Coordination HQ	Pending
4 June 2023	Lawyer of KHPG	MoD	Pending
4 June 2023	Lawyer of KHPG	MinTOT	Pending
4 June 2023	Lawyer of KHPG	Ukrainian Red Cross Society	Pending
4 June 2023	Lawyer of KHPG	Ukrainian Ombudsman	On 20 June 2023, a response was received stating that the inquiry was sent to the NIB and the SSU Joint Center.
4 June 2023	Lawyer of KHPG	Commissioner for Persons Missing in Special Circumstances, MinTOT	Pending
4 June 2023	Lawyer of KHPG	SSU Joint Center	1. On 5 June 2023, a response was received confirming the receipt of the inquiry. 2. On 23 June 2023, a response was received informing about the receipt of the complaint from the Ombudsman and confirming Mr. O.’s illegal deprivation of liberty who was held in Kalinin colony No. 27 of the DPR since December 2022. 3. On 3 July 2023, the same confirmation was received.

4 June 2023	Lawyer of KHPG	National Police of Ukraine	1. On 8 June 2023, a response was received informing that the Main Department of National Police in the Chernihiv region conducted a pre-trial investigation in criminal proceedings regarding Mr. O.'s disappearance. 2. On 22 September 2022, the case file was sent to the Mariupol Regional Department.
23 June 2023	Lawyer of KHPG	National Information Bureau	Pending
23 June 2023	Lawyer of KHPG	Coordination Headquarters	Pending

3. Russian authorities

Filing date	Filing party	Authority	Status
4 June 2023	Lawyer of KHPG	FSS RF	Pending
4 June 2023	Lawyer of KHPG	MoD RF	On 26 June 2023, a response was received stating that the inquiry was being considered, but Mr. O. was not on the list of persons who were detained for opposing the special military operation. There was no information about Mr. O.'s whereabouts.
4 June 2023	Lawyer of KHPG	MIA RF	Pending
4 June 2023	Lawyer of KHPG	MoJ RF	Pending
4 June 2023	Lawyer of KHPG	Russian Red Cross	On 5 June 2023, a response was received confirming the receipt of the inquiry. It urged to contact the ICRC and the Russian Ombudsman.
4 June 2023	Lawyer of KHPG	Russian Ombudsman	On 10 June 2023, a response was received stating that the inquiry was sent to other competent authorities.
5 June 2023	Lawyer of KHPG	Federal Penitentiary Service of the Russian Federation	Pending
5 June 2023	Lawyer of KHPG	Investigative Committee of the Russian Federation	Pending
5 June 2023	Lawyer of KHPG	Main Military Investigation Department of the IC RF	Pending
5 June 2023	Lawyer of KHPG	Main Military Prosecutor's Office of the Russian Federation	On 14 June 2023, a response was received stating that the complaint was further sent to the military prosecutor's office of the Joint Group of Forces. No further response followed.
6 June 2023	Lawyer of KHPG	MIA RF ⁷¹	Pending
6 June 2023	Lawyer of KHPG	Presidential Administration of the Russian Federation	1. On 7 June 2023, a response was received stating that the the inquiries dated 5 and 6 June 2023 and addressed to the so-called MoJ of the Republic of Crimea and the Presidential Administration of the Russian Federation were registered on 7 June 2023 and further sent to the MoD RF for consideration. 2. On 22 June 2023, a further response was received stating that Mr. O. was not on the list of persons detained for opposing the special military operation. There was no information about Mr. O.'s detention.
19 June 2023	Lawyer of KHPG	Prosecutor General's Office of the Russian Federation	Pending

⁷¹ The inquiry was submitted through the Presidential Administration of the Russian Federation by filling in an online form on its official website.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
4 June 2023	Lawyer of KHPG	so-called MIA of the DPR	Pending
4 June 2023	Lawyer of KHPG	so-called MoJ of the DPR	Pending
4 June 2023	Lawyer of KHPG	Ombudsman in the DPR	On 22 June 2023, a response was received confirming that Mr. O. was being held in the Kalinin Correctional Colony of the state penitentiary service of the so-called MoJ of the DPR.
4 June 2023	Lawyer of KHPG	MIA of the LPR	Pending
4 June 2023	Lawyer of KHPG	Ministry of State Security of the LPR	Pending
4 June 2023	Lawyer of KHPG	LPR Ombudsman	1. On 15 June 2023, a response was received stating that there was no person matching Mr. O.'s personal information among the Ukrainian military servicemen who laid down their arms and were held in the LPR. At the same time, the inquiry was sent to the so-called MIA of the LPR. 2. On 27 June 2023, a further response followed that the inquiry had already been answered.
4 June 2023	Lawyer of KHPG	so-called MoD of the DPR	Pending
4 June 2023	Lawyer of KHPG	so-called MoJ of the LPR	1. On 6 June 2023, a response was received stating that the matter was outside its competence. It was advised to contact the so-called MIA of the LPR, the Ombudsman in the LPR and the Russian MoJ Department for the LPR. 2. On 16 June 2023, a similar response was provided informing that the inquiry was further sent to the so-called MIA of the LPR.
4 June 2023	Lawyer of KHPG	so-called Federal Penitentiary Service for the DPR	Pending
4 June 2023	Lawyer of KHPG	so-called Federal Penitentiary Service for the LPR	Pending
4 June 2023	Lawyer of KHPG	so-called Federal Penitentiary Service for the Republic of Crimea	Pending
4 June 2023	Lawyer of KHPG	so-called Ministry of Internal Affairs of the Republic of Crimea	Pending
4 June 2023	Lawyer of KHPG	so-called Ombudsman for the Republic of Crimea and Sevastopol	On 7 June 2023, a response was received stating that the complaint was sent to the so-called Ombudsman in the DPR to assist in establishing the whereabouts of Mr. O.
4 June 2023	Lawyer of KHPG	so-called FSS Office for the Republic of Crimea and Sevastopol	Pending
5 June 2023	Lawyer of KHPG	so-called MoJ of the Republic of Crimea ⁷²	On 7 June 2023, a response was received from the Presidential Administration of the Russian Federation that the inquiries dated 5 and 6 June 2023 and addressed to the so-called MoJ of the Republic of Crimea and the Presidential Administration of the Russian Federation were registered on 7 June 2023 and further sent to the MoD RF for consideration.

⁷² The inquiry was submitted through the Presidential Administration of the Russian Federation by filling in an online form on its official website.

5 June 2023	Lawyer of KHPG	so-called MoD of the LPR ⁷³	Pending
7 June 2023	Lawyer of KHPG	so-called Bureau of Forensic Medicine of the Ministry of Health of the DPR and other regions of the Russian Federation	Pending
7 June 2023	Lawyer of KHPG	so-called Department of the MoJ of the Russian Federation for the LPR	On 30 June 2023, a response was received stating that there was no information about Mr. O. and the inquiry was further sent to the IC RF.
8 June 2023	Lawyer of KHPG	so-called Ministry of State Security of the DPR ⁷⁴	Pending
8 June 2023	Lawyer of KHPG	so-called MoJ of the DPR ⁷⁵	On 8 June 2023, a response was received stating that Mr. O. was not held in penitentiary institutions on the territory of the DPR.

CASE N° 19

Victim's name	Mr. K.D.
Victim's number in KHPG Database	DB1 #1000676
Date of the alleged crime	10 March 2021
Location of the alleged crime	Chystyakove town Horlivskyy district Donetsk region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the IAGs of the so-called DPR accompanied by physical and psychological violence, as well as family's futile attempts to establish the victim's fate and whereabouts.
The identify of perpetrator(s) known	NO
Legal representation by KHPG	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(f), 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(ii), Art. 8(2)(a)(vii) RS

In April 2014, the IAGs of the so-called DPR, with the financial and military support of the Russian Federation, launched an offensive on the territory of the Donetsk region, which resulted in the occupation of the town of Torez (now Chystyakove) in the Donetsk region. The town has been occupied around June 2014 until now. Mr. K.D., together with his wife, Mrs. Y.D., permanently resided in the town from 2014 until 2021. They officially got married in 2019.

⁷³ The inquiry was submitted through the Presidential Administration of the Russian Federation by filling in an online form on its official website.

⁷⁴ Ibid.

⁷⁵ Ibid.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁷⁶

On 10 March 2021, representatives of the so-called DPR took Mr. K. D. and Mrs. Y. D. from their home. During the detention, the couple was subjected to physical violence, including beatings, and accused of spying for Ukraine. Initially, Mr. K.D. and Mrs. Y.D. were brought to the Izolyatsiya plant, where a prison was organized. Mrs. Y.D. heard her husband being beaten repeatedly, as she recognized her husband's voice during the beatings. She, too, was beaten three times at the factory and in a nearby parked car, in an attempt to force her to confess to spying. It is probable that Mr. K.D. was also coerced into confessing to committing crimes.

Later, Mr. K.D. and Mrs. Y.D. were transferred to the Donetsk pre-trial detention center (SIZO), where they were held in different cells and could only communicate with each other through unofficial means. Mrs. Y.D. is aware that in early October 2021, her husband was in the Donetsk pre-trial detention center (SIZO), where she was also held.

Mrs. Y.D. was exchanged and managed to return to the government controlled territory of Ukraine in October 2022. The fate and whereabouts of her husband, Mr. K.D., remain unknown. The charges of espionage against him were also groundless, and were based solely on the fact that he had a pro-Ukrainian position, which he expressed relatively openly.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

After returning from captivity, Mrs. Y.D. sought assistance from Ukrainian authorities to locate and release her husband, Mr. K.D.

1. International organizations

Filing date	Filing party	Authority	Status
20 February 2023	Mrs. Y.D. (victim's wife)	ICRC, its Russian and Ukrainian branches	A response was received stating that Ms. Y.D. would be contacted in the near future. No further response followed.
14 June 2023	Mrs. Y.D. (victim's wife)	UN Working Group on Enforced or Involuntary Disappearances	Pending
14 June 2023	Mrs. Y.D. (victim's wife)	UN Human Rights Committee	On June 28, 2023, a response was received notifying about the registration of the complaint and the initiation of proceedings before the UN HRC re Mr. K.D.'s enforced disappearance.

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
26 October 2022	Mrs. Y.D. (victim's wife)	PoW Coordination HQ	On November 1, 2022, a response was received stating that there was information about Mr. K.D.'s captivity, but it was not confirmed by the Russian side or the ICRC.
30 November 2022	Mrs. Y.D. (victim's wife)	SSU Joint Center	On December 14, 2022, a response was received confirming that Mr. K.D. was included in the register of prisoners, but his exact location had not been established.
30 November 2022	Mrs. Y.D. (victim's wife)	Ukrainian Ombudsman	In December 2022, a response was received stating that the complaint was sent to other competent authorities. ⁷⁷

⁷⁶ The information provided in this sub-section is based on witness testimony of Mrs. Y.D. given to KHPG on 9 February 2023, which is stored in the KHPG database and linked to the victim's unique number.

⁷⁷ These include the SSU Joint Center, CMU Coordination Headquarters and the ICRC requesting to assist in the search for Mr. K.D. and to inform the lawyer of the results.

9 February 2023	Lawyer of KHPG	Main Directorate of the SSU in Kyiv and in the Kyiv region	On February 20, 2023, a response was received stating that the complaint was further sent to the Main Directorate of the SSU in the Donetsk Region.
9 February 2023	Lawyer of KHPG	Kyiv Regional Prosecutor's Office	On February 10, 2023, a response was received stating that the complaint was further sent to the Donetsk Regional Prosecutor's Office.
20 February 2023	Main Directorate of the SSU in Kyiv and in the Kyiv region & Kyiv Regional Prosecutor's Office	Volnovakha District Police Department of the Main Directorate of National Police in the Donetsk region	On June 2, 2023, a response was received confirming the registration of criminal proceedings by the Volnovakha District Police Department under No. 12021052770000688 on 17 May 2021 regarding the fact of Mr. K.D.'s illegal deprivation of liberty. It also informed about further plans to interview Mrs. Y.D. as a victim in the case. ⁷⁸

3. Russian authorities

Filing date	Filing party	Authority	Status
21 February 2023	Ms. Y.D. (victim's wife)	IC RF	A response was received stating that the inquiry was registered. No further response followed.
3 March 2023	Ms. Y.D. (victim's wife)	Prosecutor General's Office of the Russian Federation	On 27 March 2023, a response was received stating that the inquiry was registered and further sent to the MoD RF.
16 March 2023	Ms. Y.D. (victim's wife)	Federal Security Service of the Russian Federation	No response received.
16 March 2023	Ms. Y.D. (victim's wife)	President of the Russian Federation	On the same day, a response was received stating that the inquiry was further sent to the Federal Penitentiary Service. No further response followed.
16 March 2023	Ms. Y.D. (victim's wife)	Ombudsman of the Russian Federation	On April 17, 2023, a response was received stating that the inquiry was further sent to other competent authorities. No further response followed.
16 March 2023	Ms. Y.D. (victim's wife)	Federal Penitentiary Service of the Russian Federation	On March 22, 2023, a response was received stating that the inquiry was further sent to the MoD RF.
27 March 2023	General Prosecutor's Office of the Russian Federation (acting upon Mrs. Y.D.'s inquiry)	MoD RF	On March 31, 2023, a response was received from the MoD RF stating that it could not provide information about the whereabouts of Mr. K.D. on the grounds that Mrs. Y.D. was a third party who was not entitled to access such information, despite the fact that Ms. Y.D. is the victim's wife and provided supporting documentation.
16 March 2023	Ms. Y.D. (victim's wife)	Main Military Investigation Department of the IC RF	No response received.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
16 March 2023	Ms. Y.D. (victim's wife)	so-called MoJ of the DPR	On February 27, 2023, a response was received stating that she was denied access to such information, despite her providing documentation confirming their marriage relationship.
16 March 2023	Ms. Y.D. (victim's wife)	so-called MIA of the DPR	No response received.

⁷⁸ The response was accompanied by an excerpt from the Unified Register of Pre-trial Investigations stating that on 17 May 2021, Mrs Y.D, a resident of Mariupol reported to the police in Mariupol that, on 10 March 2021, representatives of the so-called DPR took Mr. K.D. from his home & he is currently held in a pre-trial detention center in Donetsk. There is no communication with him.

CASE N° 20

Victim's name	Mr. V.
Victim's number in KHPG Database	DB1 #5748
Date of the alleged crime	13 December 2022
Location of the alleged crime	Tambovka village Melitopol district Zaporizhzhya region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
Identity of perpetrator(s) known	NO
Legal representation by Human Rights Group «SICH»	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the beginning of Russia's full-scale invasion of Ukraine on February 24, 2022, Mr. V. [PERSONAL INFORMATION REDACTED] lived with his family in the village of Tambovka in the Melitopol district of the Zaporizhzhya region [ADDRESS REDACTED]. On 24 February 2022, Russian military vehicles and checkpoints were already near Melitopol. The Russian military did not stop in the village of Tambovka, but they regularly passed through the village.

At the time of the invasion, Mr. V was a head of the department at one of the universities in Melitopol. Mr. V's wife, Mrs. M. was a lecturer at the same university. The couple witnessed how Russians occupied the university where they worked. When the Russian armed forces entered the city of Melitopol, an order was issued by the acting rector that the University was temporarily suspending its work. In March 2022, all academic staff was sent on vacation, but on 4 April 2022, they had to report back at work at 9.00 am. On 4 April 2022, there was another order stating that the University was resuming work in a mixed mode (partially online and offline). At that point, it became clear to the couple that the University would be handed over to the Russian authorities. Mr V. and Mrs. M. arrived at the University at the end of March 2022, and asked the rector's office about the resumption of the educational process in the absence of electricity, communication and Internet coverage. They received a response from the acting rector that the University was ready for the educational process in mixed-mode learning. Mr. V. and Mrs. M. understood that on 4 April 2022, an image of the 'successful' start of the educational process under the new Russian administration would be filmed. They decided that Mrs. M. would arrive at the university before 9:00 a.m., whereas Mr. V. would arrive after 9:00 a.m. When Ms. arrived ahead of the scheduled time, she saw the Russian media near the University and a group of students. Ms. M. had a difficult conversation with the acting rector that made her afraid of the situation.

Between February and April 2022, civilians had already been detained in Melitopol, and any communication on the streets were perceived by the Russian military as a protest that was immediately dispersed. It was very dangerous to stay.

On 6 April 2022, Mrs. M. left the occupation on her own in a convoy of other cars. Mr. V. voluntarily stayed in the village of Tambovka, as Mrs. M.'s elderly parents lived in the neighbouring village of Mykhailivka and needed help.

On 24 May 2022, all university employees were informed that those who would like to continue working had to apply for employment, while those who refused to work had to submit a letter of resignation. Mr. V. wrote a letter of resignation. All those who had written resignation letters were taken out of the university at gunpoint, without being allowed to take their personal belongings.

On 27 May 2022, the Russian military occupied the university. 25% of academic staff went over to the side of the occupying administration, as well as almost all technical staff and laboratory assistants.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁷⁹

Until the day of his detention, Mr. V. was in regular contact with his wife. The last time he spoke with her was on 12 December 2022. There was an exchange of messages around 6:00 pm. It seemed to Mrs. M. that Mr. V. was worried and something was bothering him, but she did not know what was happening. Later, Mrs. M. learned from their neighbours that prior to her husband's disappearance, Mr. V. was traveling somewhere on business and was stopped for his documents and personal belongings to be checked. It is not known what exactly happened at the checkpoint, but Mr. V. was laid face down on the ground, then released, and detained on December 13, 2022.

Mr. V. was taken away from his home in the village of Tambovka on December 13, 2022. At the time of his unlawful detention, he was alone in the house. According to neighbours, around 5:30 a.m., four vehicles drove up to Mr. V.'s house: three cars and one minibus, from which unidentified armed men, dressed in military uniforms typical of the Russian armed forces, got out. They entered the house and stayed there until about 7:00. After that, they came out with Mr. V., got into a car and drove away in an unknown direction. The witnesses to this event are still in occupation and therefore, refused to testify in writing. The information was obtained by phone. Mrs. M.'s parents also remain in the occupation.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

1. International organizations

Filing date	Filing party	Authority	Status
13 December 2022	Mrs. M. (victim's wife)	ICRC	A response was received confirming the receipt of the inquiry by the ICRC Central Tracing Agency, which was assigned registration number PRE-055703
28 December 2022	Ms. X (victim's daughter)	Working Group on Arbitrary Detention of the UN Human Rights Committee (WGAD)	No response received.

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
13 December 2022	Mrs. M. (victim's wife)	Ukrainian Ombudsman	On 30 December 2022, a response was received stating the inquiry was further sent to other competent authorities. ⁸⁰

⁷⁹ The information provided in this sub-section is based on witness testimony of Mrs. M. given to SICH and open source information, which is stored in the KHPG database and linked to the victim's unique number.

⁸⁰ These include the PoW Coordination Headquarters, the National Information Bureau (NIB), and the SSU Joint Center requesting them to undertake all the appropriate measures within their competence to locate and secure release of Mr. V.

13 December 2022	Mrs. M. (victim's wife)	Melitopol District Police Department of the Main Directorate of the National Police in the Zaporizhzhya Region	1. Opening of criminal proceedings regarding the unlawful detention of Mr. V. under Article 438 (1) of the CCU, which were assigned reg N° 12022082140000787. 2. On January 9, 2023, a response was received from the Main Department of the NPU in the Zaporizhzhya region re the transfer of criminal proceedings to the SSU in the Zaporizhzhya region.
17 December 2022	Mrs. M. (victim's wife)	PoW Coordination Headquarters	On 21 December 2022, a response was received stating that Mr. V. was included in the NIB register.
1 December 2022	Mrs. M. (victim's wife)	SSU Joint Center	On January 27, 2023, a response was received stating that there was information about the possible unlawful detention of Mr. V.
3 January 2023 & 16 May 2023	Mrs. M. (victim's wife)	NIB	1. On 9 January 2023, a response was received that information about Mr. V. was entered into the NIB register, but the NIB did not have any information about him. Data collection was ongoing. 2. On 26 May 2023, a response was received from stating that Mr. V. was confirmed to be in captivity by the Russian side through the ICRC.
25 May 2023	Mrs. M. (victim's wife)	MIA	On 5 July 2023, a response was received stating that there was no information about Mr. V. in the register of persons missing under special circumstances.
03 July 2023	Mrs. M. (victim's wife)	Deputy Chairman, Verkhovna Rada Committee on Education, Science and Innovation & Minister of Education and Science of Ukraine	The inquiry was further sent to the Ombudsman office.
13 July 2023	Mrs. M. (victim's wife)	Ukrainian Ombudsman ⁸¹	A response was received stating that all the procedural steps, which must be taken in order to release Mr. V. from captivity, had been undertaken. It was further stated that his release from captivity depends solely on the results of negotiations with officials of the aggressor state and conclusion of appropriate agreements.
6 July 2023	Mrs. M. (victim's wife)	MinTOT	On July 14, 2023, a response was received confirming the receipt of the inquiry and supporting documentation.

3. Russian authorities

Filing date	Filing party	Authority	Status
17 December 2022	Mrs. M. (victim's wife)	Presidential Administration of the Russian Federation / MoD RF	1. On 20 December 2022, a response was received stating that the complaint regarding the detention of Mr. V. was further sent to the MoD RF. 2. On January 27, 2022, a response was received from the MoD RF, which did not provide any specific information regarding the detention of Mr. V.
22 December 2022	Mrs. M. (victim's wife)	IC RF	The inquiry was registered under N° 988172. On January 16, 2023, a response was received from the Main Military Investigation Department of the IC RF stating that the inquiry was further sent to the department of the Joint Group of Forces of the so-called DPR.
22 December 2022	Mrs. M. (victim's wife)	Federal Penitentiary Service of the RF	On 28 December 2022, a response was received stating that the matter was outside its competence.

⁸¹ The response was provided upon the request of of the Deputy Chairman of the Verkhovna Rada Committee on Education, Science and Innovation.

22 December 2022	Mrs. M. (victim's wife)	Chief Military Prosecutor's Office of the Russian Federation	No response received.
19 January 2023	Mrs. M. (victim's wife)	Russian Ombudsman	No response received.
13 April 2023	Mrs. M. (victim's wife)	Prosecutor General's Office of the Russian Federation	No response received.
14 February 2023 & 12 April 2023	Mrs. M. (victim's wife)	MIA RF	On 2 May 2023, a response was received stating that the case file was transferred to the IC RF in the Zaporizhzhya region and criminal proceedings had been opened under Art. 126 of the Criminal Code of the Russian Federation. Mr. V. was put on the federal wanted list.
17 December 2022	Mrs. M. (victim's wife)	Russian Military Unit 45880 ⁸²	On 22 May 2023, a response was received stating that they were undertaking all possible measures to find Mr. V.
6 September 2023	Mrs. M. (victim's wife)	MoD RF	Pending

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
14 December 2022	Mrs. M.'s parents (victim's parents-in-law)	Military commandant's office, police, military police and other occupation authorities in Melitopol	The same answers were received that Mr. V. was not held in those institutions.
17 December 2022	Mrs. M. (victim's wife)	the so-called MoJ of the DPR	On 16 January 2023, a response was received stating that Mr. V. was not held in penitentiary institutions in the DPR.

CASE N° 21

Victim's name	Mr. I.
Victim's number in the DB	DB1 #11800
Date of the alleged crime	9 April 2022
Location of the alleged crime	Veselo-Voznesenka car checkpoint Rostov region Russia
Facts	Unlawful arrest/detention/ abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
Identity of perpetrator(s) known	NO
Legal representation by Human Rights Group «SICH»	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

⁸² The response was provided upon receiving the request from the Presidential Administration of the Russian Federation.

At the beginning of Russia's full-scale invasion of Ukraine on February 24, 2022, Mr. I. [PERSONAL INFORMATION REDACTED] lived with his family in Mariupol in the Donetsk region [ADDRESS REDACTED]. The city was occupied and came under the temporary control of the Russian regular armed units on 20 May 2022 and remains occupied to date.

At that time, Mr. I., his mother Mrs. V., Mr. I.'s girlfriend and her relatives lived in the private house of other people, located in the left bank district of Mariupol, in order to hide from shelling. On March 11, 2022, two shells hit the house, but everyone survived. All the residents packed their belongings, got into four cars and drove to the Azovstal stadium. From 11 March 2022 until 5 April 2022, Mr. I. and Mrs. V. were hiding from shelling in the basement of the Azovstal stadium in Mariupol.

On 5 April 2022, when Mr. I. and his mother left Mariupol, it was impossible to live in the city due to the lack of water, heating, food and medicine. It was dangerous to remain in the city, which was exposed to constant shelling. Based on the dire situation in Mariupol, Mr. I. decided to leave the city.

According to the testimony of Mrs. V.: "On the night of 5 April 2022, the building started to burn and the basement started to fill with smoke. Then all the people who were in the shelter ran outside and stayed outside under fire until 4 am. Then a collective decision was made to go down to the sea because it was the only way out of Mariupol. There was a group of Chechen looking soldiers 300 meters away from the 'Ivushka' cafe. They stopped everyone and began to take the men aside to check their documents and for questioning, then letting them go and telling them to go to the cafe. We were sitting in the café, while the Chechen-looking soldier in charge called the men in turns. When he called my son, they checked his documents asking him "are you an Azovian? Did you serve? Do you have a military ID?". They tried to recruit him to the army, to which Mr. I. replied that his religion did not allow him to do military service. Then they put him on a concrete staircase with the phrase "If you get up, I'll shoot you in the knees". He sat there for about half an hour.

After undergoing the filtration procedure in Novoazovsk, the next day, on 9 April 2022, the family was joined by a relative with children from the village of Kalynivka. Together they travelled by bus to the border with Russia.

(i) Circumstances related to the unlawful detention/abduction of the victim⁸³

On 9 April 2022, Mr. I. was detained at the Russian 'Veselo-Voznesenka' car checkpoint without any explanation provided. Until 14 April 2022, Mrs. V. tried to find out the whereabouts of Mr. I. at the Veselo-Voznesenka checkpoint. Mrs. V. informed her second son, Mr. G., who was in the territory controlled by the Ukrainian authorities, about the fact of Mr. I.'s detention.

As soon as Mr. G. found out that his brother had been detained, he started calling the police and the Russian border service. Mrs. V. visited the border service on the spot, but was not provided with any information. She was first told that her son would be released soon, and then the border guards said that he had been taken to the territory of Russia.

On 13 April 2022, at 11 am, Mrs. V. went to talk with the Russian border guards. They asked her the name of Mr. I., and then informed her that Mr. I. had left for Russia and that she should look for him through the police or the Russian State Emergency Service. The latter replied that they had submitted a request to Taganrog (where people were taken by bus from the border) and they should know about Mr. I.'s whereabouts in an hour. When such information was not received, they presumed that he could have been taken to another region in Russia.

On 13 April 2022, at the checkpoint, Mrs. V. was informed that Mr. I. was released on 9 April 2022, but no further information was provided. The Russian State Emergency Service reported

⁸³ The information provided in this sub-section is based on witness testimony of Mr. G. given to SICH, which is stored in the KHPG database and linked to the victim's unique number.

that Mr. I. was not in Taganrog. Police officers urged Mrs. V. to travel to Taganrog and continue searching for Mr. I. there.

Mrs. V., her relative and children went to Taganrog to a refugee camp. They were placed in a large gym and warned that they could stay there for no more than 24 hours. The next day, on 14 April 2022, they rented an apartment and started looking for Mr. I.

Between 14 April 2022 and 20 April 2022, Mrs. V. went to the police and the prosecutor's office in Taganrog, called different Russian authorities, but all attempts were in vain.

On 20 April 2022, Mrs. V. was forced to continue her journey and evacuate through the territory of Russia to Germany.

On February 24, 2023, the testimony of a released prisoner was received, who stated that Mr. I. was held in the Taganrog Penitentiary Institution, but was later transferred to Kamensk-Shakhtynsk, a city in the Rostov region of Russia, namely to the general regime men's penal colony No. 12.

(ii) Attempts by the family to establish the fate/location of the victim and information about his or her unlawful detention (abduction)

1. International organizations

Filing date	Filing party	Authority	Status
17 November 2022	Mr. G. (victim's brother)	ICRC	Criminal proceedings were opened and assigned registration number PRE-051752.
14 January 2023	Mr. G. (victim's brother)	ECtHR	Pending

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
6 May 2022	Mr. G. (victim's brother)	Mariupol District Police Department of the Main Directorate of the National Police in the Donetsk region	Criminal proceedings were opened under Art. 438 (f) of the CCU.
12 May 2022	Mr. G. (victim's brother)	Main Investigation Department of the NPU	A response was received stating that the pre-trial investigation was ongoing, and it was not possible to disclose data regarding investigative actions.
19 August 2022	Mr. G. (victim's brother)	NIB	On 20 September 2022, a response was received stating that information was received about Mr. I.'s possible captivity. Such information was being verified by competent authorities.
24 October 2022	Mr. G. (victim's brother)	Commissioner for Persons Missing in Special Circumstances (MinTOT)	Pending
10 November 2022	Mr. G. (victim's brother)	SSU Joint Center	On February 6, 2023, a response was received stating that additional information provided on the detention of Mr. I. had been added to the case file in the of the ongoing criminal proceedings.
10 November 2022	Mr. G. (victim's brother)	PoW Coordination HQ	On 24 August 2023, it was confirmed that Mr. I. was held captive in the territory of Russia.

3. Russian authorities

Filing date	Filing party	Authority	Status
13 April 2023	Mrs. V. (victim's mother)	Border Guard Department of the FSS RF	On 25 April 2022, a response was received stating that information re individual border crossings was not kept, so they could not provide details on Mr. I.'s border crossing.

4 October 2022	Mrs. V. (victim's mother)	Military Prosecutor's Office of the RF	Pending
4 October 2022	Mrs. V. (victim's mother)	MoD RF	On 7 November 2022, a response was received stating that Mr. I. was detained for opposing the special military operation and held in the territory of Russia.
4 October 2022	Mrs. V. (victim's mother)	Government of the RF	On December 13, 2022, a response was received stating that the inquiry was further sent to the MoD RF.
6 December 2022	Mrs. V. (victim's mother) [a request to inform about Mr. I.'s whereabouts and health status]	MoD RF	On December 31, 2022, a response was received from Russian Military Unit 45880, MoD RF, stating that Mr. I. was detained, held in the territory of Russia, and his health condition was satisfactory.
12 December 2022	Mrs. V. (victim's mother)	IC RF	On 22 June 2023, a response was received that the inquiry was further sent to the Main Directorate of the Military Police of the RF.
12 December 2022	Mrs. V. (victim's mother)	Prosecutor General's Office of the RF	Pending
12 December 2022	Mrs. V. (victim's mother)	Military Prosecutor's Office of the RF	Pending
12 December 2022	Mrs. V. (victim's mother)	Ombudsman of the RF	Pending
12 December 2022	Mrs. V. (victim's mother)	Prosecutor's Office of the RF	On December 15, 2022, a response was received stating that the search for Mr. I. was ongoing.
9 January 2023	Mrs. V. (victim's mother) [a request to locate Mr. I.]	MoD RF	<ol style="list-style-type: none"> 1. On January 27, 2023, a response was received stating that search activities were being carried out on an ongoing basis. 2. On January 28, 2023, another response was received stating that search activities to establish Mr. I.'s whereabouts were ongoing in Russia. 3. On 31 January 2023, a formal response was received from Military Unit 45880, which did not contain any specific information.
23 January 2023	Mrs. V. (victim's mother)	Prosecutor's Office of the Rostov Region of the RF	On January 26, 2023, a response was received stating that Mr. I. was not included in the Russian military register, which meant that there were no grounds for prosecutorial supervision.
06 April 2023	Ms. V. (victim's mother)	FSS Border Guard Department in the Rostov Region	On 26 April 2023, a response was received stating that Mr. I. was not detained by the department officials.
31 May 2023	Ms. V. (victim's mother)	Russian Ombudsman	Pending
31 May 2023	Ms. V. (victim's mother)	MIA RF	Pending
31 May 2023	Ms. V. (victim's mother)	Military Prosecutor's Office of the Joint Group of Forces	Pending
31 May 2023	Ms. V. (victim's mother)	MoD RF [a repeat request to initiate search measures for Mr. I.]	<ol style="list-style-type: none"> 1. On 5 June 2023, a response was received stating that the inquiry re the disappearance of Mr. I. was further sent to the IC RF. 2. On 5 July 2023, a response was received from Military Unit 45880 of the RF stating that the MoD RF had no information about the whereabouts of Mr. I. 3. On 28 July 2023, a response was received confirming Mr. I.'s detention for opposing the special military operation.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
04 October 2022	Mrs. V. (victim's mother)	so-called MoJ of the DPR	On 27 October 2022, a response was received stating that Mr. I. was not held in penitentiary institutions in the DPR.
4 October 2022	Mrs. V. (victim's mother)	so-called Ombudsman in the DPR	Pending
31 May 2023	Mrs. V. (victim's mother)	Head of the Interdepartmental Commission for the Search of Missing Persons, Search for Burial Places of the Bodies (Remains) of the Deceased in Areas of the Armed Conflict in Donbas	Pending

CASE N° 22

Victim's name	Mr. Kh.
Victim's number in the DB	DB1 #3846
Date of the alleged crime	2 July 2022
Location of the alleged crime	Dniprorudne town Zaporizhzhya region
Facts	Unlawful arrest/detention/abduction of a civilian by members of the Russian armed forces, as well as family's futile attempts to establish the victim's fate and whereabouts.
Identity of perpetrator(s) known	NO
Legal representation by Human Rights Group «SICH»	YES
Preliminary legal qualification under the Rome Statute	CAH: Art. 7(1)(e), Art. 7(1)(i) RS War crimes: Art. 8(2)(a)(vii) RS

At the beginning of Russia's invasion of Ukraine on February 24, 2022, Mr. Kh. [PERSONAL INFORMATION REDACTED] lived with his family in the town of Dniprorudne of the Zaporizhzhya region [ADDRESS REDACTED].

On February 27, 2022, the mayor of Dniprorudne went out with the city's residents to confront Russian tanks. As a result of the resistance, the Russian armed forces did not advance further into the town. In the following days, the mayor invested significant effort into normalising life in the town in the face of military operations and keeping the situation under his control, refusing to cooperate with the occupation regime.

Since March 7, 2022, the town of Dniprorudne has been under siege. The Russian forces were stationed along the perimeter of the city, effectively blocking the access to it, including the use of humanitarian corridors. On April 12, 2022, the Russian military occupied the local police station, establishing their own 'police' in the town and appointing a police chief.

Mrs. T., a wife of Mr. X, provided an account of the events unfolding in the occupied town, describing the circumstances that she learnt about through the communication with her husband before his detention. At the onset of the occupation, the town of Dniprorudne was dominated by the militia groups from the DPR/LPR. The occupiers often walked around the city wearing civilian clothes, stood in line at the market or exchanged Russian rubles for hryvnias. There were incidents when they got drunk, fired into the air at checkpoints and seized cars from locals. Town residents lived under constant threats of severe interrogations and ‘visits’ to the commandant’s office. Consequently, residents had to regularly “clean” their phones. Militia members routinely checked phones, especially in situations where residents did not have a passport on them to establish their identity. As an example, discovering photos of Ukrainian soldiers on the phone could lead to the detention the phone owner. As of March 2022, civilians in the town have been detained.

Prior to Russia’s invasion, Mrs. T. was visiting her son in Kyiv, Mr. K. She did not have time to return to Dniprorudne and therefore stayed in Kyiv. Her husband, Mr. Kh., remained in the occupied town, where he had his sister, Ms. N., and granddaughter. He was concerned about them after the events in Bucha, so he chose not to leave. On July 1, 2022, Mrs. T. implored Mr. Kh. to leave because people were disappearing. At first, Mr. Kh. refused, arguing that he was not a person of interest to anyone, but on 2 July 2022, he made up his mind to leave. Until the day of his detention, Mr. Kh. was in regular contact with Mrs. T. They communicated around 20.00 on 1 July 2022 for the last time. Mr. Kh. was last seen online around 13.30 on 2 July 2022.

(i) Circumstances surrounding the unlawful arrest/detention/abduction of the victim⁸⁴

Mr. Kh. was detained on 2 July 22 between 14:00-15:00. He was detained in the premises of a former bank building. At the time of his detention, Mr. Kh. was with his granddaughter who was 10 years old at the time. The Russian military released his granddaughter, having frightened her, while Mr. Kh. was detained.

On that day, Mr. Kh. and his granddaughter left the house to pick up their personal car, which was parked in the parking lot of the former bank building. Around 15.00, the granddaughter called her grandmother, Ms. N., and informed her that the Russian military had detained Mr. Kh. According to Ms. N.’s testimony,

“...I ran to the bank 15 minutes later and saw my brother standing against the wall at gunpoint, with four Russians in Russian military uniforms standing next to him. A young commandant with the call sign ‘Gor’ came out and asked me to leave... Then I saw my brother again in the commandant’s building, they searched him there, but I was kicked out again. I never saw my brother again”.

From the testimony of Mr. Kh’s granddaughter:

“...When we entered the bank building, we saw four soldiers in Russian military uniforms. They started asking questions about who we were and who closed the bank building. My grandfather answered the questions and replied that they came to pick up their car. Then one of the soldiers ordered my grandfather to enter the building and pointed his assault rifle at him. I ran out into the yard, called my grandmother, and then the soldier told me I could go home...”.

⁸⁴ The information provided in this sub-section is based on witness testimony of Mr. K. given to SICH and open source information, which is stored in the KHPG database and linked to the victim’s unique number.

(ii) Attempts by the family to establish the victim's fate/whereabouts and information about his/her unlawful arrest/detention/abduction

On 6. July 2022, Mr. Kh.'s son, Mr. K., requested the opening criminal of proceedings concerning Mr. Kh.'s unlawful detention. To date, Mr. Kh.'s whereabouts remain unknown.

1. International organizations

Filing date	Filing party	Authority	Status
14 January 2023	Lawyer of SICH	European Court of Human Rights	The complaint was communicated to the ECtHR.
25 September 2023	Mr. K. (victim's son)	ICRC	An auto-response has been received.
11 November 2023	Mr. K. (victim's son)	UN Human Rights Committee	No response received.

2. Ukrainian authorities

Filing date	Filing party	Authority	Status
27 July 2022	Mr. K. (victim's son)	NIB	On August 1, 2022, a response was received stating that Mr. Kh. was included in the NIB register.
26 September 2022	Mr. K. (victim's son)	Shevchenkivskyy Prosecutor's Office of Ukraine	On September 28, 2022, a response was received stating the case was transferred to the Zaporizhzhya Regional Prosecutor's Office based on the jurisdiction.
16 January 2023	Mr. K. (victim's son)	MinTOT	On July 1, 2023, a response was received refusing to recognize the fact of Mr. Kh.'s detention as a result of the Russian aggression against Ukraine.
3 January 2023	Mr. K. (victim's son)	Ukrainian Ombudsman	On February 3, 2023, a response was received stating that all the procedural steps, which must be taken in order to release Mr. Kh. from captivity, had been undertaken. It was further stated that his release from captivity depends solely on the results of negotiations with officials of the aggressor state and conclusion of appropriate agreements.
10 March 2023 & 17 August 2023	Mr. K. (victim's son)	SSU in the Zaporizhzhya region	1. On 23 March 2023, a response was received stating that the criminal proceedings concerning the unlawful detention of Mr. Kh. were opened, and the investigation was ongoing. 2. On 23 August 2023, a response was received stating that the investigation into the disappearance of Mr. Kh. was ongoing. 3. On 20 September 2023, a further response was received stating that the interrogation of witnesses regarding the unlawful detention of Mr. Kh. would be conducted in the near future. No further response followed.
15 June 2023	Mr. K. (victim's son)	Department of Informatization of the Ministry of Internal Affairs	On 27 July 2023, a response was received stating, as of 26 July 2023, there was no information about Mr. Kh. in the Register of Persons Missing in Special Circumstances.

3. Russian authorities

Filing date	Filing party	Authority	Status
5 October 2022	Mr. K. (victim's son)	Prosecutor's Office of the Russian Federation	On October 24, 2022, a response was received stating that the complaint was further sent to the MoD RF.

Oct 2022	Prosecutor's Office of the Russian Federation	MoD RF	1. On 28 October 2022, a response was received stating that that Mr. Kh. was not on the list of persons detained for opposing the special military operation. 2. On November 10, 2022, a further response was received providing the same answer.
5 October 2022	Ms. N. (victim's sister)	Commandant's Office of the Black Sea Fleet of the Russian Federation	On 31 October 2022, a response was received stating that the inquiry was further sent to the Garrison's Military Prosecutor's Office, Military Unit 45084 (Melitopol) and the Regional Military Police Department for the Southern Military District (Rostov-on-Don).
1 February 2023	Mr. K. (victim's son)	Federal Penitentiary Service of the Russian Federation	On February 8, 2023, a response was received stating that Mr. Kh. was not held in the penitentiary institutions of the Russian Federation.
6 February 2023 & 12 April 2023	Lawyer of SICH	MIA RF	1. On 28 September 2023, a response was received stating that Mr. Kh. was on the federal wanted list. 2. No response received.
Date unknown	Russian local lawyer	Russian Ombudsman	On 6 March 2023, a response was received stating that the search request for Mr. Kh. was further sent to the FSS of the Russian Federation in Crimea and Sevastopol.
3 March 2023	Russian local lawyer	MoD RF	On 27 March 2023, a general response was received listing provisions of the Geneva Convention III. No specific information about Mr. Kh. was provided.
Date unknown	Russian local lawyer	FSS RF	On 10 April 2023, a response was received stating that there was no information about Mr. Kh.
14 April 2023	Lawyer of SICH	Prosecutor General's Office of RF	No response received.
1 August 2023	Mr. K. (victim's son)	The Military Prosecutor's Office of the Joint Group of Forces of the Russian Federation	No response received.
2 August 2023	Mr. K. (victim's son)	Prosecutor's Office of the Black Sea Fleet	No response received.
1 September 2023	Lawyer of SICH	Prosecutor General's Office of the Russian Federation	On September 5, 2023, a response was received stating that the complaint was further sent to the Prosecutor's Office of the Zaporizhzhya region.

4. Occupying authorities on occupied territories of Ukraine

Filing date	Filing party	Authority	Status
1 November 2023	Mr. K. (victim's son)	MoJ of the so-called DPR	On 15 November 2022, a response was received stating that, as of 02 November 2022, Mr. Kh. was not in held in the penitentiary institutions in the territory of the so-called DPR.
26 December 2022	Ms. N. (victim's sister)	Military Prosecutor's Office of the Simferopol Garrison	On 20 January 2023, a response was received stating that the inquiry was assigned nr 10 and further sent to the military commandant's office in Vasylivka. No further response followed.
Date unknown	Ms. N. (victim's sister) & Russian local lawyer	FSS in the Republic of Crimea and Sevastopol	1. On February 20, 2023, a response was received stating that there was no information about Mr. Kh. 2. On 10 April 2023, the identical response was received.
Date unknown	Russian local lawyer	SIZO No. 1 & SIZO No. 2 in Simferopol in the Republic of Crimea	On 7 March 2023, a response was received stating that Mr. Kh. was not held or detained there.
Date unknown	Russian local lawyer	Police station in the town of Dniprorudne	On 25 August 2023, a response was received from the so-called Main Department of the MIA RF in Zaporizhzhya region stating that Mr. Kh. was on the federal wanted list.

VI. LEGAL ANALYSIS

VI.1. CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY

In order to prove crimes against humanity under the Rome statute of the ICC, it is necessary to demonstrate the existence of contextual elements in addition to constitutive elements (*actus reus* and *mens rea*) of underlying offences. Enforced disappearances constitute crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population committed with knowledge of the attack. As specified in the case law of the ICC, contextual elements of crimes against humanity, which derive from the chapeau of Article 7(1) of the Rome Statute and the definition of attack, are as follows: (i) an attack directed any civilian population; (ii) a State or organizational policy; (iii) an attack of a widespread or systematic nature; (iv) nexus between the individual act and the attack; and (v) knowledge of the attack.⁸⁵

VI.1.1. Attack directed against any civilian population

The meaning of the term ‘attack directed against any civilian population’ is provided for in Article 7(2)(a) of the Rome Statute, which construes it as “a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack”.⁸⁶ The ‘attack’ does not need to be necessarily military in nature, as it may involve any form of violence against a civilian population.⁸⁷

The case law of the ICC has consistently construed the expression ‘civilian population’ in line with the definition of civilian population as laid down in Article 50(1)-(2) of AP I that reads: “the civilian population comprises all persons who are civilians”, which forms part of customary international law.⁸⁸ The protection is afforded to any civilian population, regardless of nationality, ethnicity or any other distinguishing features.⁸⁹ It is imperative that the civilian population must be the primary target and not the incidental victim of the attack.⁹⁰

The case studies presented in this communication provide evidence that Russian military, law enforcement, occupation authorities, and affiliated militia groups intentionally target civilians in the occupied territories deemed ‘hostile’ or ‘dangerous’ to the Russian regime.⁹¹ This communication only includes cases of enforced disappearances directed against civilian population.

VI.1.2. State or organizational policy

A major innovation of the Rome Statute was the introduction of the policy element which was incorporated into the contextual elements of crimes against humanity.⁹² According to the ICC

⁸⁵ ICC, Katanga (ICC-01/04-01/07), Judgment pursuant to Article 74 of the Statute, Trial Chamber II, 7 March 2014, paras. 1094-1100 (Katanga Art. 74 Judgment); Bemba (ICC-01/05-01/08), Judgment pursuant to Article 74 of the Statute, Trial Chamber III, 21 March 2016, paras. 148–169 (Bemba Art. 74 Judgment).

⁸⁶ ICC Elements of Crime, Art. 7, Intro, para. 3.

⁸⁷ Ibid.

⁸⁸ Katanga Art. 74 Judgment, para. 1102; Bemba Art. 74 Judgment, para. 152.

⁸⁹ Katanga Art. 74 Judgment, para. 1103; Bemba Art. 74 Judgment, para. 154.

⁹⁰ Katanga Art. 74 Judgment, para. 1104 (referring to ICTY Kunarac Appeal Judgment), para. 91.

⁹¹ See supra Part 4: Pattern 1 (targeted victims perceived ‘dangerous’ to Russian authorities).

⁹² The predecessors of the ICC, the ICTY and the ICTR, did not require the proof of the existence of the policy element in support of the contextual elements of crimes against humanity (ICTY, Kunarac Appeal

Elements of Crimes, “the policy to commit the attack” requires that the State or organization actively promote or encourage such an attack against a civilian population.⁹³ The ‘policy’ element, within the meaning of article 7(2)(a) of the Statute, “refers to the fact that a State or organization intends to carry out an attack against a civilian population, whether through action or deliberate failure to take action”.⁹⁴ The policy does not have to be formalized.⁹⁵

The Russian government — through its military, occupation authorities and affiliated militia groups in the DPR/LPR — pursues a coordinated state policy aimed at quelling any form of resistance and protest in the occupied territories of Ukraine by terrorizing the Ukrainian civilian population, which is achieved through a wave of unlawful detentions, torture and ill-treatment, enforced disappearances and other serious violations of international humanitarian law directed against the civilian population.⁹⁶

VI.1.3. Widespread or systematic attack

It is necessary to demonstrate that the attack must be “widespread or systematic”, which means that the acts of violence are not spontaneous or isolated.⁹⁷ The two terms are disjunctive, not cumulative, meaning that it suffices to demonstrate the existence of one dimension of the attack. The case law construes the term ‘widespread’ through the prism “the large-scale nature of the attack and the number of victims”. The term ‘systematic’ signifies the organized nature of the acts of violence and the improbability of their random occurrence.⁹⁸

Enforced disappearances occurring in occupied territories since 2014 have been committed in the context of a widespread **and** systematic attack against the civilian population. The widespread dimension of the attack is evidenced by the broad geographical distribution of the alleged crimes across many regions of Ukraine, which came under Russian occupation, and a significant number of victims of enforced disappearances who have been targeted by Russian military, law enforcement, occupation authorities and affiliated militia groups. Specifically, between 2014–2019 in Donbas (excluding Crimea), 4,656 cases were registered, and following Russia’s full-scale invasion of Ukraine, additional 5,140 cases were registered.⁹⁹ As described in Part 4, there are discernible patterns in the conduct of Russian military and authorities concerning enforced disappearances in occupied territories. These patterns pertain to 1) the categories of civilians who have been targeted; 2) location(s) of arrest/detention/abduction; 3) the treatment of victims in detention; and 4) the refusal by Russian authorities to provide information about the fate and whereabouts of victims to their families.¹⁰⁰ All these patterns combined demonstrate the systematic dimension of the attack pur-

Judgment, footnote 114]. The ICC definition has given rise to a number of challenges associated with the interpretation of the policy element, specifically with respect to the meaning of ‘organizational’ policy and the correlation of the policy element with ‘systematic nature of the attack’ (Kenya (ICC-01/09-19-Corr), Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya, Pre-Trial Chamber II, 31 March 2010, paras. 90–93, Dissenting Opinion of Judge Kaul).

⁹³ ICC Elements of Crime, Art. 7, Intro, para. 3.

⁹⁴ *Katanga* Art. 74 Judgment, para. 1108.

⁹⁵ *Ibid.*

⁹⁶ See *supra*, Part 4: *Pattern 1* (targeted victims perceived ‘dangerous’ to Russian authorities); OHCHR Report on the Human Rights Situation in Ukraine, 1 August — 30 November 2023.

⁹⁷ *Katanga* Art. 74 Judgment, para. 1123.

⁹⁸ *Ibid.*

⁹⁹ See *supra* Part 4: Enforced disappearances prior to (2014–2022) and following Russia’s full-scale invasion of Ukraine (2022 — ongoing).

¹⁰⁰ See *supra* Part 4: Patterns Identified.

sued by Russian military and authorities against the civilian population in occupied territories. The attack was carried out in a coordinated and organized fashion.

VI.1.4. Nexus with the attack

It is important to demonstrate that the individual act is committed as part of a widespread or systematic attack. In another words, a sufficient link must be demonstrated between the act falling within the ambit of Article 7(1) of the Rome Statute and the attack. Isolated acts that clear differ in their context and circumstances from other acts that form part of an attack fall outside the scope of Article 7(1) of the Rome Statute.¹⁰¹

Enforced disappearances were committed by Russian military, law enforcement, occupation authorities and affiliated militia groups specifically during the period of occupation or in the areas of active hostilities, and directed against Ukrainian civilians who were perceived as posing danger to the Russian regime. The crimes of enforced disappearances were perpetrated as part of a widespread **and** systematic attack against the civilian population, and served the purpose of subjugating the civilian population in occupied territories. Enforced disappearances and other crimes, such as arbitrary detention, torture or ill-treatment, sexual violence, were committed with the same objective of subjugating the population of occupied territories through fear and terror.¹⁰²

VI.1.5. Mens rea (knowledge)

The perpetrator must know that the his/her act in question is part of the widespread or systematic attack against the civilian population. However, this should not be interpreted as requiring the proof that the perpetrator had knowledge of all of the characteristics of the attack or the precise details of the plan or policy of the State or organization.¹⁰³ The perpetrator's motive is irrelevant to the proof of knowledge. It suffices to establish the perpetrator's knowledge that his/her act formed part of the attack.¹⁰⁴

The perpetrators of enforced disappearances include a wide range of actors, including members of Russian military, law enforcement and affiliated militia groups who carried out arrests, detentions and abductions, as well as Russian central and occupation authorities that have consistently refused to disclose information about the victims' fate and whereabouts to their family members. The perpetrators acted in the knowledge of the attack and that their acts formed part of it. The question of mens rea is to be dealt with by the ICC when individual suspects have been identified.

VI.2. ACTUS REUS

VI.2.1. Arrest, detention or abduction of one or more persons

The *actus reus* of the crime presupposes that a perpetrator arrested, detained or abducted one or more persons. The ICC Elements of Crime recognize that even if the initial arrest or detention may have been lawful, the situation can still amount to enforced disappearance,¹⁰⁵ provided there is a refusal on the part of perpetrator(s) to acknowledge a victim's arrest, detention or abduction.

¹⁰¹ *Katanga* Art. 74 Judgment, para. 1124; *Bemba* Art. 74 Judgment, para. 165.

¹⁰² Amb Jeffrey DeLaurentis, Remarks at a UNGA Debate on the Situation in the Temporarily Occupied Territories of Ukraine, New York, 18 July 2023.

¹⁰³ ICC Elements of Crime, Art. 7, Intro, para. 2.

¹⁰⁴ *Katanga* Art. 74 Judgment, para. 1125; *Bemba* Art. 74 Judgment, para. 167.

¹⁰⁵ ICC Elements of Crime, Art. 7 (1) (i), footnote 26.

In the context of enforced disappearances committed in the aftermath of Russia’s full-scale war, “many civilians have been subjected to arbitrary detention for a prolonged period of time, during which their families suffered from the lack of information about their fate and whereabouts”.¹⁰⁶ Russian military, law enforcement, occupation authorities and affiliated militia groups have deliberately targeted persons who were perceived as those opposed to the Russian regime. Detentions were carried out by the Russian military, FSS officers or members of pro-Russian militia groups in the DPR/LPR. The persons who were arrested or detained were not charged with any crime and were not promptly informed about the reasons behind such arrests. They were arrested for security reasons, although it is unclear how targeted civilians may have posed a security risk to Russian authorities.

While detention may be permitted for security reasons (internment) under IHL, the deprivation of liberty is an “exceptional measure of control” that an occupying power may take with respect to protected persons against whom no criminal process has been initiated.¹⁰⁷ The internment has to conform to the principle of legality meaning that the person is detained for reasons (substantive aspects) and in accordance with procedures (procedural aspect) outlined in GC IV.¹⁰⁸ Even if one assumes that individuals in occupied territories were detained for security reasons, Russian authorities have not complied with procedural safeguards that are afforded to such persons in detention, e.g. the right to be informed about the reasons for internment, the right to be held in a recognized place of internment, the right to challenge the lawfulness of detention.¹⁰⁹ Given that none of these procedural safeguards have been complied with by Russian authorities, the detentions carried out by the Russian actors cannot be viewed as lawful under international law, thus constituting arbitrary deprivation of liberty both in violation of IHL and international human rights law.

Arbitrary detention of civilians has often been accompanied by physical and psychological violence that constitutes torture or ill-treatment. OHCHR has noted “widespread practices of torture or ill-treatment by Russian armed forces, law enforcement and penitentiary authorities”.¹¹⁰ Hence, in many instances, unlawful detention goes hand in hand with other atrocity crimes, such as torture, inhuman treatment, rape and sexual violence. The summary of case studies included in this communication refer to the alleged commission of other atrocity crimes in addition to enforced disappearances, provided there is credible evidence that such crimes have been committed in detention.¹¹¹

VI.2.2. [...] carried out by, or with the authorization, support or acquiescence of, a State or a political organization

Any unlawful deprivation of liberty leading to enforced disappearance has to be carried with the authorization, support or acquiescence of, a State or a political organization. The language used in the Rome Statute acknowledges the involvement of State actors in the commission of enforced disappearances, but the provision is viewed to be “broader than CIL” as it also en-

¹⁰⁶ 2023 OHCHR Report [1 Feb — 31 Jul], para. 64.

¹⁰⁷ ICRC, Contemporary challenges to IHL — security detention, 29 October 2010, <https://www.icrc.org/en/document/security-detention>

¹⁰⁸ GC IV, Art. 42 (Grounds for Internment or Assigned Residence), Art. 78 (Security Measures. Internment or Assigned Residence. Right of Appeal).

¹⁰⁹ Pejic, Jelena. “Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence.” *International Review of the Red Cross* 87.858 (2005): 375–391.

¹¹⁰ 2023 OHCHR Detention Report, para. 88.

¹¹¹ E.g. cases 1, 2, 6, 13, 16, 18, 19 included in this communication.

compasses enforced disappearances committed by political organization(s).¹²¹⁰⁸In the context of Russia-Ukraine war, Russia — through its military, law enforcement, occupation authorities and affiliated militia groups, has been widely relying on the practice of enforced disappearances in the areas under its control to quell resistance against the Russian regime by inflicting fear, panic and terror on the civilian population.

VI.2.3. Refusal to acknowledge the arrest, detention or abduction, or to give information on the fate or whereabouts of such person(s)

The crime is generally understood as the violation of family rather than individual rights. This is because victims' families experience significant distress when they are denied any information or deliberately provided with false information about the fate and whereabouts of their missing family members. Such interpretation is consistent with the existing case law that construes 'refusal' broadly by not only including "failure to acknowledge [on the part of perpetrator(s)] the deprivation of freedom or provide information", but also extends to cover instances that include "giving false information about the victim's whereabouts".¹¹³

In the context of the present communication, which covers alleged crimes of enforced disappearance committed since Russia's full-scale invasion of Ukraine, family members of missing relatives have repeatedly sent multiple requests inquiring about the fate and whereabouts of their family members to international organizations (e.g. ICRC), Ukrainian and Russian authorities, including its occupation authorities in Crimea, DPR and LPR (if relevant).

Following Russia's full-scale war, the Ukrainian government established specialized bodies tasked with the return of Ukrainian prisoners, including PoW and unlawfully detained civilians, who are held in Russia or its occupied territories.¹¹⁴ While on many occasions Ukrainian authorities were able to confirm the fact of a victim's captivity through the ICRC, they could not provide more information about the exact place of the victim's detention, his/her health status etc. Ukrainian authorities have claimed to have undertaken all feasible measures aimed at securing the release of the persons who find themselves in Russian captivity.

Following the disappearance of individuals, family members of the victims have formally contacted a diverse array of Russian authorities (e.g. Presidential Administration, MoD, MIA, IC, FSS), either individually or through lawyers, inquiring about the fate and whereabouts of their missing family members. As demonstrated by the procedural history of individual cases studies included in this communication, Russian authorities have given various kinds of responses that can be categorized as follows:

- no response provided;
- the acknowledgement of the inquiry receipt, but no subsequent response;
- a response indicating the absence of relevant information;
- a response stating that the inquiry was forwarded to another "competent" authority for case handling;
- a response confirming the captivity of the missing persons, but without details on the exact place of detention, health status etc.

¹¹² Cassese, A. (2013). *Cassese's international criminal law*, 3rd Ed. Oxford University Press, p. 107.

¹¹³ Bosnian War Crimes Chamber, *Rašević*, Case No. X-KR-06/275, at 98.

¹¹⁴ These include Joint Coordination Center for Search and Release of Illegally Deprived Persons and Hostages as a result of the armed aggression of the Russian Federation against Ukraine within the Security Service of Ukraine (SSU Joint Center) and Ukrainian Coordination Headquarters for the Treatment of Prisoners of War (PoW Coordination HQ).

Given an overwhelming number of requests submitted by victims' families seeking information about the fate and whereabouts of their family members, Russian authorities are fully aware of the widespread and systematic policy of enforced disappearances pursued by the Russian government and its military in the occupied territories. Yet, they have failed to undertake any meaningful steps in locating such individuals and informing their family members about their fate and whereabouts. Even in some instances where Russian authorities confirmed the captivity of individuals, with reference to such persons as being implicated in "opposing the special military operation", they failed to provide information about the person's exact detention, health status etc. This caused the families of missing persons great suffering and distress, as there was no way to verify information and establish communication with their family members. On many occasions, Russian authorities denied to disclose any information to the victims' families with reference to confidentiality and non-disclosure of information about persons in Russian captivity to third parties, which had been communicated to the ICRC.¹¹⁵ In some instances, spouses were denied access to information about their husbands despite providing official documentation confirming marital relationship.¹¹⁶ Russian occupation authorities in DPR/LPR and Crimea have generally denied being in possession of relevant information about the person's whereabouts, and urged family members to contact Russian authorities.

VI.2.4. Mens rea

The crime of enforced disappearance presupposed a multi-layered mens rea, which encompasses (i) awareness on part of a perpetrator that (a) arrest, detention or abduction would be followed in the ordinary course of events by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons; or (b) such refusal was preceded or accompanied by that deprivation of freedom.¹¹⁷

Although more than one person may be involved in various stages of the crime of enforced disappearance, with "the possibility of the perpetrator participat[ing] in only one stage and not the other, the suspect must the knowledge of the circumstances of the crime as a whole".¹¹⁸ In order to be convicted of the crime, a person who arrested, detained or abducted has to be aware that the deprivation of liberty would be denied by the authorities.

In the context of Russia-Ukraine war, perpetrators who carried out arrests, detentions or abductions knew that no information about victims' fate and whereabouts would be provided to family members. Following arbitrary detentions, family members often reached out to Russian military and its occupation authorities, but were either not able to receive any information, or were only informed that the person was undergoing security checks.¹¹⁹

Additionally, it is necessary to demonstrate that a perpetrator entertained the intent to remove victims from the protection of the law for a prolonged period of time.¹²⁰ In the absence of the ICC case law, it is unclear what could be construed as the removal from the protection of the law "for a prolonged period of time". As described in Part 4, the period during which the victims' where-

¹¹⁵ E.g. cases 5, 6.

¹¹⁶ E.g. case 19.

¹¹⁷ ICC Elements of Crime, Art. 7(1)(i), Elements 1(3).

¹¹⁸ Schabas, William A., M. Bidault, M. Boumghar, O. de Frouville, and L. Trigeaud. "Defining enforced disappearance as a crime against humanity." *Réciprocité et universalité: sources et régimes du droit international et des droits de l'homme: mélanges en l'honneur du Professeur Emmanuel Decaux* (2017): at 444.

¹¹⁹ E.g. cases 2, 4, 5, 6 included in this communication.

¹²⁰ ICC Elements of Crime, Art. 7(1)(i), Elements 1(6).

abouts and fate were unknown varied from months to over a year. The perpetrators — who were in charge of victims' captivity in unlawful detention facilities in occupied territories or penitentiary institutions in Russia — intended to remove the victims from the protection of the law for a prolonged period of time by denying any recourse to legal means enabling the victims to challenge the lawfulness of their detention in the hands of Russian authorities.

VI.3. COMPLEMENTARITY

The ICC operates on the basis of the principle of complementarity, which entails the ICC will only exercise its jurisdiction if national authorities are unwilling or unable genuinely to investigate or prosecute the crimes falling within its jurisdiction. While the term 'complementarity' is not explicitly mentioned in the text of the Rome Statute,¹²¹ complementarity related issues are addressed in Article 17(1)(a)-(b) of the Rome Statute, which determines admissibility of case(s) before the ICC. The case is inadmissible in the ICC if (1) the case is being investigated or prosecuted by a State which has jurisdiction over it, unless it is unwilling or unable genuinely to carry out the investigation or prosecution; or (2) if the case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute. The assessment of unwillingness and/or inability' will only arise if there are ongoing national investigation or prosecutions. Domestic inaction (i.e. the absence of national proceedings) is sufficient to render the case admissible before the ICC.¹²²

The potential cases involving the commission of the crime of enforced disappearances in occupied territories satisfy the complementarity test as laid down in Article 17 of the Rome Statute due to 1) the inability of the Ukrainian authorities to genuinely investigate or prosecute alleged crimes; and 2) the complete inaction of the Russian authorities to investigate or prosecute the commission of alleged crimes. Therefore, the intervention of the ICC is crucial to close the impunity gap for the crimes of enforced disappearances, which have been committed as part of a widespread or systematic attack against the civilian population since 2014.

Inability. Notwithstanding the initiation of criminal proceedings under Article 438 of the Criminal Code of Ukraine concerning enforced disappearances (violations of the laws and customs of war), the KHPG submits that Ukrainian authorities are unable to effectively prosecute crimes in the occupied territories. One of the main factors hindering the ability of Ukrainian authorities to investigate or prosecute is the absence of access to the occupied territories, some of which have been under effective control of Russia since 2014, while other areas — since 2022 Russia's full-scale invasion of Ukraine. Ukrainian national authorities cannot carry out necessary investigative steps in the occupied territories, such as examining a crime scene; questioning suspects and/or witnesses; or collecting evidence. Even when Ukrainian authorities gained access to de-occupied territories, crucial evidence was often lost and many potential witnesses left the area or refused to testify. Additionally, the CCU does not encompass a separate provision on crimes against humanity, as the reforms aimed at overhauling the CCU in conformity with international criminal law have not succeeded in Ukraine and reached the political deadlock.

¹²¹ The only reference can be found in the preamble to the Rome Statute, which reads that the ICC "shall be complementary to national proceedings".

¹²² *Katanga & Chui*, Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case, ICC-01/04-01/07- 1497, 25 September 2009 (Katanga Admissibility Judgment), para. 78.

Inaction. Russian authorities have failed to act on numerous requests submitted by families of the victims of enforced disappearances. No credible criminal proceedings have been initiated into enforced disappearances of Ukrainian civilians from occupied authorities. In some rare instances, Russian authorities confirmed that the victims were detained for “opposing the special military operation” under the new provisions of the Criminal Code of the RF, although they lack jurisdiction to prosecute and adjudge cases under Russian law against nationals of Ukraine in occupied territories.

VI.4. PERPETRATORS

The crime of enforced disappearance involves multiple perpetrators fulfilling different elements of actus reus encompassing low-level perpetrators (e.g. Russian soldiers or FSS officers who carry out arrests, detentions or abductions; Russian officials who refuse to provide information about the fate or whereabouts of victims to their family members) and Russian senior officials who deliberately oversee, implement and condone the policy of enforced disappearances in occupied territories. The latter include President Vladimir Putin, Minister of Defence Sergey Shoigu, Director of FSS Aleksandr Bortnikov, Chairperson of IC RF Aleksandr Bastrykin and Director of Federal Penitentiary Service Arkadiy Gostev. KHPG submits that Russian senior officials shall be held accountable for the crimes of enforced disappearances committed on a large scale and systematic basis in occupied territories. Although Ukrainian authorities initiated some cases against Russian senior officials in absentia (e.g. SSU case against Chairperson of IC RF Aleksandr Bastrykin), this does not render the potential cases before the ICC inadmissible. In absentia proceedings in Ukraine suffer from significant flaws, which include investigative challenges and low probability that such proceedings will lead to the actual trials.

VII. CONCLUSIONS

The totality of evidence with respect to enforced disappearances in Ukraine collected and presented by KHGP in this communication, which encompasses witness testimony, documentary evidence, digital evidence and open source information allows to draw a number of conclusions:

- Russia — through its military, occupation authorities and affiliated militia groups in the DPR/LPR — pursues **a coordinated state policy** aimed at quelling any form of resistance and protest in occupied territories of Ukraine by terrorizing the Ukrainian civilian population, which is achieved through a wave of enforced disappearances and other serious violations of international humanitarian law directed against the civilian population.
- Enforced disappearances occurring in occupied territories since 2014 have been committed in the context of a **widespread and systematic attack** against the civilian population, with such practice intensifying following Russia’s full-scale invasion of Ukraine.
- The **widespread** dimension of the **attack** is evidenced by the broad **geographical distribution** of alleged crimes across many regions of Ukraine, which came under Russian occupation, and **a significant number of victims** of enforced disappearances who have been targeted by Russian military, law enforcement, occupation authorities and affiliated militia groups in the DPR/LPR.
- A number of discernible patterns in the conduct of Russian military and authorities concerning enforced disappearances in occupied territories demonstrate a **systematic dimension of the attack**. The patterns pertain to 1) the categories of civilians who have been targeted; 2) location(s) of arrest/detention/abduction; 3) the treatment of victims in detention; and 4) the refusal of Russian authorities to provide information about the fate and whereabouts of victims to their families.
- The **perpetrators** of enforced disappearances include a wide range of actors, including members of Russian military, law enforcement and affiliated militia groups who carried out arrests, detentions and abductions, as well as Russian central and occupation authorities that have consistently refused to disclose information about the victims’ fate and whereabouts to their family members.
- The potential cases involving the commission of the crime of enforced disappearances in occupied territories satisfy the **complementarity test** as laid down in Article 17 of the Rome Statute due to 1) the **inability** of the Ukrainian authorities to genuinely investigate or prosecute alleged crimes; and 2) the **complete inaction** of the Russian authorities to investigate or prosecute the commission of alleged crimes.

Following Russia’s full-scale invasion of Ukraine and acting upon a collective referral from 43 States Parties to the ICC, the OTP launched an investigation into the situation of Ukraine in March 2022. KHGP acknowledges the significance of the ongoing investigative efforts of the OTP in Ukraine and welcomes the issuance of arrest warrants against President Vladimir Putin and Russian Children’s Rights Commissioner Maria Lvova-Belova on the war crimes charges of deportation and forcible transfer of Ukrainian children. At the same time, KHGP wishes to draw the attention of the OTP to the alleged crimes of enforced disappearances that have been committed on a large scale and in an organised manner in Ukraine. KHGP urges the OTP to prioritise the investigation of the crimes of enforced disappearances and to identify individual suspects at the highest levels of the Russian political and military hierarchy who are most responsible for the implementation of the policy of enforced disappearances in Ukraine.

Інформаційне видання

Микола Комаровський, Ганна Овдієнко,
Євгеній Захаров

**ПОДАННЯ ДО ОФІСУ ПРОКУРОРА
МІЖНАРОДНОГО КРИМІНАЛЬНОГО СУДУ
ЩОДО ЗЛОЧИНУ ПРОТИ ЛЮДЯНОСТІ
(НАСИЛЬНИЦЬКЕ ЗНИКНЕННЯ ОСІБ),
ЙМОВІРНО ВЧИНЕНОГО ПІД ЧАС ВІЙНИ В УКРАЇНІ**

(АНГЛІЙСЬКОЮ МОВОЮ)

Відповідальний за випуск та редактор
Євгеній Захаров

Підписано до друку 28.12.2023
Формат 60×84 ¹/₈. Папір офсетний.
Умов. друк. арк. 12,32. Наклад — 100 прим.

ГО «ХАРКІВСЬКА ПРАВОЗАХИСНА ГРУПА
61002, Харків, а/с 10430
khp.org та library.khp.org

Друк: ТОВ «ВИДАВНИЦТВО ПРАВА ЛЮДИНИ»
61002, Харків, вул. Дарвіна, 7, кв. 35
Свідоцтво Державного комітету телебачення і радіомовлення України
серія ДК № 4783 від 23.10.2014 р.
ел. пошта: distribution.hr.publisher@gmail.com
publisher@khp.org