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OF CRIMEA

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10.11.2022 № 503/2022

To UN Special Rapporteur on the promotion and protection of human rights in the context of climate change

Russian Aggression in Ukraine and Challenges for the Climate Changes

Our Association of Reintegration of Crimea (ARC)¹, as non-governmental expert and human rights organisation², passed long-term researches, related with human rights and humanitarian issues, including their fundamental rights, informational rights, right to development, also as with issues of the transitional justice for Crimean peninsula, with relevant ecologic, humanitarian, informational, economic, social and financial impacts.

Since 2020 we sent more than 70 submissions and proposals to UN, OSCE and CoE human rights' strictures, including issues of violation the ecologic rights, major part of them were published in the official web-sources³⁴.

On 2021 Our Association submitted to the UN the proposals on two Crimea-related natural objects to the researchathon on sacrifice zones and human rights proposed by the UN Special Rapporteur on Toxics and Human Rights and UN Special Rapporteur on Human Rights and the Environment, for their forthcoming report on toxic-free environments in which to live, work, study and play to be discussed in UN on 2022. UN rapporteurs intend to highlight the egregious problem of places that are being subjected to severe toxic pollution in context of rights to sustainable development⁵ and risks of climate changes.

Sending You answers on some points of Questionnaire

1. Since 2014 Crimean peninsula was illegally occupied by Russia. Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory. Due last eight months of fights Russia occupied some territories of Donetsk, Kherson, Luhansk, Zaporizhzhya regions and strong fights are going in areas with total population more than 8 millions persons near the frontline.

Ukraine immediately filed an Application with the International Court of Justice (ICJ) on 25 February 2022, instituting proceedings against Russian in a dispute concerning the interpretation, application or fulfillment of the UN Convention on the Prevention and Punishment of the Crime of Genocide. Russia refused to execute the ICJ order in this case to stop the aggression⁶. Russia-controlled troops and mercenaries committed in Ukraine, during this invasion, gross violation of international humanitarian law and international human rights' law already, including broad crimes against property, social and cultural rights and

¹ <https://arc.construction/>

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

³ https://www.ohchr.org/sites/default/files/2021-11/ARC_Submission_Responces_Toxic_01_11_2021.doc

⁴ <https://www.ohchr.org/sites/default/files/documents/issues/toxicwaste/toxics-indigenous-peoples/inputsreceived/2022-07-13/association-reintegration-crimea.pdf>

⁵ <https://arc.construction/19284>

⁶ <https://www.icj-cij.org/en/case/182>

environment, attacks on forests, dams, national parks, riparian and maritime ecosystems
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All war crimes, committed by Russian invaders during ongoing hostilities, are connected with absolutely clear Russia's war targets in maximal destruction the civil infrastructure and environment, including objects, essential for all Ukrainian ethnic and social groups¹⁵. Those issues now are the subject of the investigation the International Criminal Court¹⁶ Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights¹⁷. Russian government refused to execute the demand of the ECtHR and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.¹⁸

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the military operations of Russia inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war¹⁹. UN General Assembly in its resolution ES-11/2 on 24 March 2022, articles 5 and 8, demanded again full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict²⁰.

The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine where pointed that Russia should immediately cease its aggression, withdraw all its forces from the whole territory of Ukraine, and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas²¹.

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy of terror and repressions over the Russia-occupied territories of Ukraine, including Kherson and Zaporizhzhya regions^{22,23}.

Till October, 2022 more new crimes were committed by the Russian troops, including destruction objects of civil infrastructure, forests, dams and other melioration systems by mines explosions, missiles and artillery. Russian forces destroy and loot the technical equipment of Ukrainian forestry and melioration management and of national parks in Kherson and Zaporizhzhya regions en masse.

Corresponding negative impacts of Russian aggression against climate include atmospheric pollution due to mass extensive emissions of combustion products, the destruction of thousands of square kilometers of forests and plantations near frontline, as well as natural soils in the combat zone close to the Crimea, the intervention of the Russian occupiers in the melioration management and natural watercourses in Southern Ukraine.

Also, the negative impact to climate includes the destruction of ecosystems important for oxygen exchange of the Black and Azov seas due to their pollution by oil products and chemicals from Russia's naval vessels and their missile ammunition, as well as changes in

⁷ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

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

⁹ <https://www.bbc.com/ukrainian/features-60888528>

¹⁰ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹¹ <https://www.bbc.com/news/world-europe-60547807>

¹² <https://arc.construction/26892>

¹³ <https://news.un.org/en/story/2022/03/1113652>

¹⁴ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹⁵ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹⁶ <https://www.icc-cpi.int/ukraine>

¹⁷ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁸ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁹ <https://digitallibrary.un.org/record/3959039?ln=ru>

²⁰ <https://digitallibrary.un.org/record/3966630?ln=en>

²¹ <https://arc.construction/31039>

²² <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

²³ <https://www.bbc.com/news/world-europe-60547807>

ecosystems, caused by the mass death of mammals and fish due to noise and explosive pollution under time of sea activity. Special risks arise in this zone regarding potential changes in the hydrogen sulfide layer located in the deep-water part of the Black Sea, and corresponding emissions, in particular due to explosive processes.

Such changes also include an indirect impact through Russian attacks on Ukrainian nuclear power facilities, such as the Zaporizhzhia NPP, and on Ukrainian green energy facilities in occupied territories and war zones. Potential risks include nuclear incidents caused by Russian military and terrorist activities and the detonation of underwater gas tunnels in the Black Sea by the Russian invaders. Since the level of hostilities in Ukraine is unprecedented for modern humanity and has no clear prospect of minimization in the coming months, the above risks and challenges have a strong and direct impact on the issue of climate changes.

3. The main negative consequences for the indigenous peoples of Crimea, including the Crimean Tatars, are the destruction or damage due to climatic changes of natural ecosystems and areas of traditional farming, namely: the desertification of Western Crimea, the deforestation of the Crimean mountains, the destruction and disappearance of marine coastal aquatic complexes, the collapse of biosystems of the Azov seas, soil salinization of the Central and Eastern Crimea etc. Crimean Tatars were forcibly displaced by Soviet regime in 1944 from Crimea and after 2014 their secondary displacement started as Crimea was occupied by Russia; in September, 2022 this process activated as Russia started illegal “mobilization” of Crimean Tatars as “cannon fodder” on peninsula.

5. The ecological risks of the Russian invasion of Ukraine, including internad displacement issues, have already been identified in some resolutions of the UN General Assembly, OSCE and Council of Europe bodies since 2015, but these actions and the corresponding expert work of UN officials have not yet reflected climate issues. In addition, the mentioned issue was not raised in terms of the protection of the rights of indigenous peoples, with a view to sustainable development.

From the point of view of international law, such Russia’s illegal acts can be considered as terrorism^{24,25} as Russian forces conjunct the attacks on ecologic objects with politic demands. Czech Republic, Estonia, Lithuania, Latvia, Poland and Slovakia, also as Council of Europe recognized Russian politic regime as terroristic one already²⁶.

Ukraine started some criminal proceedings regarding issues of destruction the ecosystem by Russian troops, with qualification of such activities as ecocide crime, but the whole concept of ecocide crime is not too develop in modern international law and have no conventional protection²⁷.

8. 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 ECtHR orders to stop the aggression and hostilities that are directly pointed against the Ukrainians’ rights and rights of indigenous Crimean Tatar People, including environmental ones.

Next urgent, immediate steps of the UN bodies must be done in Ukraine, in condition of ongoing interstate conflict and hostilities, of ongoing Russia’s terroristic criminal, discriminative and racist policy against Ukrainians citizens’ ecologic rights and Ukraine’s environment must be done, including all observation procedures and visits to Ukraine.

²⁴ <https://casebook.icrc.org/case-study/icty-prosecutor-v-galic>

²⁵ <https://arc.construction/16791>

²⁶ <https://arcrimea.org/en/analytics/2022/11/05/sevastopols-maritime-cotton-and-terrorist-states-blaming-through-victim/>

²⁷ <https://www.internationalcrimesdatabase.org/upload/documents/20221024T110657->

Prosecution%20for%20Ecocide%20as%20a%20weapon%20in%20armed%20conflict%20reflections%20on%20Crimea.pdf

Relevant activities of UN bodies, including steps of UN Special Rapporteur on the promotion and protection of human rights in the context of climate change will allow intergovernmental bodies, governments of developing countries, environmental protection and human rights organizations, and institutions of the world's indigenous peoples to start a discussion and assessment of the forms of direct and indirect negative ecological and economic impact of Russian aggression in the field of climate change and the related rights of indigenous peoples.

The result should be the development of plans to counteract the corresponding negative processes at the level of international organizations, governments and non-governmental environmental protection structures, organizations of the indigenous peoples of the world, the inclusion of relevant issues in international documents of legal and political dimensions, in particular in the dimension of development the ecocide conventional criminalization, increased sanctions pressure and international recognition of the Russian regime terrorist one

10th of November, 2022

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