

For the sake of one name



Search for missing persons and identification of unidentified victims of armed conflict in Donetsk and Luhansk regions

The report is prepared by the Center for Civil Liberties
under the auspices of the Coalition of Public Organizations
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INTRODUCTION. MONITORING GROUP AND SPECIFIC CONCEPTS

During May-June, 2015 Center for Civil Liberties monitors with the support of the UNDP in Ukraine under the framework of the Coalition of Public Organizations and “Justice for Peace in Donbas”¹ together with the public organization “Peace Coast” conducted a monitoring mission concerning respect for human rights during the armed conflict in eastern Ukraine.

The goal was to document the search for missing persons: civilians, soldiers and civil society volunteers who worked in the ATO zone and identification of bodies found in the ATO zone. Special attention was focused on the work quality of the Ministry of Internal Affairs in the areas of the Luhansk and Donetsk regions that are under government control, and the use of DNA analysis to identify bodies in the ATO zone, including in the areas that are currently under control of illegal armed groups of “DPR” and “LPR”.

The monitoring group consisted of 3 subgroups working in different parts of the anti-terrorist operation zone, carrying out 5 field trips to investigate cases known from open sources or during previous trips to Ukrainian controlled areas of Luhansk and Donetsk. Each group included 10 monitors including CCL employees, civil society activists, lawyers, volunteers who conduct missing person searches, and Russian human rights activists from the Committee against Torture in Chechnya.

By “illegal armed groups of “DPR” and “LPR” (hereinafter IAG) we mean proxy agents of the Russian Federation whose relationship is predicated on material, technical and military support. DPR and LPR members include both locals and citizens of other countries (first of all — the Russian

Federation) who participate in military operations on the side of so-called “DPR” and “LPR”, and Russian military formations who periodically participate in the conflict.

Based on the Advisory Opinion of the International Court of Justice titled at the UN in respect of legal consequences of construction of the wall in the occupied Palestinian territory², monitors consider the Russian Federation to be the state that actually occupies and controls certain territories of Donetsk and Luhansk regions, and consequently, is responsible for control and protection of human rights in these territories in compliance with international humanitarian law.

During visits, monitors communicated with the relatives of missing persons, witnesses, local human rights activists, journalists, volunteers, soldiers, representatives of the International Committee of the Red Cross, representatives of local governmental bodies, and employees of the bureau of forensic medical examination, health care departments, and law enforcement agencies. Numerous interviews were conducted by phone. More than 200 persons were interviewed.

The same as before (in the case with the previous reports on the kidnapping and torture of people in north of Luhansk region) the part of interviewees who agreed to communicate with the monitors refused to tell their names, referring to security concerns; some persons who are at the temporarily occupied territories refused to communicate at all, even by phone and even on condition of anonymity for fear that they may be tapped. This seems logical, taking into account the on-going armed conflict with its usual high level of violence and intimidation and unpredictability of further development, in particular, the likelihood of capture by illegal armed groups of “DPR” and “LPR” of new Ukrainian territories.

1 The purpose of work of the Coalition “Justice for Peace in Donbas” that includes 14 public organizations and initiatives is documentation and creation of the unified electronic database that in the future can be a source of primary data on the committed crimes within national and international investigation, and also the publication of regular thematic reports concerning human rights violations and restrictions of fundamental freedoms.

2 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. Advisory Opinion of 9 July 2004 [Електронний ресурс]. — Режим доступу: www.icj-cij.org/docket/files/131/1671.pdf



SETTLEMENT OF THE ISSUE OF MISSING PERSONS IN INTERNATIONAL HUMANITARIAN LAW

Because of any armed conflict, people go missing, including both soldiers and civilians. Relatives of the missing live in constant anxiety. Lack of information about a person can be explained differently. In the majority of cases, a person goes missing in relation to gross violations of international humanitarian law and human rights.

International humanitarian law provides for the respect and support of the right of people to know about fate of their missing relatives. The main responsibility for preventing persons from going missing, and accounting for those who have gone missing lies with the state. States must take all feasible measures to provide family members with any information about missing persons.³

Missing persons are those whose family members have no information about after one's disappearance in armed conflict or situations of violence.⁴ However, the official definition does not take into account the despair of families looking for information on the whereabouts of their missing relatives⁵. International humanitarian law provides for the right of family members to know about the fate of missing relatives⁶. (*Art. 32 of Additional Protocol I*) and the obligation of belligerent parties to use all means available to provide such information (*Art. 33 of Additional Protocol I*)⁷.

The Fourth Geneva Convention requires that parties to a conflict must respond to enquiries by persons looking for disappeared family members. In particular, Art. 26 of the Convention

stipulates, "Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting".

Forced disappearance of persons because of armed conflicts and the provision of aid has been contemplated by the United Nations. In 1979, Resolution No. 33/173 "Disappeared Persons" was adopted by the United Nations General Assembly, in which the Assembly expressed concern about forced or involuntary disappearances of persons reported from different regions of the world. The General Assembly suggested the United Nations Commission on Human Rights consider this question and to provide appropriate recommendations. Then it urged governments to allocate appropriate resources

3 "Accompanying family members of persons missing in connection with armed conflicts or other situations of violence" — a reference book The International Committee of the Red Cross Regional Information Centre in Moscow (CSC EURASIA)

4 September 12, 2007 1406 International Committee of the Red Cross Report, "Missing: a hidden tragedy those of whom have forgotten"

5 Martens FF Modern international law of civilized nations. — T. 1. — P. 327. 2 International Red Cross: Missing / per. with English and French. — M: the International Committee of the Red Cross, 2003. — S. 5. 3 of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto. — 3rd ed.. — Moscow: International Red Cross. — 2003—344

6 Missing // International Committee of the Red Cross. Central Tracing Agency and Protection Division. 2003. — S. 4. 2 Meet — ICRC // International Committee of the Red Cross. Office of Publications, marketing and distribution. — 2004. — P. 26—27.

7 Geneva Conventions of 12 August 1949 and the Additional Protocols thereto. — 3rd ed.. — Moscow: International Red Cross. — 2003. — 344 p.

and to make urgent and impartial investigations of forced or involuntary disappearances, and to hold law enforcement bodies and security services accountable. Such accountability had to include legal responsibility for unjustified abuse of power leading to forced or involuntary disappearances or to other human rights violations. In the Resolution on assistance and cooperation in accounting for persons who are missing or died in armed conflicts adopted in 1974, the United Nations General Assembly called upon the parties to armed conflicts, regardless of their character, “to take such action as may be within their power... to provide information on those who are missing in action”⁸. The right of families to have information on the fate of their relatives is confirmed by the Resolution of the European Parliament and by the Parliamentary Assembly of the Council of Europe. Cases of the European Court of Human Rights concluded, “Withholding information from the families of persons detained by security forces, or silence in the case of persons missing during armed conflict, attained a degree of severity that amounted to inhuman treatment”⁹. In Resolution 20 (XXXVI), passed on February 29, 1980, the United Nations Commission on Human Rights decided, “to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons”. Thus, the Working Group became the first thematic implementation mechanism of the United Nations Human Rights Programme. Before, the working groups and special rapporteurs were observed human rights in



particular terrorizes named in individual mandates¹⁰.

The new International Convention also contemplates the right to information on missing relatives for the Protection of All Persons from Enforced Disappearance, which Ukraine joined on June 17, 2015¹¹. The Convention states that everything, which contributes to disappearances, is illegal, and relatives should be immediately informed of capture, wounding or death of family members.

Conclusions

Basic rules of international humanitarian law and principles of human rights aim to prevent enforced disappearances of people in armed conflicts. If parties to a conflict treat civilians, patients, wounded and enemy prisoners of war, armed groups and other persons as provided by international humanitarian law, and humanitarian organizations have

access to the population, the number of missing persons will be considerably reduced and families of the dead will be informed of the fate of their relatives.

State practices establish this as a rule of customary international law. The duty to clarify the fate of missing persons, prohibits enforced disappearances, requires respect for human life, and to registration of all available information about burial¹². Therefore, it is necessary to take legislative, regulatory and practical actions for implementation obligations under international law. States must recognize the right of each family member to know the fate of missing relatives. In addition, it is necessary to provide criminal punishment for illegal concealment of available data or for refusal to make an effort to provide information on the causes of death when enquired on by the relative of the missing person.

⁸ Missing persons — relatives should know the truth. — www.icrc.org/web/rus/siteruso.nsf/iwpListz/News?OpenDocument 2

⁹ Law of the European Union: a textbook for universities / ed. SY Kashkina. — Moscow: Jurist, 2006. — S. 307. 3 Working Group on Enforced or Involuntary Disappearances. — www.un.org/russian/hr/

¹⁰ The Working Group on Enforced or Involuntary Disappearances. — www.un.org/russian/hr/

¹¹ www.w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=55551 — The law is expected to accede to the International Convention for the Protection of All Persons from Enforced Disappearance

¹² LI Fesechko “Problems search persons missing as a result of armed conflict”



RELEVANCE OF THE PROBLEM

According to the Parliamentary Committee on Public Health on December 24, 2014, 1667 members of the Armed Forces of Ukraine have gone missing during the ATO.

According to the International Committee of the Red Cross, the organization registered more than 300 search enquiries from families of missing persons¹³.

For June 2015, the Commissioner of the President for Peaceful Settlement of the Situation in Donetsk and Luhansk Regions, Iryna Gerashchenk of the humanitarian subgroup of the Trilateral Contact Group, stated during a PACE meeting that the SBU estimates 1200 are missing persons while the Red Cross estimates 1300 are missing. It takes into account missing persons from both parties, which explains statistical discrepancies¹⁴.

According to the Coalition “Justice for Peace in Donbas,” as of 22.07.2015, 2763 persons have been released from captivity, including 1226 civilians, 27 journalists, 36 volunteers.

The greatest problem of calculating missing persons is that most are captured by illegal armed groups (hereinafter “IAG”) which do not provide information on how many and what types of citizens are in captivity.

As there is a practice of prisoner exchange, some governmental and volunteer institutions can approximate the number of captured members of the military and National Guard. Approximating the number of captured civilians is far harder. Therefore, enquiries relatives of missing civilians of are more difficult to respond to given the incomplete informational picture.

Special government institutions that search for missing persons and engage in prisoner exchange are as follows:

- The Interagency Centre for Assistance in the Release of Captives and Hostages and the Search for Missing Persons at the State Security Service of Ukraine¹⁵ keeps track of and searches for all of categories of missing citizens. Civilians are searched for based on the

relatives’ enquiries. Searching for missing soldiers occurs based on enquiries from the General Staff of the Armed Forces of Ukraine, the State Border Guard Service of Ukraine, and Main Department of National Guard. Searches for volunteers of territorial battalions occur under enquiry from the Ministry of Defense and the Ministry of Internal Affairs¹⁶.

- Civil-military cooperation groups¹⁷ export bodies from the anti-terrorist operation zone.
- Medvedchuk’s group (leader of the “Ukrainian Choice” social movement and special representative on humanitarian issues within Trilateral Contact Group on peaceful settlement of the situation in Donbas)¹⁸ works on the release of soldiers and volunteers from IAG captivity within the Minsk negotiation process.

Since September 6, 2015, 1290 citizens enquired to the Interagency center requesting assistance on release of captured prisoners, hostages and searches

13 www.ua.icrc.org/2015/04/15/2015-2/

14 www.zaxid.net/news/showNews.do?na_donbasi_bezvisti_znikli_ponad_1300_osib&objectId=1356243 “In the Parliamentary Assembly of the Council of Europe (PACE) said that the list of missing persons in eastern Ukraine has more than 1,300 people https://www.facebook.com/permalink.php?_rdr=p&id=100002334671715&story_fbid=831848966902918

15 www.sbu.gov.ua/sbu/control/uk/publish/article?art_id=130969

16 www.memorybook.org.ua/units/other.htm

17 www.cimic.com.ua/www.news.eizvestia.com/news_politics/full/528-gruppa-medvedchuka-organizovala-osvobozhdenie-4-volonterov-v-odnostoronnem-poryadke

18 www.ssu.gov.ua/sbu/control/uk/publish/article;jsessionid=38F74A71A00C9891D09E7316EEA2E128.app1?art_id=131137&cat_id=130978

19 Missing persons during the conflict in Ukraine. Report for PACE. Committee on Migration, Refugees and Displaced Persons. Rapporteur: Mr Jim SHERIDAN (United Kingdom, SOC)

of missing persons. 122 requests were made in person at SBU Center in Kiev. The SBU call center hotline received 640 requests, and 528 requests were by email. The database includes about 700 names, and is constantly updated¹⁹.

According to the Security Service of Ukraine, 1330 persons were reported missing from April 1, 2014, to May 12, 2015. This number is composed of 3 journalists, 43 employees of law-enforcement bodies, 481 military members, National Guardsmen, 16 volunteers, 621 civilians and 108 unidentified persons. The number of missing persons constantly changes.²⁰

On August 5, 2015, the Press Center at the the Ministry of Internal Affairs of Ukraine in Donetsk²¹ reported that since the beginning of the ATO in the territory of Donetsk region, 1381 people were put on the missing list, 455 were found. Searches for 926 residents are ongoing. The Ministry of Internal Affairs of Ukraine in the Donetsk region registered 564 missing persons and 362 kidnapped persons (since the beginning of the ATO). It has been established that members of the “DPR” IAG kidnapped 204 men. The circumstances surrounding the disappearance of 158 more people are still being clarified. Criminal proceedings are predicated on Art. 146 of the Criminal Code of Ukraine, which criminalizes “unlawful imprisonment or kidnapping.”

The following civil society institutions are engaged in missing person searches and prisoner exchanges:

- The Captive Release Center, “Officer Case,” is headed by Vladimir Ruban, — and focuses on the exchange of captured military personnel and volunteers. Civilians are not included in its mandate.²²
- Patriot Group coordinates²³ — the exchange and release of prisoners of war.
- Black Tulip Group, part of the All-Ukrainian public organization “National Memory Union”, exhumes and transports bodies²⁴.
- NGO “Peace Coast”²⁵ — provides a web portal to ascertain the status and location of missing persons.
- “Blue Bird”²⁶ volunteer organization — accounts for and searches for missing civilians.
- “Humanitarian Operations Center” NGO — accounts and searches for missing civilians by uniting volunteer bases and actions.

According to “Humanitarian Operations Center,” 500 to several thousand Ukrainian citizens are held captive by IAG in NGA. Civilians are detained on different charges; the most widespread charge is support of Ukraine. Also in some cases, terrorists capture close relatives of Ukrainian soldiers when they try to have the prisoners released independently. Quite often, search volunteers in the ATO are taken hostage.

Some volunteer groups are actively collecting detailed information on

Ukrainian citizens who are detained and reported missing. Therefore, opportunity to aggregate and analyze the collected data to aid in the release civilian hostages. In the temporarily occupied territory, there are many instances of kidnappings motivated by financial gain²⁷.

Conclusions

Disappearances and kidnapping cases are underreported, resulting in under publication of the considerable scale of the problem and need for action by relevant government institutions, international organizations, CSOs and volunteers. There are large discrepancies in the reported. This results from the fact that different structures collect data on different categories of missing persons. For example, the Red Cross considers both parties while the Ukrainian official institutions are engaged primarily in searches for persons who disappeared from Ukrainian controlled territory. It is worth noting that the main problem is the search for civilians.

Databases on missing soldiers are controlled by the military. A considerable part of the search for missing persons was assumed by CSOs, however, they are overwhelmed and need full support from the state. At the same time, law-enforcement bodies must search for civilians. As discussed later, a separate procedure to register those missing due to armed conflict does not exist.

20 www.unian.ua/society/1108218-militsiya-rozshukue-926-jiteliv-donetskoji-oblasti-zniklih-za-period-ato.html

21 <https://www.facebook.com/CentrZvlnennyia>

22 www.newsradio.com.ua/2015_06_03/Kotenko-Zniklih-u-zon-ATO-n-hto-ne-rahua-pro-polonenih-d-zna-mosja-v-d-r-dnih-0760/

23 www.naidy.org.ua/

24 www.mb.net.ua/novoe/

25 www.ukr.obozrevatel.com/crime/79642-volonter-rozpovila-skilki-tsilivnih-perebuvayut-u-poloni-u-teroristiv.htm

26 https://www.facebook.com/Center.h.missions/info/?tab=page_info

27 According to the Decree of the Central Office of Security Service of Ukraine of 05.09.2014 № 560

“On establishment of a permanent Interdepartmental center for nationals in respect of the release of prisoners, hostages and finding the missing”



ORGANIZATION OF SEARCH FOR MISSING PERSONS BY UKRAINE



Work of the Interagency Centre for Assistance in the Release of Captives and Hostages and the Search for Missing Persons

The Interagency Centre for Assistance in the Release of Captives and Hostages and the Search for Missing Persons was created²⁸ by order of the President of Ukraine on September 02, 2014, to assist citizens seeking the release

of captives and hostages, and to coordinate the search for missing persons.

The Interagency Center is the main institution responsible for securing the release of captives and hostages and searching for citizens who have gone missing during the ATO.

28 www.ssu.gov.ua/sbu/control/uk/publish/article?art_id=130972&cat_id=130971



The main tasks of the Interagency Center are as follows:

- compile a list of Ukrainian soldiers who were injured or killed participating in the ATO since April 07, 2014;
- coordinate divisions of the Main Department, bodies, institutions and establishments of the State Security Service of Ukraine, Anti-Terrorist Center at the State Security Service of Ukraine, provide offers to other government bodies on release of prisoners, hostages and search for citizens who have gone missing during the ATO;
- answer applications, enquiries and messages from citizens of Ukraine, foreigners, media regarding the release of prisoners, hostages and searches for missing citizens during the ATO.²⁹

The Interagency Center works together with volunteers, civil society activists, independent journalists.³⁰

Work of law-enforcement agencies of Ukraine (LEA) in the search for missing persons

Employees of LEA are guided by national legislation, departmental orders of the Ministry of Internal Affairs of Ukraine, and internal instructions on searches for missing persons.

After relatives of a missing person file an application about a disappearance, that person’s information is entered into a unified registry of pretrial investigations. The investigator ascertains whether a premeditated murder occurred.

As practice shows, police officers take all the following stages of investigation formally, and do not implement a number of investigative

measures concerned with search for missing persons.

Investigators do not always check the information provided by relatives of the missing person, nor do they call witnesses, nor do they plan or carry out (with rare exceptions) investigative work on missing persons.

The efficiency of LEA investigators also depends on the armed conflict situation, which is uncontrollable. In addition, investigators receive no cooperation from Russian Federation LEA.

There are also other factors, which prevent an effective search for missing persons:

1) Groundless reassignment of criminal proceedings within the LEA system under a far-fetched scheme requiring family members to address materials to the applicant’s or missing person’s place of registration;

2) Lack of coordination between members of different LEA bodies.

29 www.ssu.gov.ua/sbu/control/uk/publish/article?art_id=131137&cat_id=130978

30 Overview of the ICRC on February 2015 r. – www.ua.icrc.org/2015/04/15/2015-2/

Exchange of information is hindered by complexity of documentary registration and incompetence. The investigator has no power to independently send a missing person's family members a DNA test without permission of the prosecutor;

3) There is no quick response by LEA investigators and employees to phone calls reporting of missing persons, calls from relatives reporting that one is in captivity, or to calls reporting threats to missing persons. Identifying the location of phone calls is not carried out for weeks, if at all;

4) Also investigators and employees of LEA do not always wish to cooperate with non-governmental organizations that draw attention to the problem of missing persons or to those who are engaged in searches;

5) All divisions of Ukrainian LEA collect statistical data on the number and investigations of missing persons, on how many statements of disappearance were received and investigative results. This data is sent to the Ministry of Internal Affairs of Ukraine. The Ministry does not publish this data in due time nor is it provided to non-governmental organizations who are engaged in the search for missing persons. This is a negative reflection on the cooperation between LEA and non-governmental organizations, and

reflects the inefficiency in LEA decision-making on disappearances.

Our monitoring group counted more than 10 similar cases of inaction by the Ministry of Internal Affairs in the anti-terrorist operation zone concerning the search of missing civilians. In addition, it is problematic to search for missing soldiers and exhume bodies of the dead from the anti-terrorist operation zone. Examples of investigative inefficiency and searches for the disappeared are provided in Annexes.

It should be noted that law-enforcement agencies qualify criminal cases of citizens GONE missing during the military conflict, as well as in normal circumstances, on p.1 Art. 115 of CC of Ukraine – premeditated murder. It is voluntary manslaughter when none of qualifying circumstances are present.

Conclusions

LEA reacts inefficiently to reports of missing people.

Families of missing persons have the right to know what happened to their relatives, but such information is usually provided incompletely if at all. Most often families of missing persons communicate with the investigator of LEA no more than once and only when providing data on the missing person.

A more effective approach is needed, based on cooperation between and interaction of different law enforcement agencies and carrying out the procedural actions provided for by the national legislation on the search of missing persons and informing relatives.

There is an urgent need to eliminate LEA mistakes when communicating with families of missing persons, when carrying out explanatory and educational work, and when providing psychological support for the families.

It is also necessary to completely reconsider the approach to disappearances. Classical investigative inquiries and slow witness interrogation should be replaced with more modern and mobile techniques – electronic communication, creation of a unified coordination mechanism for missing person searches, which would collect information not only from government bodies, but also from volunteer organizations and citizens. Uniting efforts between state and non-state actors is urgently needed. At this time, each volunteer organization has its own list of missing persons, methods and ambitions. The centralized mechanism would provide the greatest accessibility, and optimum (but in certain cases obligatory) confidentiality, which would help to avoid duplicative work and create a clearer picture of the true magnitude of this tragedy.



ORGANIZATION OF MISSING PERSON SEARCHES BY VOLUNTEERS AND INTERNATIONAL ORGANIZATIONS

The main organization that conducts work on the search for missing persons during armed conflicts is the International Committee of the Red Cross. In Ukraine, the organization closely cooperates with ICRC of Ukraine concerning registration of missing persons and providing family members responses to missing person enquiries. At the request of both parties to the conflict in the territory of Ukraine, the ICRC acted as a neutral observer in the course of transferring bodies of lost Ukrainian soldiers and aiding in forensic medical examinations. The ICRC played a major part in returning bodies of the Ukrainian soldiers who perished at the Donetsk airport³¹.

More than 1000 people are still considered missing in connection with the conflict in eastern Ukraine. The ICRC offers its services to people who are trying to find their relatives. On request from family members, the organization



works on clarifying the fate and whereabouts of the missing person. For this time, the ICRC and Ukrainian Red Cross Society conduct work on clarifying the fate of more than 380 people.

Support is provided to the families of missing persons who not only endure emotional difficulties, but

also difficult social and economic conditions. The ICRC provides the most support — including economic security programs aimed at helping families find new sources of income, legal, administrative, and emotional support. The ICRC also helps families establish the fate of the missing.

31 International Day of missing people: ICRC calls for more effort to collect and record the information on the fate of persons missing www.ua.icrc.org/2015/08/28/411/



The ICRC constantly monitors national efforts concerning the search for missing persons. According to the organization, the Government and civil society must do more to collect and register information on the fate and whereabouts of persons gone missing during the conflict or under other circumstances, and provide more effective support to their families³².

Among the Ukrainian public initiatives engaged in the search for missing persons and return of bodies, it is worth noting the Black Tulip initiative. The initiative was created in September 2014 after the

Ilovaysky copper. On September 3, 2014, the first lost soldiers were brought home. Today more than 600 bodies of missing soldiers were retrieved and returned home. In the search for the bodies of lost soldiers, the Ukrainian party cooperates with representatives of search groups in the NGCA. Thus, in the “DPR,” the initiative cooperates with Lilia Radionova, who heads the commission for missing persons. Representatives of the initiative are met and accompanied to the “territory” of the “DPR” where they carry out searches. The bodies of the Ukrainian soldiers,

which are found, are then exported to Dnipropetrovsk.

Conclusions

Volunteer initiatives are highly efficient. However, they need state support, particularly financial support. The international organizations have more power than the Ukrainian governmental, particularly when searching in the NGCA.

Therefore, state should provide full cooperation to international organizations activity and fulfill their recommendations concerning improvement of the situation.

32 www.obozrevatel.com/crime/80765-po-dnk-identifitsirovani-418-propavshih-bez-vesti-v-zone-ato-bogomolets.htm



SEARCH ORGANIZATION AND IDENTIFICATION OF BODIES

Work of DNA centers.

Due to the aggravation of the armed conflict in Donbas, in September 2014 the body identification system was launched. Legislation authorizing DNA centers under jurisdiction Ukrainian LEA was passed in October 2014.

Centers for collecting DNA samples are in all regions of Ukraine. The procedure is free. For delivery of DNA samples, the family members need the police station address, submit a form regarding the disappearance of a loved one in the ATO zone, and the investigator then makes a referral to collect DNA samples.

Due to the work of DNA centers, a large number of bodies of the dead were identified. According to information from the Adviser to the President of Ukraine, the People's Deputy, Olga Bogomolets as of September, 2015, 1671 fragments of bodies have been received; 758 persons to whom isolated DNA profiles belong 1283 DNA profiles of family members have been uploaded into the database; 418³³ DNA matches have been established.

From the beginning of the ATO, 1129 bodies of lost soldiers have been delivered to the Dnepropetrovsk

regional bureau of forensic medical examination. Family members visually recognized 730 bodies while 235 bodies were identified from genetic testing³⁴.

Thus, the centers for collecting DNA samples have already proven their efficiency.

However, the centers' work are not always accurate and still require considerable improvement. One of disputed issues, which monitors faced, is the high level of state mistrust of DNA testing.

First, many relatives were told about so-called "partial match" in 30–70% of DNA sample matching.

After consultation with experts, monitors found out that the concept of "partial match" is irrelevant. In the DNA testing procedure here, the relevant concept is a "possible match" — the possible match of the DNA sample. To receive 99.9% accuracy it is necessary to receive a match from a second relative to pass DNA testing. At the first match, the results are provided to the investigator who invites the second relative to provide a DNA sample. If there is no opportunity to invite a second relative, it is possible to carry out DNA testing with the use of the missing person's personal belongings (a toothbrush, a crest, a cap, a sweater).

Only after repeated matching are family members informed of the identification of their loved one.

Therefore, there is a question of why relatives of the missing person were informed about "partial matches" or unidentified bodies having simultaneous DNA matches with samples from different families. Monitors heard about these cases directly from relatives of missing persons.

Second, many relatives complained of incorrect messages regarding the death of the missing persons. Monitors found that despite the existence of LEA psychologists, DNA testing results were reported to the family members by investigators via phone. In our opinion, the method of informing relatives requires special care.

In spite of the fact that DNA centers have been in operation since October 2014, there are still a large number of unidentified bodies. We believe that it is connected with insufficient understanding of the DNA testing procedure and state mistrust of DNA testing. Family members often state that if they give DNA samples, they receive the wrong body. We consider that mistrust could be reduced through creation of a hotline and a series of informational programs on the DNA procedure.

33 www.espreso.tv/news/2015/09/15/ekspertyza_dnk_dopomogla_vstanovyty_imena_235_zagyblykh_biyciv_ato

34 www.ukraineunderattack.org/19840-parye-uhvalyla-rezolyutsiyu-pro-poshuk-znyklyh-na-donbasi.html



Conclusions

Unfortunately, LEA of Ukraine make little effort to explain the DNA testing procedure. Many family members searching for relatives complain that they do not understand what type of results are credible and whom to consult regarding disputed issues. Now, there is no DNA testing hotline where such questions can be addressed and all issues are directed to the investigator. However, not all investigators have enough knowledge to address such issues. Searching family members often consult volunteers who mediate between them and the investigators. In our opinion, this situation is inadequate and state representatives should provide greater knowledge of questions commonly associated with DNA testing. For this purpose, we believe the State should create a DNA testing hotline.

The organization of missing person searches and identification of bodies in the territories under control of the so-called LPR and DNR.

Searching for and identifying bodies in NGCA territories is a very difficult and demands special attention. Now there are a number of volunteer organizations engaged in the export of bodies from the occupied territories. Additionally, searching for mass graves

and identifying bodies in the occupied territory is problematic too given the difficulty of transporting samples for DNA testing.

In the territory of the “LPR” and the “DNR”, metric examinations are used to identify bodies. Metric examinations are primitive means and require measuring the body, shoe size, and distances between parts of the face. If in the “rebels” opinion, the body accords with the written description, it is provided to relatives. The majority of unidentified bodies are in mortuaries located in NGCA. Volunteers and relatives who conducted independent searches repeatedly told us about the existence of these mortuaries. In addition, even if the body is provided to family members after the metric examination, collecting subsequent DNA samples becomes problematic, as it requires removing tissue samples and delivering them for DNA testing. In addition, here the relatives face a third problem — the export of biological samples from the conflict zone.

At the international level, this issue has been the subject of international legislation; Resolution for 25.06.2015 by the Parliamentary Assembly of the Council of Europe, concerning the increasing number of missing persons

reported in the zone of military operations in certain districts of the Donetsk and Lugansk regions of Ukraine, and from the occupied Crimea. Before voting for the resolution the Parliamentarian from Great Britain, Jim Sheridan, presented the report about persons going missing because of the conflict in eastern Ukraine. One of provisions of the resolution of PACE urges fighters to guarantee access for international humanitarian missions to places where captives are held, and international organizations, such as the ICRC — to promote the search and identification of unknown bodies of the dead, both soldiers and civilians. In addition, it is noted, “the Assembly further urges the authorities of the Russian Federation to release all prisoners illegally captured in Ukrainian territory; conduct an effective investigation and prosecute perpetrators in cases of abduction, enforced disappearances, torture and politically motivated killings of Ukrainian activists and members of the Crimean Tatar community”.

Besides, PACE urges Russia to pressure the separatist groups, which control the occupied territories in the Donetsk and Luhansk regions for the immediate release of all civilians held in custody on the territory under their control and for the exchange of prisoners. PACE urges the Russian Federation to create a national mechanism to deal with the issues of captured and missing persons during the conflict in Ukraine. In addition, the Assembly urges the families of missing Russian soldiers to be provided with accurate information on the fate and whereabouts of their missing relatives; immediately grant access to the territory of occupied Crimea to international human rights monitoring missions.³⁵

Conclusions

Today we see the solution to this problem only by promoting the work of international organizations such as the ICRC. In addition, the world community must lobby for DNA sample collection in the occupied territory and transport of these samples to Ukraine for DNA testing.



RECOMMENDATIONS

1. for the Verkhovna Rada of Ukraine:

- To adopt the special law about missing persons that would grant missing persons “victim of war” status at the legislative level and guarantee the right of families to know what happened to their loved ones who have going missing due to the armed conflict.

2. For the Cabinet of Ukraine:

- To create a specialized governmental body responsible for the search, exhumation and identification of bodies in the anti-terrorist operation zone and work in close coordination with government institutions, international organizations, and volunteers.

3. For the Interagency Centre For Assistance in the Release of Captives and Hostages and the Search For Missing Persons:

- To create and maintain a unified database of missing persons connected with the armed conflict, inclusive of both soldiers and civilians irrespective of the status of the territory where the disappearance occurred. Such database must contain the combined

information from international organizations, volunteers and government institutions.

4. For law-enforcement agencies:

- To make a new order regarding the search for missing civilians categorizing the missing, which would reduce bureaucratic red tape, provide for cooperation with volunteers, and protect the interests of missing persons and their relatives.
- To provide a transparent and public search process at all stages while providing appropriate protection of personal information. To provide full information to relatives concerning searches.
- To support communication with the family members of the missing and decrease emotional pressure placed on relatives. To train investigators on how to communicate with relatives and families. Cooperation with international structures and organizations would be beneficial in this respect. To end the practice of reporting the death of missing persons to relatives by phone. To increase participation by psychologists of law-enforcement agencies and specialized psychological initiatives.

- To create a hotline for DNA testing issues, to carry out a series of explanatory information programs, to disseminate information materials about DNA testing, procedures, and possible results.

5. For the Ministry of social policy and local governments:

- To provide psychological and social aid to families of all missing persons. To provide these families with social and financial support from the state.

6. For international organizations:

- To promote access of expert groups, in particular, of the International Committee of the Red Cross, to the occupied territory for DNA sample collection, and allow these samples to be transported to Ukrainian controlled territory for DNA testing.

7. For CSOs and mass media:

- To recognize the necessity of civil control of effectiveness of missing persons cases investigation, and their actual search. To include such activities in their strategy for action.





ANNEXES



Case 1



Viktor Kalashnikov (01.01.1962).



Misyurenko Boris (09.07.1975) Matlashov Vladimir (31.05.1965)

Group of civils volunteers

VANISHED



DATE: June, 20-21, 2014



LOCATION:

Rovenki vil. (Lugansk region)
(currently it's under the control of the armed groups of LNR)



CIRCUMSTANCES:

Civilians. Vanished when by 2 cars drove from Poltava to Lugansk with humanitarian aid. The group was of 5 people, two of whom were separately captured and released on an exchange.

On May 28, 2015, monitoring mission met the investigator of the Investigation Department of Regional Department of the Ministry of Internal Affairs in Poltava region. According to the investigator during 2014, 21 petitions for missing citizens were registered. During 2015, 10 petitions were registered in the region. Thereafter, 10 criminal proceedings upon Art. 115 of Criminal Code of Ukraine (premeditated murder) were started. Besides, the investigator reported that one police officer was identified as deceased and one police officer is gone missing³⁶.

For today, there are 7 missing soldiers and 3 missing civil citizens-volunteers (Kalashnikov V., Matlash V., Misyurenko B.) in Poltava region. In addition, woman who disappeared on June 20 2014 together with the volunteers stated above was released from captivity on September 28, 2014.

These cases of four persons are combined into one proceeding by qualification: hostage-taking, unlawful imprisonment, unlawful acquisition of a vehicle (also 2 cars volunteers drove disappeared), and illegal acquisition of other property. Besides, after medical examination of woman released from captivity will be undertaken crime

qualification by the article, which contemplates, amenability for torture will be added (according to investigator, at the present moment, moderate body harm was established, although, as the matter of fact, serious body harm was done to her). Also mentioned above missing people are identified in the database as "captives".

The investigator reported about active cooperation with the DNA centers, that they instantly report about data matches. Besides, he declared that during the investigation he interacts with other bodies (SBU (Ukrainian service of state security), prosecutor's office) concerning missing persons issues through Ministry of Internal Affairs. Concerning interaction with the Interagency Centre volunteers did not receive information. Every month the investigator directs the built data, report on missing persons to the Ministry and the corresponding analysis and distribution of information is carried out there.

No cooperation with Russian Federation in the realm of missing/captured in ATO zone is implemented. Yet for the usual issues (criminal proceedings that are not related to the armed conflict, ATO) — extradition is performed in the usual way (through the General Prosecutor's Office).

Case 2

During the field visit to Chervonoarmiysk the monitoring group saw an examples of certain cases that official investigations are not actually conducted.

Circumstances of the case of O. Uzakov, born on 05.11.1987, lived in the city of Donetsk along with his wife Svetlana (she works as a health worker in Donetsk in one of medical institutions). Approximately, at 10 pm 02.06.14 Uzakov left home and drove away in business. Further, the car was found on the police compound of Donetsk DAI (traffic police). During artillery, shelling of Donetsk, his car, as well as other cars there was destroyed.

The wife filed missing person report to Donetsk Department of the Internal Affairs, which was accepted and registered on 04(05).06.2014 and criminal proceedings were initiated. Several following attempts (including appealing to the Chervonoarmiysk Department of Internal Affairs in Donetsk region where the missing person was officially registered) was in vain. Criminal proceedings were initiated upon p.1 of Art. 115 of CC of Ukraine. Law enforcement agencies only established such fact and entered it to the unified register.

According to relatives, no investigative action was carried out since then. Responses from People's Deputies and local authorities actually duplicated oral answers of local

law enforcement authorities like "We've done a maximum, wait for further notice".

The situation complicates due to the circumstance that Uzakov disappeared in the territory that is under control of the terrorist organization "DNR" and that it is engaged in "search" by forces of "police". In response to the address of relatives, government bodies refer to this circumstance, namely - the territory is not under control to the Government of Ukraine, at the same time, disappearance took place before seizing Donetsk by pro-Russian gunmen. It is also necessary to note that such passive situation concerning search is a widespread practice among investigators who refer to the difficult military-political situation in the region.

Typical for similar situation is also complete absence of investigating process itself. Only persistence of family members is a prerequisite for investigators or operative officers to perform any procedural actions. Activity of Uzakov's relatives is insignificant, owing to objective circumstances: his family is an aged grandmother and mother whom due to their age and fear "to do something wrong and cause harm to the missing son and the grandson" do not address with the corresponding complaints against investigators' inaction and cannot make their own investigation. As a result, the process of investigation is slowed down. In addition, almost not happening.

Case 3

Another case in Chervonoarmiysk investigated by monitoring group concerns disappearance of three young men.

Facts of the case. In Chervonoarmiysk, Donetsk region, in July of 2014 three citizens gone missing, whose parents reported to the police, namely Chervonoarmiysk Department of the Internal Affairs, which accepted the petition and started establishing the whereabouts of missing men to what the news in the local mass media testifies³⁷. The missing persons are Evgeny Kosoukhov (23.10.1986); Sergey Gres (23.08.1987); Evgeny Kolesov (22.09.1996). On the day of disappearance, they were seen together in the local market where they had a conflict with the acquaintance of one of three. Then they in 2-3 hours left at the direction of one of roadblocks of the UAF (Armed forces of Ukraine) and they got in touch with their relatives by phone for the last time. During this conversation, one of them noted that they “are arrested”. Where exactly and by who exactly he did not tel. Further, relatives of the missing could establish that the person who had the conflict with them also was at the roadblock. After that last call, there were no contacts with the missing men.

The family members filed a report to the police. Law enforcement agencies established the disappearance fact, initiated proceedings upon Art. 115 of CC of Ukraine and entered it to the unified register. However, only independent investigation by the relatives led to uniting cases of different young people in common proceedings, to the place where crime was possibly committed, and persons they suspect.

For a long time law enforcement agencies performed specific procedural actions. Only because of relatives guidance. After a long period, representatives of law enforcement agencies appealed to court for permission to track mobile phones through the operating system. However, having got such

permission, law enforcement authorities actually ignore its results, as they do not “suit” investigators.

It comes to probable participation in disappearance of voluntary battalions of the UAF. Moreover, phones of the missing persons were tracked to the Dnipropetrovsk region. Besides, informal talk of the relatives with representatives of law-enforcement system shows inconsolable results concerning aspiration of police officers to find the truth in this story since the first results indicate “earnings” of certain representatives of voluntary battalions through system of abduction “to order” or “by arrangement”.

The fact that disappearance of three young men did not cause corresponding reaction from the management at once and it was not brought under control by officials of regional level (or state) is an indicator of systemic in nature of this problem.

Another aspect of this question is deliberate slowdown of search process. Thus, for example, having results of mobile movement, the confirmed facts of guys’ stay at the roadblock at certain period of time, LEA officers refers to impossibility to establish and interrogate the certain military personnel due to military confidentiality system. But in case file there is no even slightest allusion to attempt to obtain such permission and establish personal data of people who were at that time on watch duty, through SBU or military prosecutor’s office - bodies that have legitimate right to receive necessary data. And if we put on the scales guys’ life and “inconvenience” caused by making proper request(which undoubtedly is perceived negatively by military servicemen), without any doubt the first one has priority.


In this case the relatives of the missing people are active and united by the common goal, have sufficient financial opportunities to leave city boundaries, to employ lawyers, etc. Despite the made efforts whereabouts of the guys remains unknown.


Case 4

Vadym BYLYI

VANISHED

 DATE: DECEMBER, 24, 2014

 LOCATION:
Kramatorsk (Donetsk region)
(currently it's under the control of The Ukrainian arm)

 CIRCUMSTANCES:
Civilians. Vanished when by car drove past the checkpoint of DNR's armed groups. Was gone together with two colleagues.

He is looking
for his wife
Anne



Born on 30.05.1990, driver-forwarder

During work in Kramatorsk, the monitoring group was acquainted with the following missing person's case: the head of trade enterprise Yury Ostanin (03.05.1967) and his subordinated forwarding agents - Vadim Bely (30.05.1990) and Alexey Zaytsev (18.12.1984). Three men disappeared on December 24, 2014, on the way from the territory controlled by the illegal armed group of DNR to Kramatorsk where they lived. The purpose of their visit to uncontrollable to the UAF territory was collection of money from their own shops and forwarding of goods, therefore they had more than 50 000 UAH with them. The last time relatives spoke to them when they drove up to DNR checkpoint.

Their wives filed missing person reports to the local Kramatorsk department of the Ministry of Internal Affairs at once. Petitions were accepted, however, no investigation

actions were carried out. Now when in May 2015 Anna Belaya met the mobile group and told about her husband's disappearance, they applied to Kramatorsk city department of the Ministry of Internal Affairs. Only then, the woman learned that the criminal case was submitted to the city department of the Ministry of Internal Affairs of Slovyansk 2 months ago. Any communication to the petitioner did not happen. In addition, nobody could tell her which investigator ran the case in Slovyansk.

Families had to conduct search actions independently, they even applied to so-called "investigation authorities of DNR", risking their safety as they had to cross front lines. Now no new information on official requests from our organization regarding this case to the city department Ministry of Internal Affairs of Slovyansk was provided and no investigative actions are carried out.

Case 5

He is looking for his daughter Katerina



Born on 24.12.1958, builder

Igor GAIDENKO

VANISHED



DATE: June, 18, 2014



LOCATION:

Slavyank (Donetsk region)

(currently it's under the control of The Ukrainian arm)



CIRCUMSTANCES:

Civilians.

Vanished when by car drove past the checkpoint of DNR's armed groups

In Slovyansk, the monitoring group met Igor Gaydenko's (24.12.1958) daughter who lived in Slovyansk and disappeared on June 18 in 2014. Igor left Slovyansk by his own car and disappeared after passing the roadblock of so-called DNR near Donetsk. After that, he managed to call his family members and to report that he was driving on the road to the village where his mother lived.

Both his wife and daughter filed the petition: in Izyum (in the wife's residence) and Slovyansk city department of the Ministry of Internal Affairs - in 4 days after disappearance.

The only search actions on this case (except primary interrogation) at the request of the daughter of the missing man were conducted by the search group "Platsdarm" - the volunteer organization that specializes on search and exhumation of soldiers of World War II and at the moment it

is engaged in exhumation of burials of time of Slovyansk and Kramatorsk occupation by Igor Girkin's gang. At the time of monitoring visit in May, they managed to find, at first, the car of the missing man and a little later, nearby the car - a grave in which several bodies were buried. One of these bodies had some specific signs that Igor Gaydenko had, but the daughter could not recognize him because the body was much harmed. However, just now, at the time of the publication of this report, the DNA analysis of the body specified that it was Igor.

During all this time, Slovyansk city department of the Ministry of Internal Affairs in this case conducted no investigative action. Although the work of the "Platsdarm" group shows that it is entirely possible, even on the territory controlled by the so-called "DPR".

Other materials that were presented by the Centre for Civil Liberties and Euromaidan SOS at the sitting of the Parliamentary Assembly of the Council of Europe in April 2015 during the presentation of the report: “Missing persons during the conflict in Ukraine”.³⁸




Born on August 08, 1974 MILITARIAN

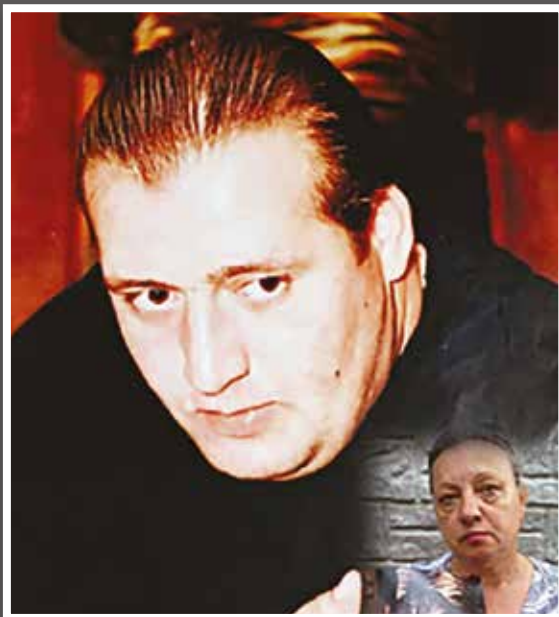
Yaroslav ANTONYUK

VANISHED

 DATE: August, 12, 2014

 LOCATION:
Nykyforove vil. (Donetsk region)
*(currently it's under the control
of the armed groups of DPR)*

 CIRCUMSTANCES:
During the battle




Born on March 19, 1976 CIVILIAN

Sergiy GALDUN

VANISHED

 DATE: July, 10, 2014

 LOCATION:
Donetsk
*(currently it's under the control
of the armed groups of DPR)*

 CIRCUMSTANCES:
Unidentified

³⁸ Original text: www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=21970&lang=EN



Born on December 12, 1972 MILITARIAN

Mykola KACHKALDA

VANISHED



DATE: **January, 28, 2015**



LOCATION:
Vuglegirsk (Donetsk region)
*(currently it's under the control
of the armed groups of DPR)*



CIRCUMSTANCES:
During the battle



CIVILIAN

Olexandr KOROSTYNSKYI

VANISHED



DATE: **August, 8, 2014**



LOCATION:
Marynivka vil. (Donetsk region)
*(currently it's under the control
of the armed groups of DPR)*



CIRCUMSTANCES:
During the battle

He is looking
for his
daughter



Born on April 21, 1990 MILITARIAN

Artem ABRAMOVYCH

VANISHED



DATE: August, 12, 2014



LOCATION:

Nikiforovo vil. (Donetsk region)
*(currently it's under the control
of the armed groups of DPR)*



CIRCUMSTANCES:

During the battle

Vasyl KOVALENKO

VANISHED



DATE: September, 29, 2014



LOCATION:

Bezimenne vil.
*(currently it's under the control
of the armed groups of DPR)*



CIRCUMSTANCES:

**Kidnapped by the armed group
of 2 men wearing camouflage,
driving DPR-colored car**



Born on December 12, 1957
Local civil activist, provided with
the living space and basic facili-
ties more than 1000 the IDPs



Born on 23.03.1967,
homemaker, homeless
animals care volunteer



Born on 12.09.1973,
software developer



Their daughter —
Valeria Kulish

Olena KULISH & Vladimir ALEKHIN

VANISHED



DATE: August, 10, 2014



LOCATION:

Lugansk

*(currently it's under the control
of the armed groups of DPR)*



CIRCUMSTANCES:

**Civilians. Kidnapped from their
house by the armed group of
8 men wearing camouflage.
Vladimir was wounded.**



Unknown people from mass graves



DATE: from April till July, 2014



LOCATION:
Slovyansk (Donetsk region)



CIRCUMSTANCES:

After the liberation of the town were found three mass graves of people, both civil and Ukraine arm volunteers. In one found 14 corpses, in second - 38, in third - 26. Some of the bodies had signs of torture. Only 50% were identified by DNA analysis. The rest were reburied as unknown.



The inscription on the cross:
"An unidentified man"



The inscription on the cross:
"An unidentified woman"

Annexes №1

The Resolution of the Parliamentary Assembly of the Council of Europe about results of the report "Missing persons during the conflict in Ukraine" produced by Jim Sheridan (United Kingdom).³⁹

RESOLUTION 2067 (2015)

Missing persons during the conflict in Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly is seriously concerned about the growing number of missing persons reported in the zones where military operations are under way in certain areas of the Donetsk and Luhansk regions of Ukraine, as well as in occupied Crimea.
2. Since the beginning of the Russian aggression in Ukraine, in early 2014, more than 1 300 persons have been reported missing. This figure, which only takes into account data collected by the Ukrainian authorities, is in reality certainly higher. Among the missing persons are not only soldiers, but also civilians, including volunteers who were helping victims of the conflict. Their fate and whereabouts are unknown and difficult to determine as their most likely location is in the territory which remains under the control of separatist groups.
3. The Assembly welcomes the efforts undertaken by the Ukrainian authorities with a view to determining the fate and whereabouts of missing persons. In particular, it commends the establishment of an Interagency Centre for Assistance in the Release of Captives and Hostages and the Search for Missing Persons under the responsibility of the State Security Service and the creation of a unified register of pretrial investigations (including a database of DNA samples of unidentified bodies and the relatives of missing persons) within the Ministry of Internal Affairs, which have significantly facilitated the identification procedure of missing persons.
4. The Assembly deplores the decision of the President of the Russian Federation to classify information on casualties among the personnel of the Armed Forces of the Russian Federation incurred in special operations during peacetime.
5. At the same time, the Assembly considers that the issue of missing persons requires a more comprehensive approach at governmental level and should include the co-ordination of the work of various volunteer and human rights organizations with regard to tracing and collecting information on missing persons. Furthermore, the medical, social and financial assistance offered to the families of missing persons is largely insufficient.
6. The Assembly emphasises that the problem of missing persons can only be solved through the joint efforts of all sides of the conflict. The Assembly therefore urges Ukraine, the Russian Federation and the separatist groups controlling the occupied territories of Donetsk and Luhansk region to:
 - 6.1. provide an efficient response, in terms of investigation and support for families, to all reported cases of missing persons, in compliance with international humanitarian law;
 - 6.2. share information on the fate and whereabouts of missing persons and return unidentified bodies, where appropriate, to the respective sides of the conflict;
 - 6.3. establish a joint mechanism (working group) to deal with the issue of missing persons, and ensure its functioning, with a view to:
 - 6.3.1. collecting and processing information on missing persons;
 - 6.3.2. creating a consolidated list of missing persons;
 - 6.3.3. introducing effective measures enabling tracing, recovery and identification of the human remains;
 - 6.3.4. ensuring access to burial places;
 - 6.3.5. providing exhaustive information to the relatives of missing persons on the progress on their cases;
 - 6.3.6. involving and co-ordinating action of non-governmental and volunteer organisations dealing with tracing missing persons;
 - 6.4. systematically collect post-mortem data from unidentified bodies, as well as DNA samples from the families of missing persons;
 - 6.5. accelerate the process of identification of exhumed bodies using all available means, including DNA matching, the matching of ante and post-mortem data and visual identification, as determined by forensic experts;
 - 6.6. provide financial, medical and social assistance to the families of missing persons;
 - 6.7. facilitate access and the work of civil society and international humanitarian organisations tracing missing persons;
 - 6.8. encourage the mass media to attract public attention to the problem of missing persons.

³⁹ Assembly debate on 25 June 2015 (26th Sitting) (see Doc. 13808, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Jim Sheridan). Text adopted by the Assembly on 25 June 2015 (26th Sitting). — www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21795&lang=en

7. The Assembly further urges the Ukrainian authorities to:
 - 7.1. create a dedicated governmental mechanism, tasked with the co-ordination of the work of all governmental and non-governmental bodies working on the issue of missing persons, and in particular to:
 - 7.1.1. ensure sufficient budgetary funds for the functioning of the mechanism;
 - 7.1.2. create and maintain a unified data register with regard to persons reported missing during the conflict in Ukraine;
 - 7.1.3. provide adequate funding for tracing operations;
 - 7.1.4. set up a mechanism of State compensation and support to the families of missing persons and ensure that the families concerned are informed about the existence of this mechanism;
 - 7.1.5. include in its work non-governmental organisations, volunteer associations and representatives of the families of missing persons;
 - 7.2. introduce into the legislation a provision ensuring the right of families to know what has happened to relatives who remain unaccounted for in connection with armed conflicts and internal violence, in compliance with the relevant provisions of international humanitarian law;
 - 7.3. strengthen legal measures dealing with the problem of missing persons, in particular to consider the adoption of a specific law on missing persons which would introduce a legal status of “missing person” and “war victim”, allowing the families concerned to benefit from financial, social and legal assistance, including a mechanism of State compensation;
 - 7.4. address the needs of single heads of families of missing persons, taking into consideration specific needs of women and children;
 - 7.5. further develop national capacities in forensic and tracing expertise and encourage those who work in these fields to assimilate the experience of the International Committee of the Red Cross (ICRC) in this respect;
 - 7.6. provide adequate legal and awareness-raising training for all officials concerned with regard to the implementation of legal provisions and administrative procedures when addressing the rights of the families of missing persons.
8. The Assembly urges the separatist groups which control the occupied territories in the Donetsk and Luhansk regions to:
 - 8.1. release all prisoners and hostages;
 - 8.2. engage effectively with the work of appropriate working subgroups of the Trilateral Contact Group in accordance with the Minsk Agreements, with a view to dealing with the issues of captured and missing persons and identifying possible grave sites;
 - 8.3. grant access for international humanitarian missions to places of detention of prisoners.
9. The Assembly further urges the authorities of the Russian Federation to:
 - 9.1. release all prisoners illegally captured in Ukrainian territory;
 - 9.2. conduct an effective investigation and prosecute perpetrators in cases of abduction, enforced disappearances, torture and politically motivated killings of Ukrainian activists and members of the Crimean Tatar community;
 - 9.3. exercise pressure over the separatist groups which control the occupied territories in the Donetsk and Luhansk regions for the immediate release of all civilians held in custody on the territory under their control and for the exchange of prisoners;
 - 9.4. create a national mechanism to deal with the issues of captured and missing persons during the conflict in Ukraine;
 - 9.5. provide the families of missing Russian soldiers with accurate information on the fate and whereabouts of their missing relatives;
 - 9.6. immediately grant access to the territory of occupied Crimea to international human rights monitoring missions.
10. The Assembly also calls on the member States to provide:
 - 10.1. financial and technical assistance to the Ukrainian authorities responsible for exhumation and the identification process;
 - 10.2. necessary assistance to deal with the psychological effects on the families of missing persons;
 - 10.3. financial assistance to the associations of families of missing persons and non-governmental organisations tracing missing persons.
11. The Assembly encourages the International Committee of the Red Cross (ICRC) to make available their expertise to Ukrainian institutions, in particular in:
 - 11.1. training national specialists in the documentation of missing cases, the consolidation of lists and the assessment of and response to the needs of the families;
 - 11.2. providing technical assistance, in particular in setting up the DNA laboratory in Dnipropetrovsk and supplying reagents for the DNA tests;
 - 11.3. informing the Ukrainian population about the main aspects of international humanitarian law.
12. The Assembly invites the Council of Europe Commissioner for Human Rights to follow the problem of missing persons during the conflict in Ukraine.



Center for Civil Liberties

Founded in Kyiv in 2007
to promote and strengthen the values of human rights,
democracy and solidarity, the principle of human dignity in Ukraine and Eurasia.
The main goal of the CCL is to protect fundamental rights and freedoms.
Our organization represents the interests of the society, carrying out control
of national authorities and regional authorities
on the subject of human rights.

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