



ASSOCIATION OF REINTEGRATION  
OF CRIMEA

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*To UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*

**Russia-Controlled Mercenaries and  
Maritime Aggression against Ukraine on Black Sea and Sea of Azov**

Our Association of Reintegration of Crimea (ARC)<sup>1</sup>, is non-governmental expert and human rights organisation<sup>2</sup>, with activities devoted to Crimea's issues. ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including humanitarian and ecologic rights and right to sustainable development.

Our Association systematically informs authorized structures of the UN Human Rights Council – relevant special rapporteurs, working groups and expert mechanisms – on gross human rights violations committed by Russia in Ukraine, including Crimea. In 2020-2022 we sent more than 75 submissions regarding those issues to UN officials, and more than 30 of them were published by the UN bodies and some of them were devoted to maritime issues<sup>3</sup> and aspects of mercenaries.

We informed UN structures that illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region and worsened significantly the possibilities of human rights realization and protection, it made the Black and Azov Seas the “grey zone” for the international navigation.

Issues of violation by Russia the International Convention on the Law of the Sea (UNCLOS) is the subject of consideration in case “Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation)”<sup>4</sup>

Systematic gross violations of the human rights and humanitarian standards, including usage the mercenaries and paramilitary units for total repressions, were committed in last seven years by Russia in the Crimea, were condemned by the UN GA resolutions<sup>5</sup>, resolutions of the OSCE Parliamentary Assembly, of the PACE, of the European Parliament's resolutions etc. Gross human rights' violations, correlated with crimes against humanity in Crimea are now subject to consideration in International Court of Justice (case 166)<sup>6</sup> and the European Court of Human Rights (case 20958/14 and others).<sup>7</sup>

UN GA Resolution 76/179 on 16 December 2021<sup>8</sup> condemned the reported serious violations and abuses committed by Russia against residents of the Crimea, in particular – repressions, committed by the Russia-controlled paramilitary structures.

As we pointed already to some UN bodies, since 24<sup>th</sup> of February 2022 Russia committed broad and open military aggression to all Ukraine's territory against Ukrainian mainland from own territory, and from the Russia-occupied Crimea, Belarus, Black and Azov seas.

Due last month of fights Russia occupied some territories of Chernigiv, Donetsk, Kharkiv, Kherson, Kyiv, Luhansk, Mykolaiv, Sumy, Zaporizhzhya, Zhitomir regions and strong fights were

<sup>1</sup> <https://arc.construction/>

<sup>2</sup> [https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations\\_b/20210005/1348](https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348)

<sup>3</sup> [https://www.ohchr.org/sites/default/files/2021-11/ARC\\_Submission\\_Responces\\_Toxic\\_01\\_11\\_2021.doc](https://www.ohchr.org/sites/default/files/2021-11/ARC_Submission_Responces_Toxic_01_11_2021.doc)

<sup>4</sup> <https://pca-cpa.org/en/cases/149/>

<sup>5</sup> for example, <https://undocs.org/en/A/RES/73/263>

<sup>6</sup> <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

<sup>7</sup> <http://hudoc.echr.coe.int/eng?i=001-207622>

<sup>8</sup> <https://undocs.org/en/A/RES/76/179>

going near cities of Kyiv, Kharkiv, Mykolaiv and others with total population more than 10 millions persons near the frontline. During end of March, 2022 Ukraine returned back control over districts in Kyiv, Sumy, Zhitomir and Chernigiv regions.

Russian troops use actively mercenaries in their military activities in Ukraine. Among them they use the private military company “Wagner Group” that was identified in the fights as by Ukrainian government so by the independent media<sup>9</sup>. As it was pointed on the special session of UN General Assembly on 28<sup>th</sup> February 2022, more than 350 civil citizens, including 16 children were killed by the Russian regular troops during first five days of war, more that 2000 civil citizens were wounded.

Till 11<sup>th</sup> of April, 2022 more new was crimes were committed by the “Wagner Group”, including usage civil population as hostages and “human shield”, destruction objects of civil infrastructure, including pipe electric lines, bomb the civil objects, including kindergartens, schools and hospitals by missiles and artillery, kill medics that try to give aid to victims of war.

More than 10000 civil people, including 170 children were killed by Russian troops and Russia-controlled mercenaries to this date, especially in Chernigiv, Kharkiv, Kyiv, Sumy Regions of Ukraine<sup>11</sup><sup>12</sup>. Among civil persons who were victims of Russia-controlled mercenaries there are persons who tried to replace themselves from the hostilities zone, who hided in the shelters and were used as a “life shield”. A lot of persons were killed or kidnapped as “non-loyal” ones or during looting their property.

In last six weeks Russia-controlled mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights’ law already<sup>13</sup>. Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including destruction the fundamental human rights<sup>14</sup>.

Due to such gross violation the human rights Ukraine immediately filed an application with the International Court of Justice (ICJ) on 25 February 2022<sup>15</sup> and to the European Court of Human Rights<sup>16</sup>. Russian government refused to execute the demand of the European Court of Human Rights and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine and to shall ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of those military operations.<sup>17</sup>

But on March 16, Russia stopped its participation in the Council of Europe and refused officially to execute the demands of European Convention on Human Rights, including all guarantees for children fundamental rights<sup>18</sup>. Russia-controlled mercenaries, created by Russian invaders on local level during March, 2022 in Chernigiv, Donetsk, Kharkiv, Kherson, Kyiv, Sumy and Zaporizhzhya regions, committed various war crimes<sup>19</sup><sup>20</sup><sup>21</sup><sup>22</sup><sup>23</sup>. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas of the Chernihiv, Kharkiv, and Kyiv regions of Ukraine. These include a case of repeated killings, tortures and rapes as a tool of Russian troops’ punitive actions against Ukrainian population<sup>24</sup>.

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<sup>9</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>10</sup> <https://www.bbc.com/news/world-europe-60547807>

<sup>11</sup> <https://ua.interfax.com.ua/news/general/822911.html>

<sup>12</sup> <https://kyivindependent.com/uncategorized/wagner-group-establish-headquarters-in-rostov-on-don/>

<sup>13</sup> <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

<sup>14</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

<sup>15</sup> <https://www.icj-cij.org/en/case/182>

<sup>16</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

<sup>17</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

<sup>18</sup> <https://arc.construction/26897>

<sup>19</sup> <https://www.bbc.com/ukrainian/features-60888528>

<sup>20</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>21</sup> <https://www.bbc.com/news/world-europe-60547807>

<sup>22</sup> <https://arc.construction/26892>

<sup>23</sup> <https://news.un.org/en/story/2022/03/1113652>

<sup>24</sup> <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

Russian troops block the humanitarian corridors, established to evacuate civil population from local communities in hostilities zones to the government-controlled areas that are especially dangerous for children. In Mariupol Russian troops and Russia-controlled mercenaries forcibly “evacuated” more than 40 thousands of Ukrainian citizens, including thousands of children, often without their parents, to the Russia and later nobody will know the destiny of those children. Same actions are done by Russian mercenaries in other regions<sup>25</sup><sup>26</sup><sup>27</sup> and persons forcibly replaced to Russia from the hostilities zones have any rights there and no practical possibility to leave Russia<sup>28</sup>

**Russia-controlled mercenaries are actively used by Russia in maritime hostilities against Ukraine.**

Above-pointed Russia’s aggressive acts are totally supported by their naval activities on the Black Sea and Sea of Azov. Russia, as aggressor State has illegally banned commercial shipping in the Black Sea areas adjacent to mainland Ukraine since February 26. Some merchant vessels flying flags of various nations were shot by the Russia’s rocket missiles in the Black Sea. On February 27 Turkey’s Government approved a decision to apply a wartime regime to the Black Sea straits, the Bosphorus and the Dardanelles. Those actions were done by Russian Navy with usage the mercenaries.

More, Russian aggressor seized in Black Sea two peaceful merchant ships flying Ukrainian flags near the Zmiiny Island, namely – bulk carrier AFINA number IMO 8029272 and bulk carrier PRINCESS NIKOL number IMO 8319392. On the morning of February 27 those ships, carrying 50 people, about 25 each, were seized by the aggressor’s navy, and are located 18 miles from the Crimea, south of Cape Tarkhankut.

The aggressor’s navy threatens to destroy the vessel ships with missile weapons if they try to leave the place. Both vessels are loaded with grain which was carried from Mykolaiv city to Constanta, Romania. As aggressor’s military authorities previously reported, an “anti-terrorist operation” was announced in the Black Sea Region, adjacent to mainland of Ukraine, which any merchant ship could be destroyed by the aggressor State.

Such Russia’s illegal military activities, including naval usage of mercenaries, were full supported by the systematic illegal actions of Russian Maritime Register of Shipping (RMRS) and Russian River Register (RRR) and of Russia’s controlled equipment of the Black Sea Memorandum of Understanding on Port State Control (BSM). RRR and RMRS were used since 2014 by Russia’s government for illegal control of Ukraine’s maritime property in the Crimea and for the support of Russia’s naval activities in the Crimea that caused Ukraine’s relevant investigations and sanctions against RRR and RMRS. Also Russia abuses own possibilities in the NAVAREA system for such purposes.

Due to the gross and systematic violations by Russia the demands of international humanitarian and human rights law, also as maritime safety, guaranteed by the UNCLOS, SOLAS, MARPOL and STCW Conventions, during de facto naval blockade of Ukraine and naval warfare in Black and Azov Seas the immediate reaction of the International Maritime Organization (IMO) and other international bodies was conducted.

**In April 2022 Russia-controlled mercenaries attacked the vessel SMARTA IMO number 9396567 flying Liberian flag<sup>29</sup> in the Mariupol port during ongoing activities in that area and captured its crew members, whose next destiny is unknown<sup>30</sup>.**

IMO held an extraordinary session of its Council on March 10 and 11 to consider the impact of the situation in the Black and Azov Seas on merchant shipping and seafarers<sup>31</sup>. At this session, the IMO Council adopted resolution C/ES.35, which strongly condemned Russia’s violation of Ukraine’s

<sup>25</sup> <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

<sup>26</sup> <https://nv.ua/kharkiv/harkov-obstrelly-skolko-domov-razrusheno-dannye-31-marta-novosti-harkova-50229919.html>

<sup>27</sup> <https://www.pravda.com.ua/rus/news/2022/03/31/7336102/>

<sup>28</sup> <https://arc.construction/28557>

<sup>29</sup> <https://www.marinetraffic.com/ru/ais/details/ships/shipid:670986/mmsi:636019056/imo:9396567/vessel:SMARTA>

<sup>30</sup> <https://7dniv.rv.ua/uarazom/okupanty-u-mariupolskomu-portu-zakhopyly-vantazhne-sudno-ta-vyvezly-ekipazh-u-nevidomomu-napriamku/>

<sup>31</sup> <https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSStatement.aspx>

territorial integrity and sovereignty, which extends to its territorial waters, contrary to the principles of the UN Charter and IMO principles, and poses a serious threat to life and safety of navigation and marine environment. The IMO expressed regret over Russia's attacks on commercial vessels, their seizures, including search and rescue vessels, which endangered the safety and well-being of seafarers and the marine environment<sup>32</sup>.

The IMO Council called on Russia to cease its illegal activities to ensure the safety and well-being of seafarers, as well as the safety of international shipping and the marine environment in all affected areas, and to honor its obligations under relevant international treaties and conventions. All those IMO resolution C/ES.35 statements and demands have a strong significance to the issues of the maritime fishery.

European Union adopted its Council Regulation (EU) 2022/394 of 9 March 2022 that amended Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilizing the situation in Ukraine. Now the Russian Maritime Register of Shipping is included by the Council Regulation (EU) 2022/394 in Annex XIII to Regulation (EU) No 833/2014 to the list of entities under the full sanctions of the European Union<sup>33</sup>.

Now the International Criminal Court started investigation on the war crimes committed by Russian invaders in Ukraine and it collect relevant proofs. Also the crimes against civil population, including children, committed by Russian troops and mercenaries, are investigated by the Ukraine's legal enforcement bodies and by prosecutors' offices of some European countries.

There is no peacekeeping missions in Ukraine, as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are extremely low now and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March;<sup>34</sup> later Russia blocked the prolongation such Mission's activities.

Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so there victims of Russian troops and Russia-controlled mercenaries, including crew members, have no access to justice and aid. UN Human Rights Council adopted its resolution 49/1 on 4 March 2022 where it expressed grave concern at the documented harm to the enjoyment of many human rights, resulting from the aggression against Ukraine by Russia<sup>35</sup>.

On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed and loss of life; experts recalled that intentional attacks against civilians and civilian objects amount to war crimes<sup>36</sup>. In other UN experts' statements the negative impact of Russia's aggression on right to life of persons with disabilities was condemned<sup>37</sup>, and relevant risks for women's right to life were pointed<sup>38</sup>.

All Ukraine's attempts for the peace-building, including peace talks and negotiations with Russian government were unsuccessful and Russia rejects all peace propositions and it refuses to execute the demands of ICJ and ECHR orders to stop the aggression and hostilities that are directly pointed against older people. UN General Assembly voted 7th of April to suspend Russia from the UN Human Rights Council after high-profile allegations of atrocities committed by Russian soldiers during the war in Ukraine. The voting result was 93 in favor, 24 against and 58 abstentions.

Such resolution said the General Assembly may suspend the rights of membership in the Human Rights Council of a member of the Council that commits gross and systematic violations of human rights. The resolution adds that the Council itself has grave concern regarding reports of gross and systematic violations and abuses of human rights and violations of international humanitarian law, committed by Russia during its invasion of Ukraine.

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<sup>32</sup> <https://arc.construction/27053>

<sup>33</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L\\_.2022.081.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A081%3ATOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2022.081.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A081%3ATOC)

<sup>34</sup> <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

<sup>35</sup> <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

<sup>36</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

<sup>37</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

<sup>38</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

After such UN General Assembly's resolution was adopted Russia immediately stated that it will "early terminate its powers" in the Human Rights Council. Neither suspended nor terminated Russia's membership in the Council will not stop any Russia's duties that fall from the UN human rights' treaties and UN human rights' mechanisms and programs.

All those steps of the Nazi policy of Russian government and by the Russia-controlled mercenaries in Russia-occupied parts of Ukraine, Black Sea and Sea of Azov must be reflected in UN official position but in the UN current policies. Our Association believes that urgent, immediate steps of the UN bodies must be done including all observation procedures and immediate visits to Ukraine.

Monitoring procedure, mentioned in HRC resolution 49/1, must be started immediately and it will be the most important issue for changing the framework of cooperation of our Association and other human rights bodies with UN structures in 2022, for its enforcement and transparency.

Such UN steps must counteract the war crimes and gross human rights violations committed by the Russian troops in Ukraine, such UN steps must include the activities of the Human Rights Council and in the framework of High Commissioner for Human Rights' and Human Rights Council's mandates.

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