



ASSOCIATION OF REINTEGRATION  
OF CRIMEA

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*To UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*

**Russian Aggression against Ukraine and  
Illegal Death Penalty in Russia-Controlled Regimes**

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 their fundamental rights, right to development, also as with issues of the transitional justice for peninsula, with relevant cultural, economic, social and financial impacts.

As we informed Special Rapporteur<sup>3</sup>, 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 resolutions<sup>4</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>5</sup> and the European Court of Human Rights (case 20958/14 and others).<sup>6</sup>

UN GA Resolution 76/179 on 16 December 2021<sup>7</sup> condemned the reported serious violations and abuses committed against residents of the Crimea, in particular – extrajudicial killings, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, 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.

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<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/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

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

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

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

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

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 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, cognizance 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 [REDACTED] (suspected to have been killed by the CSDF); [REDACTED] (an officer of the Armed Forces of Ukraine shot on 18 March 2014, allegedly by a Russian sniper); [REDACTED] (Ukrainian naval officer), killed on 6 April 2014 by a Russian serviceman (convicted by a final court judgment); and [REDACTED] (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 [REDACTED]

Our Association’s lawyers now do represent the interest of [REDACTED] widow, Mrs. [REDACTED] 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 M [REDACTED], Ukrainian prisoner of war, was beaten and later shot on 6 April, 2014 by the Russian soldiers, including Mr [REDACTED]. 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”.

As we pointed to Special Rapporteur, in the beginning of 2022 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 escalations<sup>8</sup>. 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

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<sup>8</sup> [https://www.mid.ru/ru/foreign\\_policy/news/1800080/](https://www.mid.ru/ru/foreign_policy/news/1800080/)

ceasefire violations across the contact 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<sup>9</sup>.

Some governments and media reported that Russia realizes since December 2021 its plan to invade all territory of Ukraine, to occupy it<sup>10</sup>, 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 Ukraine<sup>11</sup>. In 2020-2022 Russia adopted plans and other manuals for local authorities how to make mass anonymous graves for perished persons<sup>12</sup> and in 2022 Russia's Ministry of Defense bought 45 thousand plastic bags for human corps<sup>13</sup>.

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<sup>1415</sup>. Till April, 2022 many war crimes were committed by the Russian troops, Russia-controlled mercenaries including killings, enforced disappearances 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 200 children were killed by Russian troops and Russia-controlled mercenaries to this date, especially in Donetsk, Kharkiv, Kyiv Regions of Ukraine<sup>1617</sup>. 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". A lot of persons were killed or kidnapped as "non-loyal" ones or during looting their property.

In last eight weeks Russia-controlled mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already<sup>18</sup>. Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including gross violation the international humanitarian law and destruction the fundamental human rights<sup>19</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>20</sup> and to the European Court of Human Rights<sup>21</sup>. Russian government refused to execute the demand of the European Court

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<sup>9</sup> <https://www.un.org/sg/en/node/261992>

<sup>10</sup> <https://edition.cnn.com/2022/01/22/europe/bulgaria-romania-russia-intl/index.html>

<sup>11</sup> <https://edition.cnn.com/2022/02/18/politics/us-russia-ukraine-officials-list/index.html>

<sup>12</sup> <https://tass.ru/obschestvo/13252611>

<sup>13</sup> <https://kh.depo.ua/rus/kh/rosiyani-zakupili-45-tisyach-mishkiv-dlya-trupiv-sbu-202202231427775>

<sup>14</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>15</sup> <https://www.bbc.com/news/world-europe-60547807>

<sup>16</sup> <https://ua.interfax.com.ua/news/general/822911.html>

<sup>17</sup> <https://kyivindependent.com/uncategorized/wagner-group-establish-headquarters-in-rostov-on-don/>

<sup>18</sup> <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

<sup>19</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

<sup>20</sup> <https://www.icj-cij.org/en/case/182>

<sup>21</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

of Human Rights and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.<sup>22</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 human fundamental rights, including right to life and ban the death penalty<sup>23</sup>. Russian troops and Russia-controlled mercenaries, created by Russian invaders on local level during March, 2022 in Chernihiv, Donetsk, Kharkiv, Kherson, Kyiv, Sumy and Zaporizhzhya regions, committed various war crimes against lives of civil population<sup>24,25,26,27,28</sup>. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against prisoners of war 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>29</sup>.

**Russia now does not execute death penalty officially now, but Russia-controlled propaganda and officials demand to establish the death penalty for “Ukrainian nationalists”<sup>30</sup> i.e. for prisoners of war and civil population residing in the occupied areas. More, Russian-controlled occupational administrations in the East of Ukraine, so called “Donetsk and Luhansk peoples’ republics”, recognized by Ukraine as terroristic organizations, “established” the death penalty in own “criminal codes”, de-facto since 2014 (for Luhansk it was “re-established” since 2020)<sup>31,32</sup>. So now the risks for Ukrainian citizens to be under the so-called “death sentences” is extremely high; more those fake Russia-controlled “republics” want to illegally disseminate own “legislation” on the others Russia-occupied territories of Ukraine.**

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, committed by Russian troops and mercenaries, are investigated by the Ukraine's legal enforcement bodies and by prosecutors' offices of some European countries.

There are 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>33</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 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>34</sup>.

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<sup>22</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

<sup>23</sup> <https://arc.construction/26897>

<sup>24</sup> <https://www.bbc.com/ukrainian/features-60888528>

<sup>25</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>26</sup> <https://www.bbc.com/news/world-europe-60547807>

<sup>27</sup> <https://arc.construction/26892>

<sup>28</sup> <https://news.un.org/en/story/2022/03/1113652>

<sup>29</sup> <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

<sup>30</sup> <https://www.mk.ru/social/2022/03/31/mechty-o-smertnoy-kazni-pochemu-rossiyskiy-deputat-prizyvaet-k-rasstrelam.html>

<sup>31</sup> <https://uatv.ua/blogs/lnr-vsled-za-dnr-mozhet-vnedrit-smertnyu-kazn-kto-ispolniteli/>

<sup>32</sup> <https://v-variant.com.ua/article/smertnyu-kazn-v-lnr/>

<sup>33</sup> <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

<sup>34</sup> <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

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>35</sup>. In other UN experts' statements the negative impact of Russia's aggression on right to life of persons with disabilities was condemned<sup>36</sup>, and relevant risks for women's right to life were pointed<sup>37</sup>.

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. 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 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.

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.

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.

27th of April, 2022

Representative of the ARC



A handwritten signature in blue ink, written over the ARC logo.

<sup>35</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>  
<sup>36</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>  
<sup>37</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>