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Committee on Enforced Disappearances

Working Group on Enforced or Involuntary Disappearances

ohchr-ced@un.org

Dear Members of the CED and WGEID,

On behalf of the Ukrainian Bar Association (UBA), we respectfully submit this letter in response to the **call for inputs on enforced disappearances in the context of transnational repression**.

This submission addresses the situation in Ukraine arising from the Russian Federation's ongoing war and occupation of parts of the Ukrainian territory, with a particular focus on enforced disappearances as a tool of repression and their growing transnational dimension. Since 2014, and with a significant escalation following the full-scale invasion in February 2022, enforced disappearances have been used not as isolated incidents, but **as part of a broader pattern of repression aimed at controlling civilian populations, suppressing resistance, and dismantling access to justice and legal safeguards**.

The scale of the problem is unprecedented. According to Ukrainian authorities, more than 80,000 persons are registered as missing in the Unified Register of Persons Missing in Special Circumstances[1]. This figure includes both military personnel and civilians, among them children, and encompasses not only citizens of Ukraine but also foreign nationals.

While not all cases of missing persons constitute enforced disappearances, available documentation indicates that a significant number of cases are linked to unlawful detention, incommunicado confinement, and the deliberate refusal to acknowledge detention or disclose information about a person's fate or whereabouts, placing such practices within the scope of enforced disappearance under international law. At the same time, the precise scale of enforced disappearances cannot be reliably quantified due to objective factors, including the occupation of parts of Ukrainian territory, the existence of undisclosed places of detention, cross-border transfers of detainees, limited access for independent monitors, and the fear of reprisals that prevents families from reporting cases.

In Ukraine, enforced disappearances affect distinct civilian groups in a targeted and disproportionate manner[2]:

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[1] Mezha. (2025). *Ukraine's Unified Register lists over 80,000 missing persons with ongoing search efforts*. https://mezha.net/eng/bukvy/ukraine-s-unified-register-lists-over-80-000-missing-persons-with-ongoing-search-efforts/; International Commission on Missing Persons. (2025). *ICMP Ukraine program: Fact sheet*. ReliefWeb. https://reliefweb.int/report/ukraine/international-commission-missing-persons-icmp-ukraine-program-fact-sheet

[2] Enforced disappearances and arbitrary detentions of active citizens during the full-scale armed aggression by Russia against Ukraine: The report by ZMINA. URL: https://zmina.ua/wp-content/uploads/sites/2/2023/07/lost_people_eng_web_03.pdf

- **Civic activists and volunteers** engaged in humanitarian assistance or community organizing are frequently targeted because of their public visibility and perceived influence.
- **Members of local self-government bodies** and municipal employees who refused to cooperate with occupation administrations have been abducted in order to dismantle local governance and suppress organized civilian resistance[3].
- **Journalists, lawyers, human rights defenders, and other civil society actors** face heightened risks due to their professional activities, with enforced disappearances having a chilling effect on freedom of expression, access to justice, and documentation of violations. Beyond identifiable groups, enforced disappearances are also used against civilians arbitrarily labelled as "disloyal," including those perceived as holding pro-Ukrainian views or refusing cooperation with occupying forces. [4]
- **Women** are particularly impacted, both as victims themselves and as family members searching for disappeared relatives. Humanitarian actors note that the majority of inquiries regarding missing persons are submitted by women — most often mothers, wives, and daughters, who bear a disproportionate psychological, social, and economic burden due to prolonged uncertainty.
- In addition to political and security-related motives, **economic motives** have become increasingly evident since 24 February 2022. Business owners and enterprise managers have been abducted in order to coerce them into cooperation, transfer of assets, or material support for occupation authorities.

Enforced disappearances in the context of the war against Ukraine increasingly extend beyond the country's borders. A significant number of civilians detained in occupied territories are unlawfully transferred to detention facilities in the Russian Federation, making it extremely difficult to trace their whereabouts. Families often remain without information for months or years, and relatives seeking answers may face intimidation and pressure, including when residing outside Ukraine. Credible information also points to broader cross-border dimensions amounting to transnational repression by the Russian Federation, including pressure exerted on Ukrainian refugees, activists, journalists, lawyers, and former detainees abroad, as well as the potential misuse of international cooperation mechanisms, such as extradition procedures or international notice systems. These practices create serious protection risks and compound the already grave human rights violations associated with enforced disappearance.

The UN Commission on Inquiry came to conclusion that enforced disappearance committed by Russian officials amounts to crimes against humanity under Article 7(1)(i) of the Rome Statute[5].

In view of the above, we respectfully urge the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances to:

- Recognise and publicly address the cross-border dimension of enforced disappearances committed in the context of the armed aggression against Ukraine, including patterns that may amount to transnational repression, and affirm that such practices engage the international responsibility of the Russian Federation under customary international law;

[3] According to publicly available information, occupying forces have abducted at least 132 representatives of local self-government bodies and state authorities of Ukraine who refused to cooperate with occupation administrations. URL: https://zmina.ua/event/rosiyany-vykraly-132-ukrayinskyh-posadovcziv-14-z-nyh-dosi-u-poloni-chetvero-buly-vbyti-zmina/

[4] The case of Ukrainian journalist Viktoriia Roshchyna illustrates the use of enforced disappearance as a tool of pressure against independent media actors, as she was detained and held incommunicado in connection with her professional activities. URL: https://www.bbc.com/ukrainian/articles/cd02x5rk1lno

[5] Office of the United Nations High Commissioner for Human Rights. (2025). *Ukraine: enforced disappearances committed by Russian authorities amount to crimes against humanity*. https://www.ohchr.org/en/press-releases/2025/03/ukraine-enforced-disappearances-committed-russian-authorities-amount-crimes

- Reaffirm that, where enforced disappearances are committed as part of a widespread or systematic attack directed against a civilian population, such conduct constitutes a crime against humanity under international law, giving rise to individual criminal responsibility;
- Recall that the prohibition of enforced disappearance reflects obligations *erga omnes* and peremptory norms (*jus cogens*), and encourage all States to ensure that their conduct is consistent with these obligations, including through appropriate measures under international law aimed at preventing further violations and ensuring accountability;
- Encourage States to investigate and prosecute enforced disappearance in accordance with their domestic legislation and applicable international law, including, where appropriate, under the principle of universal jurisdiction, in cooperation with Ukrainian authorities and relevant international mechanisms;
- Consider undertaking a country visit to Ukraine, within your respective mandates and in coordination with other relevant UN mechanisms, for the purpose of collecting information, engaging with victims and civil society, and strengthening international monitoring of enforced disappearances;
- Provide recommendations to relevant United Nations bodies, including the Human Rights Council and the General Assembly, on additional measures that may be taken under international law to prevent enforced disappearances, ensure accountability, and protect victims and their families.

We remain at your disposal to provide any additional information or documentation that may assist you in the effective exercise of your mandate and in ensuring accountability for enforced disappearances in Ukraine.

With best regards,

President of the Ukrainian Bar Association **Mykola Stetsenko**



The Ukrainian Bar Association (UBA) is a leading nationwide professional organisation uniting legal practitioners from across Ukraine. Established over 20 years ago, the UBA serves as a platform for promoting the rule of law, defending human rights, and strengthening the legal profession. Through its Human Rights Institute and specialised committees, the UBA actively engages in monitoring war-related proceedings, advancing accountability for international crimes, supporting victims' access to justice, and contributing to legislative and policy reform in line with international standards.