

Briefing Paper

Released on: 31 March 2021

ENFORCED DISAPPEARANCES IN THE AUTONOMOUS REPUBLIC OF CRIMEA AND THE CITY OF SEVASTOPOL, UKRAINE, TEMPORARILY OCCUPIED BY THE RUSSIAN FEDERATION

KEY FINDINGS

1. Since the beginning of the occupation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, (“Crimea”) in 2014,¹ OHCHR has documented 43 cases of enforced disappearances in Crimea;
2. These mostly took the form of abductions and kidnappings and the victims consist of 39 men and 4 women;
3. The first documented enforced disappearance took place on 3 March 2014 and the most recent on 23 May 2018;
4. Out of the 43 victims of enforced disappearances, 11 persons (all men) remain missing and one man remains in detention;
5. Alleged perpetrators comprised militia groups, such as the Crimean self-defense and Cossack groups; agents of the Russian Federal Security Service; and other law enforcement authorities, including the Crimean police.
6. Perpetrators have used torture and ill-treatment to force victims to self-incriminate or testify against others, as well as retaliation for their political affiliation or position;
7. No individual has been prosecuted in relation to any of the enforced disappearances, as well as torture and ill-treatment, documented by OHCHR.

¹ For an overview of applicable bodies of international human rights law and international humanitarian law in Crimea, see OHCHR, “Situation of human rights in temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)” (hereinafter “OHCHR first report on Crimea”), paras. 36-45, available at www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf.

LEGAL FRAMEWORK

Enforced disappearance is a grave and complex human right violation. It essentially involves depriving a person of his or her liberty and then refusing to acknowledge the deprivation of liberty or the ultimate fate of the person.² Aside from being a violation in its own right, it often involves a violation of other human rights, including the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. International human rights law states clearly that no one must be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.³ Enforced disappearances amount to a continuous human rights violation for as long as the person's fate and whereabouts remain unknown.⁴ The prohibition of abductions and unacknowledged detention is absolute and not subject to derogation.⁵

In addition to international human rights law, the prohibition of enforced disappearance is a customary rule of international humanitarian law.⁶ Enforced disappearance violates, or threatens to violate, a range of international humanitarian law norms, most notably the prohibition of arbitrary deprivation of liberty,⁷ torture and other cruel or inhuman treatment⁸ and murder.⁹ The duty to prevent enforced disappearances is complemented by the obligation under international humanitarian law to record the details of persons deprived of their liberty.¹⁰

The duty to investigate enforced disappearances and bring perpetrators to justice is an essential element of a State's accountability obligations. Specifically, States must conduct a thorough, effective, impartial and prompt investigation capable of leading to the identification and bringing to justice those responsible and must allow effective access for the relatives to the investigatory procedure.¹¹ All victims of enforced disappearances have the right to a remedy, reparation and prompt, fair and adequate compensation.¹² OHCHR notes that there is precedent for holding an

² Enforced disappearance is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law. See Article 2, Convention for the Protection of All Persons from Enforced Disappearance. The Convention was ratified by Ukraine in 2015. Although it has not been ratified by the Russian Federation, the prohibition on enforced disappearances constitutes customary international law and, therefore, is binding for all states. In addition, human rights violations associated with enforced disappearances are well-covered by international human rights treaties ratified by the Russian Federation, notably the International Covenant on Civil and Political Rights.

³ International Covenant on Civil and Political Rights (ICCPR), art. 9 (1).

⁴ Declaration on the Protection of All Persons from Enforced Disappearance, art. 17, para. 1). See also Report of the Working Group on Enforced or Involuntary Disappearances A/HRC/16/48, para. 39.

⁵ Human Rights Committee, general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, para. 13.

⁶ Rule 98, ICRC Database on Customary International Humanitarian Law. As the occupying Power in Crimea, the Russian Federation is bound by provisions of international humanitarian law. In addition, the widespread or systematic practice of enforced disappearance constitutes a crime against humanity. See ICC Statute, Article 7(1)(i). Neither Ukraine nor the Russian Federation is a party to the Rome Statute. Ukraine accepted the ICC's jurisdiction with respect to alleged crimes committed in its territory from 21 November 2013 to 22 February 2014 and since 20 February 2014.

⁷ Rule 99, ICRC Database on Customary International Humanitarian Law.

⁸ Rule 90, ICRC Database on Customary International Humanitarian Law.

⁹ Rule 89, ICRC Database on Customary International Humanitarian Law.

¹⁰ Rule 123, ICRC Database on Customary International Humanitarian Law.

¹¹ *Aslakhanova and others v. Russia*, Judgment, European Court of Human Rights, 18 December 2012, [https://hudoc.echr.coe.int/fre-press#{"itemid":\["001-115657"\]}"; paras. 213-215, 234.](https://hudoc.echr.coe.int/fre-press#{)

¹² Art. 8 and 24(4), Convention for the Protection of All Persons from Enforced Disappearance.

occupying Power liable for violation of the right to liberty and security arising from the failure of authorities to investigate the fate and whereabouts of missing persons in occupied territory.¹³

GENERAL TRENDS:

Categories of disappearances

Since the beginning of the occupation of Crimea in 2014,¹⁴ OHCHR has documented 43 cases of enforced disappearances in Crimea.¹⁵ These cases were documented through a combination of direct interviews with victims, witnesses, and relatives of the victims, as well as consultations with human rights defenders, lawyers, and journalists, analysis of documents, including those related to investigations of enforced disappearances and public sources.¹⁶ In determining whether to classify a case as an enforced disappearance, OHCHR was guided by the definition provided in the International Convention for the Protection of All Persons from Enforced Disappearance. Each disappearance cited in this paper possesses three key characteristics: deprivation of liberty of a person,¹⁷ the violation is attributable to the State¹⁸, and concealment of the whereabouts and/or fate of the individual.¹⁹ For the most part, the 43 documented enforced disappearances took the form of abductions and kidnappings. Some cases began with what was ostensibly a legal arrest at the initial stages of deprivation of liberty but ultimately culminated in an undeclared detention and concealment of whereabouts of the victim.

The 43 documented cases include 11 continuing missing persons cases, one disappearance that resulted in a summary execution, one case where the detention of the person was subsequently

¹³ *Cyprus v. Turkey*, 25781/94, Judgment, European Court of Human Rights, 10 May 2001, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59454>.

¹⁴ For an overview of applicable bodies of international human rights law and international humanitarian law in Crimea, see OHCHR, “Situation of human rights in temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)” (hereinafter “OHCHR first report on Crimea”), paras. 36-45, available at www.ohchr.org/Documents/Countries/UA/Crimea2014_2017_EN.pdf.

¹⁵ As of 18 November 2020. In addition to this main group of cases, there is a separate category involving detainees deported to the Russian Federation in circumstances where the Russian Federation appears to have a policy of withholding information from the relatives of detainees about the whereabouts of the latter during such deportations. These cases are not included in the general number of documented cases due to challenges connected to verification of facts and their legal analysis. Such deportations normally involved multiple stops at different penal and pretrial detention centres across the Russian Federation and could last multiple weeks. These deportations violate article 49 of Geneva Convention IV. In addition, the concealment from relatives of the whereabouts and destination of a detainee during a prison transfer may amount to an enforced disappearance. See Committee on Enforced Disappearances, CED/C/10/D/1/2013, 12 April 2016, paras. 10.4–10.6.

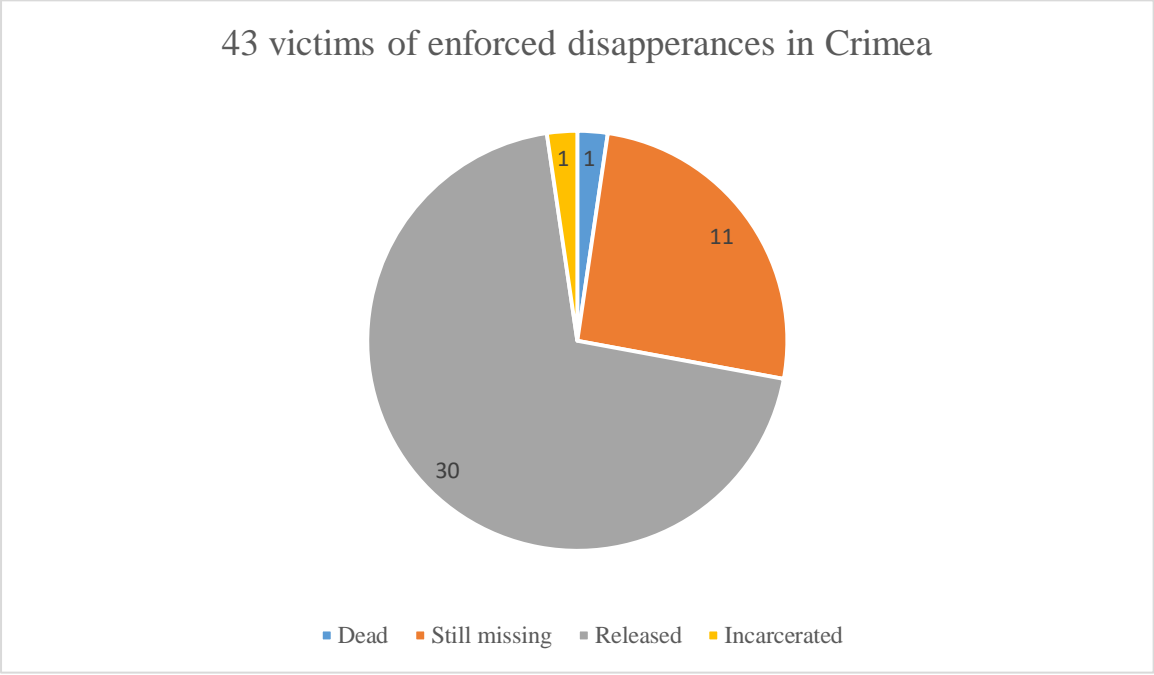
¹⁶ A detailed description of the methodology used by OHCHR to document human rights and international humanitarian law violations in Crimea can be found in the Report of the Secretary-General, “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine” paras. 5-6, available at <https://digitallibrary.un.org/record/3885151>.

¹⁷ In this analysis, no specific minimal period of deprivation of liberty was required, as long as it was possible, based on the available facts, to establish that the perpetrators took measures to conceal the whereabouts of the disappeared person. International human rights law, in particular the International Convention for the Protection of All Persons from Enforced Disappearance, does not prescribe any minimal temporal threshold of deprivation of liberty. Therefore, the durations of disappearances mentioned in this document range from less than 24 hours to several years.

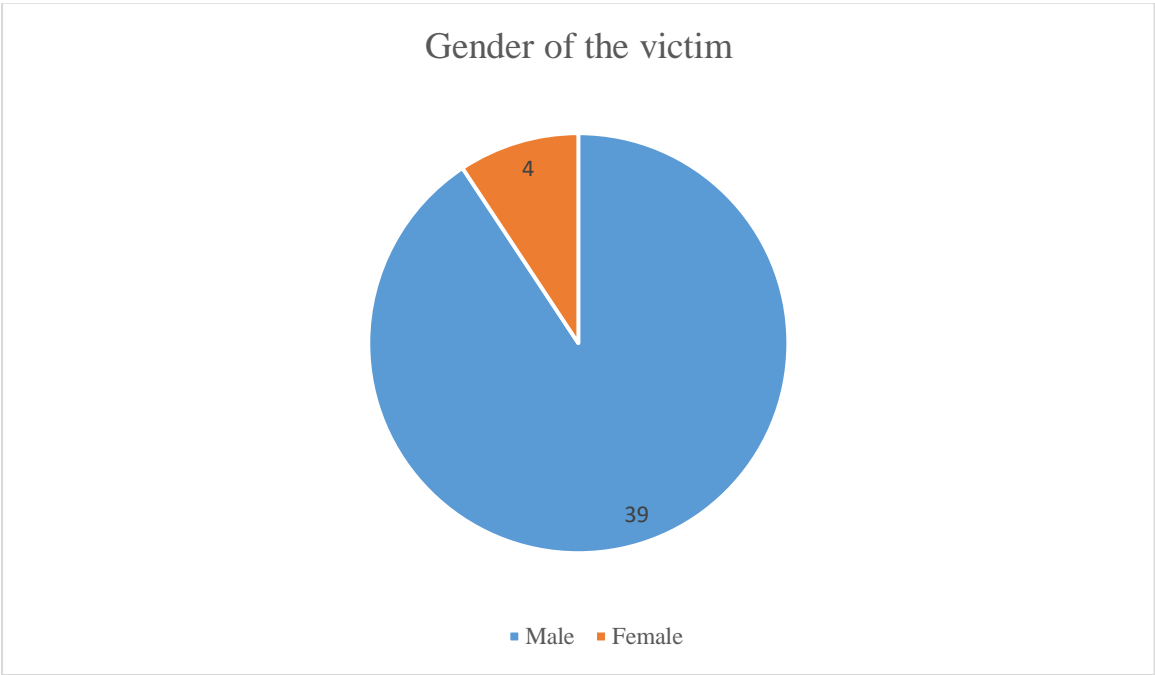
¹⁸ See decision of the European Court of Human Rights in *Ukraine v. Russia (Re Crimea)*, Applications nos. 20958/14 and 38334/15, 16 December 2020 where the Court found that the Russian Federation exercised ‘effective control’ of Crimea from 27 February 2014. The Court also gave “particular weight to the express acknowledgment that...; the Russian servicemen did back the Crimean self-defence forces” (para. 333).

¹⁹ Refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person is also attributable to the state.

acknowledged and the victim remains in detention, and 30 victims who following their enforced disappearance were released but have not been provided with redress.²⁰

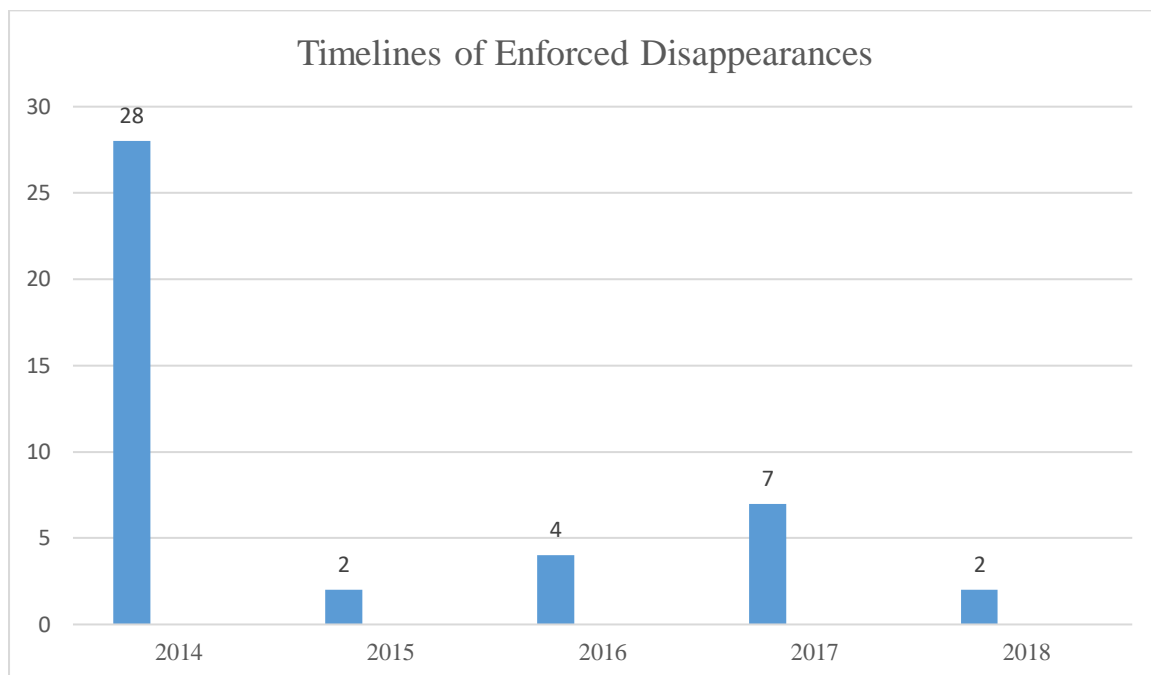


Among the 43 cases, 39 victims are men and four are women. All female victims have been released. In terms of ethnicity, the victims include 28 persons of Ukrainian and/or Russian origin, 9 Crimean Tatars, 4 Tajiks, 1 person of Tatar origin, and 1 Uzbek. All female victims were of Ukrainian origin.



The vast majority of the enforced disappearances documented by OHCHR took place in 2014 (28), with an additional two disappearances in 2015, four in 2016, seven in 2017, and two in 2018. The first documented disappearance took place on 3 March 2014 and the most recent on 23 May 2018. Although no new cases have occurred, to the best of OHCHR’s knowledge, since 2018, OHCHR has continued to document and verify enforced disappearances which occurred in earlier years.

²⁰ In addition, among the victims who have been released by 2020, at least four spent time in prolonged and officially acknowledged detention, after a period of initial undeclared detention.



Perpetrators and victims

In the spring of 2014, a militia group, commonly referred to as ‘Crimean self-defense’ and similar militia groups²¹ targeted people who expressed support for Ukrainian territorial integrity, participated in the Euromaidan protests²², opposed the Crimean status referendum held on 16 March 2014, or for other reasons were perceived as “pro-Ukrainian”.

At least 20 such persons who were targeted in this way became the victims of enforced disappearances. Among the early victims of enforced disappearances were six media workers, including those who travelled to Crimea from mainland Ukraine to report on the events linked to the beginning of occupation, and one Greek-Catholic priest.

In the following years, this dynamic changed, with a discernible shift in the profile of both perpetrators and victims. The agents of the Russian Federal Security Service (FSB) have become the most commonly cited²³ perpetrators. OHCHR also documented allegations of involvement of other law enforcement agencies in carrying out enforced disappearances, including the Russian Federation

²¹ Crimean self-defense was a local paramilitary formation created in February 2014. With the support of Russian Federation troops, the Crimean self-defence blocked key infrastructure, airports and military installations and took control of strategic facilities. It has been accused of committing numerous human rights abuses with impunity and has been the subject of multiple testimonies received by OHCHR where victims and witnesses have highlighted illicit acts committed by its members. It was given legal recognition by the Parliament of Crimea which effectively turned it into a civil group with powers to assist the police. Other groups documented as alleged perpetrators in 2014 included Cossack groups, “Crimean Liberation Army”, political party “Russian Unity”, and Russian Federation armed forces. See more on Crimean self-defense and other militia groups, OHCHR first report on Crimea, paras. 3, 11, 81, 86-89, 98, 101. OHCHR notes the recent decision of the European Court of Human Rights in *Ukraine v. Russia (Re Crimea)*, Applications nos. 20958/14 and 38334/15, 16 December 2020 where the Court found that the Russian Federation exercised ‘effective control’ of Crimea from 27 February 2014. The Court also gave “particular weight to the express acknowledgment that...; the Russian servicemen did back the Crimean self-defence forces” (para. 333).

²² This refers to a series of demonstrations throughout Ukraine, including the largest demonstration at the Independence Square in Kyiv known as “Maidan”, which unfolded from November 2013 until February 2014 and were originally sparked by the government’s sudden turnaround of foreign policy and refusal to sign an association agreement with the European Union.

²³ In some cases, it is the victims themselves who have alleged FSB involvement. In other cases, where the victim is deceased or it is an active missing persons case, this allegation has been made by relatives, lawyers and human rights defenders.

police and the Investigative Committee of the Russian Federation. It has not been uncommon for more than one perpetrator to participate, at some point, in one individual's disappearance. Victims have included persons linked to the Mejlis or other Crimean Tatar institutions, as well as people with no verified political or professional affiliations, including people who travelled to Crimea from mainland Ukraine and migrants from Central Asia.

As outlined in more detail below, OHCHR documented one enforced disappearance which occurred on 3 March 2014 that resulted in the death of the victim. His body was found twelve days after the disappearance with signs of torture and mutilation.²⁴ In addition, all eleven victims whose whereabouts and fate still remain unknown by the end of 2020 disappeared between 2014-2016, which raises reasonable fears that these disappearances might also have resulted in their deaths. Three victims, who disappeared in Crimea between 2014-2016 and were subsequently formally recorded as detained, were discovered after periods ranging from one day to over three months. In two of these cases, their exact whereabouts became known to the relatives only upon deportation to the Russian Federation. One man from this group remains in detention as of 18 November 2020.²⁵ Overall four victims, who were eventually found, had been subsequently formally prosecuted and detained. Prior to formal detention, the victims suffered a period of undeclared deprivation of liberty ranging from one day to over three months.²⁶ Many of the released victims left Crimea shortly after their release and have not come back to the peninsula, due to fears for their personal safety and prosecution.²⁷ These cases have resulted in forced internal displacement caused by grave human rights violations²⁸ and interfere with their freedom of movement and choice of residence within their own country.²⁹

Torture and ill-treatment

Enforced disappearance and undeclared deprivation of liberty places a victim outside the protection of the law, leaving him or her vulnerable to torture and ill-treatment. The Human Rights Committee views disappearances as “inseparably linked” to treatment that amounts to torture or to cruel, inhuman or degrading treatment or punishment.³⁰ In cases where victims were released, they raised credible allegations of ill-treatment and torture, particularly, by the FSB and the Crimean self-defense group. Torture and ill-treatment methods included electrocution, beatings, knife cuts, death threats, shootings into the limbs with pneumatic guns, pressing burning cigarettes into the skin, drowning, suffocation, and mock execution. Some victims were also deprived of access to food, water, and use of a toilet. Incidents of sexual violence against the victims also took place and included forced nudity, rape threats, and electrocution of the genitals.

Perpetrators resorted to torture and ill-treatment, *inter alia*, with the aim of forcing victims to self-incriminate or testify against others. In cases where the released victims attempted to have their injuries documented by medical staff in public hospitals in Crimea, they encountered a general reluctance among hospital staff to examine them, exercise proper due care during such examinations or provide them with documentation.³¹ This practice seriously hampered the already poor prospects

²⁴ This refers to the case of Reshat Ametov described below.

²⁵ This refers to the case of Valentyn Vyhivskiy, described below.

²⁶ The FSB was involved in all four disappearances. The victims were held in unidentified derelict buildings, including basements, and in the FSB office premises. For example, see Oleksandr Kostenko's case described below.

²⁷ For example, the case of Renat Paralamov is described below.

²⁸ See the Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, article 2.

²⁹ ICCPR prescribes that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”, article 12.

³⁰ See Communication No. 449/1991, *Mojica v Dominican Republic*, Views adopted by the Human Rights Committee on 15 July 1994, para. 5.7.

³¹ OHCHR has documented in other cases that medical staff in public hospitals in Crimea have failed to provide documentation to patients who are victims of torture, see the Report of the Secretary-General, “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”, A/75/334, 1 September 2020, par. 18. See also the case of Renat Paralamov described below.

of ensuring accountability for torture and ill-treatment, as proper medical documentation of injuries can provide key evidence when seeking justice and remedies. In addition to the specific ill-treatment and torture techniques mentioned above, depriving victims of their liberty coupled with uncertainty about their whereabouts, fate, and duration of detention,³² and concealing this and other relevant information from relatives can amount to ill-treatment in itself.³³ Released victims told OHCHR that they were placed in unidentified buildings,³⁴ such as derelict basements in industrial or office buildings and private houses with poor conditions, without any access to the outside world or clear information about the reasons for which they were being kept.³⁵

EMBLEMATIC CASES

The cases described below are emblematic for different categories of disappearances: a summary execution, those who remain missing, those who were later placed in formal detention, and victims who were released. These examples are listed in chronological order and showcase differing types of alleged perpetrators and circumstances of abduction and/or deprivation of liberty. OHCHR documented these cases by engaging multiple sources to corroborate allegations, including direct interviews with the victims themselves where it was possible, relatives, lawyers, human rights defenders, video footage, photographs, medical records, criminal case files, official statements and documents issued by the Russian Federation authorities, correspondence, and media reports. The selected cases have been verified to such an extent that they may be described at length and serve to illustrate larger trends and systematic violations.

Reshat Ametov

Reshat Ametov is the only victim of an enforced disappearance in Crimea whose death has been confirmed. His case is also the first enforced disappearance documented by OHCHR since the beginning of the occupation of Crimea.

Reshat Ametov, a Crimean Tatar and a supporter of Ukrainian unity, was last seen alive at a pro-Ukrainian protest in Simferopol on 3 March 2014. Publicly available footage clearly shows him being escorted into a car by men in camouflage uniforms. His body was found on 15 March 2014 bearing signs of torture. One eye was missing and appeared to have been cut out by a knife. Adhesive tape was wrapped around his head. Allegedly, local police initially informed his relatives that he had been briefly detained by the Crimean self-defense but then released. The authorities publicly rejected these allegations.³⁶

³² See, for example, Communication 1422/2005, *El Hassy v Libya*, Views adopted by the Human Rights Committee on 24 October 2007, para. 6.2

³³ Communication 1327/2004, *Grioua v Algeria*, Views adopted by the Human Rights Committee on 10 July 2007, para. 7.7.

³⁴ The victims were often blindfolded when they were entering and exiting the place of their captivity. Some victims have been rotated between different places of captivity, including the Simferopol premises of the FSB, military conscription offices, a political party office, and formal detention centers such the Temporary Detention Center (Russian acronym “IVS”) and the Special Detention Center for Administrative Offences. It appears that the places of captivity were mostly located in and around Simferopol in urban areas. Several victims of early disappearances who were later released at the ABL with mainland Ukraine were held in the basement of a building close to the crossing point “Chonhar”.

³⁵ Anyone who is arrested or detained has the right to be informed immediately of the reason for the arrest and to be told promptly about any charges. This right is one of the fundamental safeguards against arbitrary arrest and arbitrary detention. See ICCPR art. 9(2); General Assembly resolution 43/173, *Body of principles for the protection of all persons under any form of detention or imprisonment*, arts. 10, 11(2), 13, 14

³⁶ See, for more details, OHCHR report “Accountability for killings in Ukraine from January 2014 to May 2016”, par. 119-121. The Head of Crimea was quoted by the media as denying the involvement of the Crimean self-defense.

The local authorities investigated the case as a murder incident. However, the leading investigators in the case frequently moved on to other cases and the investigation was suspended in 2015, due to the alleged failure to identify perpetrators of the crime. It was reportedly re-opened again in 2016, however, no further progress was made in bringing any perpetrator to justice. The level of impunity in this case is particularly troubling since there appeared to be strong evidence, including video footage that showed the perpetrators during the abduction, and torture signs on the body of the deceased. The disappearance, torture and extra-judicial execution of Mr. Ametov is a grave human rights violation and his family is entitled to redress and to know the circumstances leading to his death.

Timur Shaimardanov & Seiran Zinedinov

Timur Shaimardanov remains missing and there has been no accountability.

Timur Shaimardanov is an ethnic Tatar who disappeared on 26 May 2014, shortly after joining a grassroots initiative, “Ukrainian House”, aiming to support the territorial integrity of Ukraine. On the day of the incident, he called his ex-wife to say that he would pick up their son but he never did and did not return to his home. Before the disappearance, Mr. Shaimardanov had received threats from the Crimean self-defence and had reported being under surveillance. He provided assistance to the Ukrainian military stationed in the peninsula and cooperated with numerous pro-Ukrainian activists. Seiran Zinedinov, a fellow pro-Ukrainian activist who coordinated a search for Mr. Shaimardanov, disappeared himself on 30 May 2014. Before the disappearance, Mr. Zinedinov told Shaimardanov’s ex-wife that he had been negotiating the release of Mr. Shaimardanov. She drove Mr. Zinedinov to the arranged meet-up place, after which he has never been seen again.

Mr. Shaimardanov’s ex-wife, sister and mother submitted reports of his disappearance. The police initiated a formal inquiry into the disappearances of Mr. Shairmardanov and Mr. Zinedinov in July 2014 but suspended it in 2015. In 2018, the Supreme Court in Crimea rejected an appeal of the family’s lawyer, claiming inaction of the Investigative Committee of the Russian Federation in investigating the disappearance. No information on Mr. Shaimardanov’s and Mr. Zinedinov’s fate and whereabouts has become available to date.

Ervin Ibrahimov

Ervin Ibrahimov is missing and there has been no progress in the investigation, either in determining his fate or ensuring accountability for the perpetrators.

Ervin Ibrahimov is a Crimean Tatar and a member of the regional Mejlis of Bakhchysarai and the World Congress of Crimean Tatars. He participated in various Crimean Tatar initiatives.³⁷ Prior to his disappearance on 24 May 2016, Mr. Ibrahimov had told his friends that he was being followed and possibly escaped an abduction attempt. The exact circumstances of his disappearance on 24 May 2016 are unclear. Mr. Ibrahimov’s father found his son’s car abandoned in the street. He managed to obtain CCTV footage from the scene, which allegedly caught the abduction on camera. According to Mr. Ibrahimov’s father, two men, one of whom was wearing a law enforcement uniform, dragged Mr. Ibrahimov out of his car into a minivan and left the scene.

Mr. Ibrahimov’s father filed a report with the Russian FSB. The latter explicitly refused to register the complaint.³⁸ Later, the Investigative Committee of the Russian Federation conducted an investigation. The relatives complained about lack of efforts by law enforcement bodies in investigating the incident, identifying the perpetrators or the whereabouts of the victim. The

³⁷ Mr. Ibrahimov was preparing to attend a court hearing to support a group of arrested Crimean Tatars on 25 May 2016

³⁸ The father raised allegations of the FSB’s possible involvement in his son’s disappearance. Allegedly, the FSB had made contact with Mr. Ibrahimov and offered him to become their informant.

authorities denied relatives access to the case files and, as a result, relatives tried to lead their own investigative efforts. The authorities eventually suspended the investigation in April 2017 without informing the relatives or their legal counsel. In 2018, the Supreme court of Crimea dismissed a complaint on the ineffectiveness of the investigation and denied a request by the relatives to gain access to the investigation records.

Valentyn Vyhivskiy

Valentyn Vyhivskiy is the only victim, who remains officially detained as of 18 November 2020.

Valentyn Vyhivskiy was a resident of mainland Ukraine and a participant of the Euromaidan protests. He disappeared during his trip to Crimea on 17 September 2014. As his relatives found out later, the FSB apprehended Mr. Vyhivskiy when he entered the territory of Crimea and held him in an unofficial place of detention for several days. Around 21 September 2014, Mr. Vyhivskiy was deported to the Russian Federation and eventually placed in the Lefortovo SIZO in Moscow. In the meantime, Mr. Vyhivskiy's parents made numerous unsuccessful attempts to locate their son, including through enquiries with law enforcement agencies in Crimea. They finally received information about his whereabouts approximately a month after his disappearance in a letter issued by the FSB to the Embassy of Ukraine in the Russian Federation.

Russian Federation authorities denied his parents confidential correspondence or confidential meetings with their son in detention and access to his criminal case files. Mr. Vyhivskiy complained to relatives about ill-treatment and torture during his initial deprivation of liberty in Crimea, during the deportation to Russia, and in Moscow, which comprised repeated beatings and a mock execution with the use of a gun.³⁹ On 15 December 2015, a court in Moscow convicted him of espionage and sentenced him to 11 years in prison in an *in camera* trial. Mr. Vyhivskiy continued to be held in pre-trial detention centres until May 2016, when he was transferred to serve his prison term in a maximum-security prison colony in the Kirov region of Russia. After his transfer, Mr. Vyhivskiy complained of regular placement in solitary confinement cells and health problems due to the earlier beatings and aggravated by inadequate conditions of detention.

Oleksandr Kostenko

Oleksandr Kostenko's abduction and further undeclared detention is an emblematic example of an enforced disappearance which was followed by criminal prosecution and formal detention. His case is also characterized by particularly brutal torture and ill-treatment suffered during his enforced disappearance.

Oleksandr Kostenko was a former employee of the local department of the Ministry of Internal Affairs in Simferopol. He was also a devout supporter of the political party "Svoboda". Mr. Kostenko participated in the Euromaidan protests in Kyiv. He returned to Crimea in late 2014 and hid in his parents' apartment fearing retaliation for his participation in the Euromaidan protests and pro-Ukrainian views. On 5 February 2015, he was attacked by two men, who later turned out to be FSB officers, beaten up and driven to an unidentified private house. On the way to the place of captivity, the perpetrators beat and kicked Mr. Kostenko, broke his nose, and suffocated him with a plastic bag. They also stopped the car in a wooded area where they subjected the victim to a mock execution. He was forced to kneel while an FSB officer placed a gun to the back of his head and then fired a blank shot in the space next to his ear. The FSB officer then fired a second blank shot with the gun aimed directly at the victim's head. The FSB officers threatened Mr. Kostenko, saying that he would disappear and no one would ever find him. Mr. Kostenko was further detained in the basement of a

³⁹ During non-confidential conversations with his parents, Mr. Vyhivskiy alluded to other forms of torture and ill-treatment but did not feel at ease to disclose the details.

private house where he was tortured and accused of participating in the Euromaidan protests and planning “sabotage activities” in Crimea. The torture included electrocution by connecting wires to his fingers and ears while gradually increasing the intensity of electric current, repeated beatings with fists and rubber batons, kicking, knife cuts and attempts to cut off Mr. Kostenko’s fingers. The torture caused a serious injury to his arm. The bone in his elbow broke and the attackers then pressed their feet onto the injury. Shortly after, they hung him on a door with his arms outstretched, resembling a crucifixion. The injury to Mr. Kostenko’s arm had not healed by the time of his release in 2018, three years later.

On the following day after the abduction, the FSB officers brought Mr. Kostenko to the premises of the Investigative Committee of the Russian Federation. An officer of the Investigative Committee pressured Mr. Kostenko to confess to crimes allegedly committed during the protests in Maidan square in Kyiv. He refused to confess and two men wearing masks beat him up in the presence of the interrogator of the Investigative Committee, including by banging his head on the table until it bled. An Investigative Committee officer continued to compel him to confess with the help of a state-appointed lawyer who attempted to reassure him that he would be killed or “become disabled” if he did not confess. Succumbing to the pressure, Mr. Kostenko signed a confession without reading it through, which, as he later learned, stated that he had caused injuries to a Berkut officer during the Euromaidan protests, an allegation that happened in mainland Ukraine before the occupation of Crimea and against another Ukrainian citizen. The charges were later amended to include additional accusations connected to “an ideological and political motive” and illegal purchase, carrying, and possession of firearms.

Mr. Kostenko’s father made attempts to identify the whereabouts of his son and filed a report on abduction, which was not investigated. The authorities allowed Mr. Kostenko’s father to see him briefly, without the possibility to talk, as a reward for the latter’s forced confession on the day following his abduction. Mr. Kostenko’s arrest was subsequently formalized and the authorities placed him in several official places of detention. He was convicted and sentenced to 3 years and 11 months in prison and deported to the Russian Federation to serve his term. During detention in both Crimea and the Russian Federation, law enforcement officers and fellow detainees repeatedly beat him in retaliation for being a pro-Ukrainian Crimean resident and Maidan activist. The penitentiary workers did not intervene to put an end to such beatings. He received no effective medical treatment for the injuries caused by torture.⁴⁰ The authorities released Mr. Kostenko in August 2018.

Renat Paralamov

Renat Paralamov’s case highlights the practice of using undeclared incommunicado detention to compel the victim to make self-incriminating statements through torture, ill-treatment and sexual violence. Mr. Paralamov’s case is also typical of those cases where, following release, victims felt compelled to leave Crimea hastily for fear of further violence.

Renat Paralamov is a Crimean Tatar who participated in the initiatives of Crimean Tatar civic groups, including the collection of funds for covering fines imposed on activists. On 13 September 2017, during a search in the house where Mr. Paralamov was staying, he was taken to the FSB office in Simferopol although the law enforcement told him and his family that they were taking him to a local police station. They kept him in undeclared detention in the FSB office in Simferopol for over 24 hours before the FSB finally dropped him off on a highway nearby Simferopol.

The FSB tortured Mr. Paralamov with beatings, kicking, electrocution, and threats of rape. The FSB used torture to force Mr. Paralamov to make incriminating statements against himself and others and

⁴⁰ Notably, by the time Mr. Kostenko was admitted to the Simferopol SIZO, he had undergone a medical examination that confirmed his broken arm and many other injuries. However, the medical staff reached the conclusion that he did not need “specialized treatment”.

become an informant of the security forces. They also threatened to prosecute Mr. Paralamov as a coordinator of a Hizb ut-Tahrir terrorist cell. The FSB concealed the fact of Mr. Paralamov's detention by making him sign a document saying that he had arrived to their office voluntarily, then left and spent the night in the park, and then came back to them again. The FSB made no formal record of his arrest and brought no official charges against him. In the meantime, Mr. Paralamov's relatives and a lawyer made numerous attempts to find him. The lawyer and one relative arrived to the FSB office while Mr. Paralamov was still detained there, but the FSB denied having him in their captivity.

Upon release, Mr. Paralamov attempted to document his injuries in a hospital. Two hospitals refused to examine him, as the staff insisted that they only document injuries upon referrals from the police. In the third hospital, he was partly successful after saying that he was robbed and beaten and calling the police. The medical staff examined Mr. Paralamov but did not make any assessment of his visible bodily injuries. The police officers recorded Mr. Paralamov's testimony regarding his disappearance and torture; however, it is not clear whether the authorities attempted to investigate the incident in any meaningful manner.⁴¹ Mr. Paralamov subsequently relocated from Crimea to mainland Ukraine and never returned, out of fear of further serious violence.

Oleksandr Steshenko

Oleksandr Steshenko's case is illustrative for a range of disappearances of residents of mainland Ukraine at the Administrative Boundary Line (ABL) with Crimea. His case is also one of the most recent disappearances, as it took place in April 2018.

Mr. Steshenko disappeared at the Russian Federation-controlled side of the ABL on 11 April 2018. The FSB apprehended him, but brought no official charges. The FSB kicked and beat up Mr. Steshenko using their hands and blows of batons to his chest, groin, liver, and kidney areas during the apprehension and on the way to the place of detention. They also took him out of the car and engaged in a mock drowning, by placing his head under water and threatening to kill him while telling him that "no one will ever find you". They then placed Mr. Steshenko in an unidentified basement in Simferopol, handcuffed him to a radiator and beat him again. The objective of the beatings was to make Mr. Steshenko confess to his cooperation with the Ukrainian intelligence service. On the following day, they formally arrested him on fabricated charges of an administrative offense at the railway station in Simferopol.⁴² He spent 12 days in the special detention centre for administrative offenses.

In the meantime, relatives of Mr. Steshenko, human rights defenders and lawyers on the ground made numerous attempts to inquire about his whereabouts, including directly from the FSB office. The law enforcement and penitentiary institutions in Crimea failed to provide any information. About 12 days after the initial abduction, a lawyer managed to locate Mr. Steshenko in the special detention centre for administrative offenses. However, on the following day, when the term of Mr. Steshenko's administrative detention ended, the FSB abducted him again and brought him to the initial place of captivity. The beatings continued, followed by twisting of limbs and torture by electrocution, including to his genitals, which amounts to sexual torture. The FSB resorted to torture with the aim of compelling Mr. Steshenko to read out a confession on video. He tried to resist but the abductors began undressing him and threatened to rape him with barbed wire attached to a tube. Eventually, Mr. Steshenko agreed to confess to the intentional destruction of property by arson of the house of a pro-Russian Mufti of Crimea. They kept Mr. Steshenko in the basement until 26 July 2018, that is,

⁴¹ In any event, to the best of OHCHR's knowledge, no person was put on trial or even charged with any crime in connection with the incident.

⁴² The case files obtained by OHCHR indicate that he was arrested for alleged smoking in a prohibited place. The victim himself also spoke of accusations that he allegedly failed to present his ID to the police officers and tore off their insignia. Mr. Steshenko was never near the place of these alleged offenses.

for over three months, until the court hearing in his case and transfer to the Simferopol SIZO. Meanwhile, lawyers and relatives continued to make inquiries about Mr. Steshenko's fate. However, his whereabouts remained unknown for another month until his first meeting with a lawyer on 21 August 2018. The FSB continued to threaten Mr. Steshenko with retaliation. Under these conditions, Mr. Steshenko did not appeal against his conviction and prison term or complain about the abduction and torture. Between November 2018 and August 2019, Mr. Steshenko served his prison term in a penal colony in Kerch before being released on parole and expelled to mainland Ukraine on 6 August 2019.

LACK OF ACCOUNTABILITY

Russian Federation authorities have not been transparent about investigations into enforced disappearances in Crimea. Official information from the Russian Federation authorities is often lacking on whether formal investigations have been initiated and of any eventual outcomes. As a general rule, the relatives of victims are denied access to the investigation's case files and, as such, allege that these are only pro-forma investigations.⁴³

OHCHR's documenting of cases shows that not one individual has been prosecuted in relation to any of the disappearances described in this paper, including the missing persons, the victim of summary execution, and the cases where victims have been eventually released. Inquiries and investigations that were opened in relation to the documented cases have not reached the trial stage, even though 28 of the enforced disappearances occurred in 2014.

The authorities did not make progress in investigating enforced disappearances in early cases where there was evidence that members of the Crimean self-defense were the perpetrators. In 2014, the Parliament of Crimea legalized the Crimean self-defense by turning it into a civil group with powers to assist the police.⁴⁴ This recognition of the group as agents of the state took place despite the numerous testimonies implicating members of the self-defense in crimes and human rights violations with apparent impunity. In later years, when available evidence pointed to the FSB as the main perpetrator, investigations again showed no results.

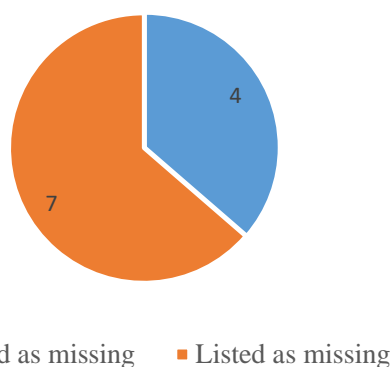
Out of the 11 disappeared persons who remain missing, the Investigative Committee of the Russian Federation lists only seven as missing persons, with no mention of the remaining four.⁴⁵

⁴³ See, for example, the case of Ervin Ibrahimov described above.

⁴⁴ OHCHR first Crimea report, paras. 86-89.

⁴⁵ As of 18 November 2020. OHCHR is not aware if relatives of these four ever filed missing person reports with the occupying authorities in Crimea.

Listed as 'missing' in Crimea among the alleged victims of enforced disappearances who have not been found



When it comes to those victims who have been found, the manner in which they were released often rendered any attempts to seek remedy and justice into a futile exercise. Groups of victims⁴⁶ who disappeared at the initial stages of the occupation were released at the ABL as a result of negotiations with the Ukrainian authorities in a manner resembling banishment or deportation from the peninsula, leaving the victims with limited possibilities to seek a remedy or report their abduction to the occupation authorities in Crimea. Four victims, from later periods, were transferred from undeclared captivity only to be formally prosecuted under criminal charges and detained in official places of detention. They continued to be held either *incommunicado* or under imminent threat of further ill-treatment for speaking to anyone about the circumstances of their abduction or torture and ill-treatment. Other released victims hastily left the territory of Crimea, out of fear of further violence and injustice against them. In total, out of the 30 released victims, only two victims remained in Crimea.⁴⁷ In some cases, the families of victims, including those who remain missing, have relocated to mainland Ukraine also. Furthermore, in cases where the victims were from mainland Ukraine, the families typically submitted no reports to the Russian Federation authorities in Crimea, as they decided not to travel to the peninsula, out of fear for their own safety or disbelief in any effective investigation.

The authorities in mainland Ukraine, in particular the Prosecutor's Office for the Autonomous Republic of Crimea, have opened criminal investigations in certain cases but, without physical access to the territory of the peninsula, have faced objective difficulties in their attempts to bring perpetrators to justice.

RECOMMENDATIONS

To the Government of the Russian Federation as the occupying power in Crimea:

1. Refrain from any involvement in enforced disappearances and *incommunicado detention*, including by direct abduction of individuals, holding individuals in unofficial places of detention, or subsequent concealment of the whereabouts of disappeared persons;
2. Ensure the independent, impartial and effective investigation of all allegations of enforced disappearances and associated human rights violations, particularly torture and ill-treatment,

⁴⁶ No fewer than 16 victims were released in this manner.

⁴⁷ The current residence of one more released victim is not known to OHCHR so, provided that he also remained in Crimea, the maximum possible number of victims in this category is three persons.

in order to identify the whereabouts of persons disappeared and to identify and prosecute those responsible;

3. Provide relatives of the disappeared with effective access to information about the investigation, including investigation files and keep them regularly informed on any action taken and any progress achieved;
4. Create a single authoritative and comprehensive database of the names and details of all individuals who have been reported missing, or abducted in Crimea since 2014. Make the database public and accessible to relatives of the disappeared;
5. Provide appropriate redress and compensation to the victims of enforced disappearances who have been released and to the relatives of those victims that have been confirmed as deceased;
6. Sign and ratify without delay and without reservation the International Convention for the Protection of All Persons from Enforced Disappearance, make declarations pursuant to Articles 31 and 32 recognizing the competence of the Committee on Enforced Disappearances to receive communications from individuals and states and enact effective implementing legislation.

To the Ombudsperson of the Russian Federation:

1. Promote and advise the State on the signing and ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

To the international community:

1. Advocate for the respect of international human rights law and international humanitarian law in Crimea, particularly by raising the issue of enforced disappearances at bilateral and multilateral fora;
2. In the next Universal Periodic Review of the Russian Federation, recommend that the International Convention for the Protection of All Persons from Enforced Disappearance be signed and ratified and urge the Russian Federation, as the occupying power in Crimea, to ensure independent, impartial and effective investigations into all allegations of enforced disappearances in Crimea.