Enforced disappearances in newly occupied territories and use of new technologies

Russian Federation's aggression against Ukraine has been ongoing since 20 February 2014 and transformed into a full-scale invasion since 24 February 2022. As of 31 July 2022, OHCHR documented 407 cases of enforced disappearance of civilians attributable to Russian armed forces and affiliated armed groups. According to Human Rights Centre ZMINA (hereinafter referred to as ZMINA), at least 473 cases of enforced disappearance of activists, volunteers, journalists, officials and employees of local self-government bodies, educators, religious figures, cultural figures, as well as relatives of active citizens who actively resisted the Russian invasion in a peaceful way were documented as of 31 January 2023. Data verified by ZMINA shows that the Russian army and representatives of the special services commit numerous forced disappearances of civilians whom they consider to be disloyal to the Russian occupation for real or imagined reasons.

The analysis conducted by ZMINA showed that the Russian military and representatives of the occupation military administration use the following new technologies for the enforced disappearance of civilians:

1. Extracting information from mobile phones. Since the beginning of the full-scale invasion, Russian troops have been subjecting civilians in the occupied territories to so-called filtration measures which involve checking the documents, searching personal belongings, computers, and mobile phones of civilians when crossing checkpoints on the way out of occupied settlements. The purpose of these measures is to identify people who support the territorial integrity of Ukraine and are disloyal to the Russian army. Data verified by ZMINA show that if any information that may indicate indirect support for the Ukrainian army or lack of support for the occupation is found, Russian military and Russian-affiliated armed groups use enforced disappearances, arbitrary detentions, torture, or ill-treatment of civilians.

In particular, during filtration, Russian forces check the data on memory cards of civilians' mobile phones and the information contained in social media chats and messengers on their mobile devices. One of the most popular messengers in Ukraine is Telegram which has a function to save files not only in the account itself but also in a phone's internal memory. Not all civilians are familiar with this feature. ZMINA documented cases when civilians deleted information from chats in support of Ukraine's sovereignty from their Telegram accounts but this information remained in their phone's internal memory. After the Russian military discovered this information, they exerted psychological pressure, used physical violence against civilians, and subjected them to enforced disappearances and arbitrary detentions, including illegal criminal prosecutions for alleged cooperation with Ukrainian intelligence services.

2. Identifying disloyal civilians by analyzing their activity on social media to further subject them to enforced disappearances. At least four witnesses told ZMINA on the condition of anonymity that during the occupation of certain territories of Ukraine, in particular, Kherson and part of Zaporizhzhia regions, Russian troops and the occupation military administration completely cut off access to Ukrainian mobile and Internet providers and Ukrainian television. At the same time, they installed devices to track incoming and outgoing Internet traffic on cellphones and computers of

civilians to monitor their contacts with the outside world and social media accounts they read. According to ██████████████████████ and a member of the Kherson Regional Council, technically this happened in the following manner: "The Russian occupiers disconnected signal receiving systems from fiber optic cable. … Mobile communication is blocked completely throughout the region. There is a Russian Internet provider only and it works. Russia was running a fiber-optic cable from Crimea since the first days of the occupation of Kherson region, and two days ago they switched it on and immediately turned off mobile communication and the Internet. As for mobile operator, after disconnecting [Ukrainian] provider, the occupiers begin to hand out SIM cards with Russian code to residents of Kherson region in exchange for people's passport data. ... This is done to monitor Internet traffic and the information the residents of Kherson region read and watch, as well as to eavesdrop on conversations of citizens."

The purpose of these measures has been the total suppression of the resistance of civil society activists, the identification of all civilians disloyal to the Russian army to punish them, in particular through enforced disappearances, and the fight against the dissemination of information about international crimes and human rights violations committed by the Russian army in the occupied territories of Ukraine.

3. Using social media sites to disseminate forced "confessions" of civil society activists subjected to enforced disappearance. The occupiers use social media accounts of civil society activists and volunteers they abducted to make them record so-called "repentance and apology videos".

ZMINA documented at least two cases when the Russian military, after subjecting Ukrainian civil society activists to enforced disappearance, probably exerted psychological pressure and used physical violence to make activists record videos of so-called forced confessions with apologies to the Russian army or "confession" of direct participation in the armed conflict on the side of the Ukrainian army. After that, the forced video "confessions" were shared in Russian media and social media sites.

For example, ██████████████, a well-known blogger and public figure from Kherson city, was forced to record such a video after the Russian military kidnapped her on 23 August 2022. The video, presented as recorded voluntarily, was shared on social media sites.

The second case happened with ██████████████, a resident of Nova Kakhovka, Kherson region, veteran, journalist, ██████ NGO "Kakhovka bridgehead" was kidnapped while he was carrying humanitarian aid to a resident of neighboring Tavriysk. Shortly after, a video with ██████ appeared on propaganda channels, where he is called a "senior officer of the Special Operations Forces of the Armed Forces of Ukraine who moved to the Russian Federation". In the video, the man criticizes the actions of the Ukrainian army.

The broadcast of such videos containing false information and information that runs counter to the civil position and beliefs of a person is [humiliating] and capable of causing severe moral suffering to a person.

4. Using data on mobile phones and social media chats as "evidence" to prosecute active citizens and hold them administratively and criminally liable by the occupying power.

In particular, ZMINA documented that a piece of "evidence" in the criminal case against Crimean journalist and activist ████████████ who had been kidnapped by the Federal Security Service of the RF officers in Koktebel town on 29 April 2022 and held in the basement without any status or legal assistance at least until 7 May, was ████s correspondence in messengers, in which she condemned Russia's full-scale invasion of Ukraine. The "Prosecutor's Office" of the occupation authorities submitted the correspondence to the court hearing the case.

However, new technologies can also help to search for forcibly abducted or gone missing persons under circumstances indicating the possibility of unlawful confinement in places of detention in the following cases:

1. **Tracking bank transactions of abducted persons made after their enforced disappearance**. As part of criminal proceedings, evidence can be gathered using the latest technologies, in particular, bank information (often in case of enforced disappearances, the occupiers take victims' bank cards and may then use them to withdraw funds in areas where ATMs work or to transfer funds to their cards or cards of affiliated persons. This can be tracked via access to mobile banking that can be provided only at the request of law enforcement agencies). In at least three cases documented by ZMINA, family members and acquaintances of victims of enforced disappearances reported receiving messages on mobile phones or social media accounts on behalf of the abducted person or learned that funds had been withdrawn or transferred from the abducted person's bank card but had no confirmation that these actions were committed by a member of their family and not by kidnappers and, therefore, they needed to find out who and how sent these messages or used the card.

2. **Billing on mobile phones of victims of enforced disappearance**. Another area where new technology can help in searching for an abducted person is tracking person's movement using mobile network data that may be provided by mobile operators, linked to GPS data that show when and from which place signal was sent from the abducted person's mobile phone to the nearest mobile towers. These data are also provided at the request of investigative authorities.

3. **CCTV footage**. To search for abducted persons and to identify the kidnappers, CCTV footage may be used, including in the temporarily occupied territory because some servers storing CCTV footage are still located in Ukraine-controlled territory or in third countries, and after losing access to cameras, access to recorded footage is still possible. To obtain temporary access to footage, in accordance with the requirements of Ukrainian criminal procedure law, law enforcement agencies need to obtain a decision from an investigating judge, substantiating the necessity and urgency of such actions. The victims themselves or the family members of an abducted person cannot receive such information from banks or business owners who have cameras inside or outside their premises as banking secrecy and the privacy of individuals are protected by law.

4.   **Face recognition**. A separate area of using new technologies is facial recognition software for analyzing propaganda videos published by the occupiers regarding searches, arrests, and other actions against Ukrainian civilians engaged in active peaceful resistance. These videos do not indicate the names and surnames of the detained persons but often show their faces or even ID documents which could testify to the fact that a person was indeed abducted or is held in a specific city, specific penal facility, or pre-trial detention center where this video was recorded.

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