

Every year thousands of people go missing or disappear, for reasons ranging from armed conflict, natural disasters, migration, and crime to human rights violations. The missing or disappeared persons are categorized differently under international law, which leads to differing and distinct State obligations. The proposed project addresses this challenge by analysing the interconnections, overlaps, and divergences between two legal concepts: missing persons (an international humanitarian law (IHL) term) and forcibly disappeared persons (an international human rights law (IHRL) term). By analysing the meaning and practical applicability of these concepts, the project aims at establishing what State obligations arise when persons go missing or are forcibly disappeared. While IHL and IHRL will be at the core of the research inasmuch as the two regimes most comprehensively approach the analysed problem, the project will also consider State obligations arising from other relevant areas of international law, in particular international criminal law, refugee law, and international migration law.

The term **missing person** is not defined in the law, and in the broadest sense encompasses all persons that go missing, irrespective of the reasons. The International Committee of the Red Cross uses the term in such a way that it includes all persons whose whereabouts remain unknown, in connection with situations which may require the intervention of a competent State authority. However the IHL rules apply to a narrower group, i.e. those that went missing because of armed conflict. This means that either their relatives, the powers on which they depend (if they are combatants), or the country of which they are nationals or in whose territory they reside (if they are civilians) have no information on their fate. **Enforced disappearances** are defined in the International Convention for the Protection of All Persons from Enforced Disappearance as any form of deprivation of liberty by agents of the State or by persons acting with at least the acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty and/or by concealment of the fate or whereabouts of the disappeared person. At the same time, enforced disappearances are also prohibited under customary IHL, and international criminal law penalizes those carrying them out. The act is defined more broadly in international criminal law than in IHRL, as an enforced disappearance can also be perpetrated by political organizations.

A person can be considered as both a forcibly disappeared and a missing person if the deprivation of liberty is conducted by State authorities during an armed conflict. Disappearances during contemporary armed conflicts are often carried out by non-state actors. These victims would be considered as missing persons under IHL, but not forcibly disappeared persons under IHRL. In turn, enforced disappearances conducted by State authorities not connected to an armed conflict will not be subject to IHL rules (even though the individual would be considered a missing person by the International Committee of the Red Cross). If someone disappears during an armed conflict at the hands of a political organization, within an attack constituting a crime against humanity, such an individual would be a missing person under IHL and a forcibly disappeared person under international criminal law, while his or her disappearance would not be considered an enforced disappearance under IHRL. As can be seen, there are a lot of interconnections and overlaps between the concepts of missing persons and forcibly disappeared persons, as well as some hard-to-justify gaps. The understanding of the two legal concepts and the way they are used can influence how State obligations are perceived and how they are carried out and/or enforced. This has led to misunderstandings both on the international and domestic levels.

The proposed research project aims to examine the scope of the two terms by comprehensively interpreting the norms relating to missing persons and enforced disappearances; analysing how and why the two legal concepts are used; as well as conducting a number of case studies. This will be done through document analysis and a series of in-depth interviews. The proposed project's pioneering nature will be manifested in its analysis of the broader interplay between IHL and IHRL in the context of missing and forcibly disappeared persons. In doing so it will specifically deal with the most pressing issues discussed in the research field – definitional challenges, actions by non-state actors, and overlapping State obligations.

The findings and outcomes of my research will be disseminated in the form of conference papers and successive scientific publications. The aim is to produce a series of thematically connected and interrelated articles that will form a new corpus and have a significant input into the scholarship on the subject of missing and forcibly disappeared persons.