



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To Office of the United Nations High Commissioner for Human Rights

**Russian Aggression against Ukraine
and Conscientious Objection to Military Service**

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. Since 2020 we sent more than 50 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of violating the Crimean inhabitants' rights³, including the issues of forcibly conscriptions of the Crimean youth to the Russian army that is the direct violation the IV Geneva Convention.

Illegal occupation and attempted annexation of Crimea by Russia since 2014 caused the dramatic situation in the region. Systematic gross violations of the human rights and humanitarian standards, including the forcibly conscriptions of the Crimean youth to the Russian army, were committed in last seven years by Russia in the Crimea, were condemned by the UN GA resolutions⁴, 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)⁵ and the European Court of Human Rights (case 20958/14 and others).⁶

UN GA Resolution 76/179 on 16 December 2021⁷ condemned the reported serious violations and abuses committed by Russia against residents of the Crimea, in particular – forcibly conscriptions of the Crimean youth to the Russian army and illegal punishment for those who refused to serve in Russian Army on any grounds. Before 2022 hundreds of such “criminal cases” were started in the Crimea against young Crimeans, refusing to serve in Russian army.

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory from own territory, from occupied Crimea, Belarus, Black and Azov seas against Ukrainian mainland. Due last weeks of fights Russia occupied some territories of Chernigiv, Donetsk, Kharkiv, Kherson, Kyiv, Luhansk, Mykolaiv, Sumy, Zaporizhzhya, Zhitomir regions and strong fights are going near cities of Kyiv, Kharkiv, Mykolaiv and others with total population more than 10 millions persons near the frontline.

In last weeks Russian troops committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already. Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people⁸. At the same time losses of Russian troops in Ukraine are calculated by Ukrainian authorities in more than 14 thousands deaths, more than 7 thousands regarding third

¹ <https://arc.construction/>

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

³ <https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/2021-submissions/CSOs/association-of-reintegration.pdf>

⁴ for example, <https://undocs.org/en/A/RES/73/263>

⁵ <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

⁶ <http://hudoc.echr.coe.int/eng?i=001-207622>

⁷ <https://undocs.org/en/A/RES/76/179>

⁸ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

country analytics. Russia recognized approximately 500 own combatants killed in Ukraine to this moment.

Ukraine immediately filed an application with the International Court of Justice (ICJ) on 25 February 2022⁹ and to the European Court of Human Rights¹⁰. 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.¹¹

Instead of executing those provisions on March 10, Russia stopped its participation in the Council of Europe and refused officially to execute the demands of European Convention on Human Rights¹². Russian propaganda and military forces uses the hate speech against the ethnic Ukrainians, in Russian officials' statements and use the new Nazi symbols as letter "Z" for marking own troops, paramilitaries and "support actions" in Ukraine and occupied territories. Such propaganda agitates Russian and Crimean youth to sign contracts with Russian army to take part in hostilities.

Russian troops and "military commandant's offices" created by Russian invaders in Kherson and Zaporizhzhya regions use actively the practice of extrajudicial executions of local civil population and Ukrainian prisoners of war. Russian troops use actively mercenaries in their military activities in Ukraine, including Russia-occupied territories¹³¹⁴.

As it was pointed on the special session of UN General Assembly on 28th February 2022, more than 350 civil citizens, including 16 children were killed by the Russian troops during first five days of war, more that 2000 civil citizens were wounded. Till 13th of March, 2022 more new was crimes were committed by the Russian troops, 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 and enforced civil labour in military purposes. More than 3500 civil person, including 90 children were killed by Russian troops and Russia-controlled mercenaries to this date, especially in Chernigiv, Kharkiv, Kyiv, Sumy Regions of Ukraine.

Among civil persons, who were victims of Russia-controlled mercenaries, there are persons who tried, to replace themselves from the hostilities zone, who hid in the shelters and were used as a "life shield" by Russian troops. A lot of persons were killed or kidnapped as "non-loyal" ones or during looting their property. Russian occupation of Melitopol and other cities in Southern Ukraine in March 2022 led to mass actions of resistance against the Russian aggressor¹⁵. Russian troops block the humanitarian corridors established to evacuate civil population from hostilities zones and occupied territories.

Currently, the situation is extremely difficult in Mariupol and in the settlements in the North of Kyiv Region, where there is virtually no heating, electricity and an acute food crisis¹⁶. Due to the fierce resistance of the population of Kherson Region, the occupiers are trying to impose an administrative-police regime, for which Rosguard units were introduced in the region, which illegally detained more than 400 Ukrainian citizens on racial grounds, including Ukrainian youth representatives¹⁷.

All those circumstances make participation in the ongoing hostilities absolutely objectionable for majority of Crimean youth and for significant part of Russian youth.

⁹ <https://www.icj-cij.org/en/case/182>

¹⁰ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹¹ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹² <https://arc.construction/26897>

¹³ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁴ <https://www.bbc.com/news/world-europe-60547807>

¹⁵ <https://arc.construction/26918>

¹⁶ <https://arc.construction/26887>

¹⁷ <https://arc.construction/26892>

Russian commanders or punitive structures use tortures and even murders against the Crimea-origin or Russian conscripted or even contracted soldiers, who refuse to participate in the hostilities in the mainland of Ukraine, them the extrajudicial punishments.

Crimea-origin Russian prisoners of war gave press-conference in Kyiv on 19th of March and confirmed that the much part of such soldiers took part in hostilities under threat of death penalty or tortures from Russian officers¹⁸.

Now the International Criminal Court started investigation on the war crimes committed by Russian invaders in Ukraine and it collect relevant proofs. There is now peacekeeping missions in Ukraine as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are low and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March¹⁹. Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so there victims of enforced participation in hostilities have no access to justice.

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, including the rights to life, resulting from the aggression against Ukraine by Russia²⁰. 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 life²¹. In other UN experts' statements the negative impact of Russia's aggression on was condemned²², and relevant risks were pointed²³.

All those steps of the enforced participation of Crimean youth in hostilities committed by Russian army' commanders, under full support of Russian government and the Russia-controlled "administrations" in Russia-occupied Crimea, in the South, North and East of Ukraine directly violate the right to life, guaranteed to the Ukrainian citizens by the international law. Our Association believes that urgent, immediate steps of the UN OHCHR must be done including all observation procedures and immediate visit to Ukraine. Monitoring procedure, mentioned in HRC resolution 49/1, must be started immediately.

We hope that special statement of the UN OHCHR in framework of its mandate on the Russia's policy on occupied territories of Ukraine in areas of enforced participation in hostilities, on other Russia's war crimes, committed in Ukraine, will be extremely important for further defense of rights of Ukrainian citizens in the zone of conflict and in the occupied territories in Ukraine.

We believe that urgent steps of the UN High Commissioner for Human Rights must be done including all observation procedures and immediate visit to Ukraine.

20th March, 2022

Representative of the ARC

Dr. Borys Babin



¹⁸ <https://ru.krymr.com/a/news-rossiya-plennyye-krym/31761076.html>

¹⁹ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

²⁰ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>