

**Mandate of the Working Group on Enforced or Involuntary Disappearances**

REFERENCE: UA  
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4 December 2014

Excellency,

I have the honour to address you in my capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances pursuant to Human Rights Council resolution 27/1.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning alleged arbitrary arrest and disappearance of **Mr. Aleksander Minchenok**, a 31 year old civilian from Lisichansk.

According to the information received:

On the morning of 21 July 2014, Mr. Aleksander Minchenok, 31 years old, and a person associated with him, travelled in his car from Lisichansk, a town in Luhansk Region, to Kharkiv. He called persons associated with him to tell them that they had passed the checkpoints controlled by pro-Russian separatist near Severodonetsk. After about 30 minutes, an unknown person who did not identify himself, allegedly called persons associated with Aleksander Minchenok and told them that Mr. Minchenok had been arrested and was being taken to the Prosecutor's office. After this phone call, neither Mr. Minchenok nor the unknown caller could be reached again.

After the phone call, persons associated with Mr. Minchenok went to the last known location and found people who reportedly told them that Mr. Minchenok had been apprehended by the territorial defence battalion Aidar, reportedly one of over thirty so-called volunteer battalions to have emerged as part of the pro-Kyiv forces in the wake of the conflict. Members of the pro-Kyiv forces present at the site allegedly said that Mr. Minchenok had already been released near Starobelsk, a town a short distance from Luhansk.

A person associated with Mr. Minchenok spoke with members of the pro-Russian separatist forces who reportedly said that the territory where Mr. Minchenok was arrested was controlled by pro-Kyiv forces from battalions Aidar, Luhansk-1 and Donbass. The person associated with Mr. Minchenok also visited Aidar headquarters and allegedly found out the names of people who abducted Mr. Minchenok. The person associated with Mr. Minchenok obtained a phone number of one of the persons who allegedly took Mr. Minchenok. The man answering the phone was allegedly recognized as the same man who called shortly after Mr. Minchenok was taken.

A person associated with Mr. Minchenok has reportedly filed a case with the local prosecutor's office in the city of Kremennoe, the regional prosecutor and military prosecutor in Kharkiv and the Security Service of Ukraine (SBU) in Kharkiv and in Kiyev. All the authorities have allegedly said that the case had been submitted to a higher instance, but so far there have been no developments.

Serious concern is expressed about the psychological and physical integrity of Mr. Aleksander Minchenok in light of the fact that his fate and whereabouts are unknown since 21 July 2014.

While I do not wish to prejudge the accuracy of these allegations, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

With regard to the allegation that Mr. Minchenok's fate or whereabouts are currently unknown, we would like to bring to your Excellency's Government's attention the rights and obligations set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, in particular articles 2, 3 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

It is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, I would be grateful for your observations on the following matters:

1. Please provide information on the fate and whereabouts of Mr. Minchenok.

2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the situation described above. If no inquiries have taken place, or if they have been inconclusive, please explain why.

3. Please provide any additional information and any comment you may have on the above-mentioned allegations.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Mr. Aleksander Minchenok as a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Ariel Dulitzky  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances