



ASSOCIATION OF REINTEGRATION
OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001
Ukraine, Kyiv, 56 Kharkivske highroad, 02175
arcconstructionofcrimea@gmail.com

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To UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Executions in Crimea and Minnesota Protocol

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², with activities devoted to Crimea's issues. ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including their fundamental rights, right to development, also as with issues of the transitional justice for peninsula, with relevant cultural, economic, social and financial impacts.

Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation radically in the region. Systematic gross violations of the human rights and humanitarian standards, including enforced disappearances, were committed in last seven years in the peninsula, condemned by the UN GA resolutions³, 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)⁴ and the European Court of Human Rights (case 20958/14 and others).⁵

UN GA Resolution 76/179 on 16 December 2021⁶ condemned the reported serious violations and abuses committed against residents of the Crimea, in particular – extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, including sexual violence, arbitrary detentions and arrests, torture and ill-treatment, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

European Court on Human Rights in decision dated 16 December 2020 in case 20958/14 Declares admissible, without prejudging the merits, the Ukraine's complaints regarding the period under consideration (2014-2020) concerning the alleged existence of an administrative practice of enforced disappearances and of a lack of an effective investigation into the alleged existence of such an administrative practice, in violation of Article 2 of the European Convention on Human Rights in the Crimea.

Researching this issue (paragraphs 402-404) ECtHR pointed in case 20958/14 that as to the "official tolerance" element of an administrative practice, the Court reiterates that it may

¹ <https://arc.construction/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ for example, <https://undocs.org/en/A/RES/73/263>

⁴ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

⁵ <http://hudoc.echr.coe.int/eng?i=001-207622>

⁶ <https://undocs.org/en/A/RES/76/179>

be found to exist on two alternative levels: that of the direct superiors of those immediately responsible for the acts involved or that of a higher authority who knew or ought to have known of the acts in question. In both scenarios, cognisance of such a practice at the level of the direct superiors of those immediately responsible or of the higher authorities of the State is required. The European Court considers that the available material provides prima facie evidence of “official tolerance” of the alleged administrative practice under this head. In particular, where the acts complained of under this head, as alleged by Ukraine and noted in the international organizations’ reports, had allegedly been committed by members of the Russia-controlled “Crimea self-defense” and a “Cossack group” as potential enforced disappearances’ perpetrators that have been recognized as agents of the Russian State.

Ukraine’s government referred in paragraph 394 of that ECtHR decision, regarding the Russia-organized executions in the Crimea, to several individual cases in support of the alleged pattern of killing and shooting, namely the deaths of Mr Reshat Ametov (suspected to have been killed by the CSDF); Mr Sergii Kokurin (an officer of the Armed Forces of Ukraine shot on 18 March 2014, allegedly by a Russian sniper); Mr Stanislav Karachevskiyi (Ukrainian naval officer), killed on 6 April 2014 by a Russian serviceman (convicted by a final court judgment); and Mr Mark Ivanyuk (16-year-old student allegedly beaten to death on 20 April 2014 by Crimean militants).

Reference was also made to the death of a 57-year-old Crimean Tatar and her 2-year-old grandchild (whose corpses were found on the banks of a river). In this case Ukraine’s government also relied on the UN OHCHR 2017 Report and the Commissioner’s Report, which noted the deaths of Mr Ametov, Mr Karachevskiyi and Mr Ivanyuk.

Our Association’s lawyers now do represent the interest of Mr Karachevskiyi’s widow, Mrs. Olga Karachevska before the ECtHR in her individual application’s case 23777/17. This case was declared by ECtHR as confidential, but later ECtHR cancelled this demand. Anyway the details of this case were described in the interstate proceeding 20958/14 and it is a strong example of Russia’s non-implementation of the Minnesota Protocol in the Crimea. As we point to ECtHR in that application, the core issue of this case was clear falsification of execution’s circumstances, when Mr Karachevskiyi, Ukrainian prisoner of war, was beaten and later shot on 6 April, 2014 by the Russian soldiers, including Mr Yevgeniy Zaytsev. Such falsification done directly by the Russia’s punitive bodies including organising fake forensic medical examination, with fake inspection of the scene and witness statements.

Such and many other death “investigations” in the Russia-occupied Crimea were not prompt, effective, thorough, independent, impartial and transparent, with systematic falsifications on all stages of “investigations”, from the crime scene to the autopsy and analysis of human remains. Rights of victims, in particular families and close relatives of the deceased and disappeared persons, were violated and they had no possibility on safely making effective their potential contribution to “investigations”. So the practices of Russian punitive structures’ death “investigations” in the Russia-occupied Crimea are out of any compliance with the Minnesota Protocol.

Now the situation in zone of Russian-Ukrainian conflict, including the occupied Crimea is extremely negative and dangerous due to ongoing Russia-organized ultimatums, provocations and escalations⁷. UN Secretary-General stressed in his press encounter on Ukraine on 22 February, 2022 that he is deeply troubled by the latest developments regarding Ukraine – including reports of increased ceasefire violations across the contact

⁷ https://www.mid.ru/ru/foreign_policy/news/1800080/

line and the real risk of further escalation on the ground and especially concerned for the safety and wellbeing of all those who have already suffered from so much death, destruction and displacement.

UN Secretary-General also was concerned about the Russia's perversion of the concept of peacekeeping, as "when troops of one country enter the territory of another country without its consent, they are not impartial peacekeepers, they are not peacekeepers at all"⁸.

Some governments and media report that Russia realizes since December 2021 its plan to invade all territory of Ukraine, to occupy it⁹, as it happened since 2014 with the Crimea, and to establish own regime on this territory, with same brutal human rights' violations, including killings, tortures and enforced disappearances, as it happens in the Crimea now.

Media reports, that Russian army and punitive structures have already the 'black lists' of Ukrainian politicians, human rights and anti-corruptive defenders, artists and activists for their immediate repressions in conditions of Russia's occupation the mainland of Ukraine¹⁰. In 2020-2022 Russia adopted plans and other manuals for local authorities how to make mass anonymous graves for perished persons¹¹ and in 2022 Russia's Ministry of Defense bought 45 thousand plastic bags for human corps¹².

All those events reflect the threats on future possible mass violation the international human rights and humanitarian standards, including the Minnesota Protocol, by Russian army, punitive structures and their proxies' units, that prepare now to commit mass executions in the occupied territories of Ukraine.

So our Association believes that a special research on the executions in situations of armed conflicts and related "grey zones" like Crimean peninsula, done by the UN Special Rapporteur, may be a starting point for further prevention such international crimes and implementation the Minnesota Protocol.

The Special Rapporteur's visit to Ukraine, including Crimea would contribute to collection of information, and would enable the Rapporteur to make a first-hand impression of the situation. Above-pointed case 20958/14 in the European Court of Human Rights and other future relevant Court's decisions on killings and enforced disappearances in the Crimea seems to be an example for such UN Special Rapporteur's researches.

The reports of the UN Human Rights Monitoring Mission in Ukraine may be suitable for the UN Rapporteur regarding this issue also; we may recommend to this UN Mission monitor research more actively the issues of human rights' violations in the Crimea, especially regarding above-pointed aspects.

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Representative of the ARC
Dr. Borys Babin

⁸ <https://www.un.org/sg/en/node/261992>

⁹ <https://edition.cnn.com/2022/01/22/europe/bulgaria-romania-russia-intl/index.html>

¹⁰ <https://edition.cnn.com/2022/02/18/politics/us-russia-ukraine-officials-list/index.html>

¹¹ <https://tass.ru/obschestvo/13252611>

¹² <https://kh.depo.ua/rus/kh/rosiyani-zakupili-45-tisyach-mishkiv-dlya-trupiv-sbu-202202231427775>