

ASSOCIATION OF REINTEGRATION

OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001 Ukraine, Kyiv, 56 Kharkivske highroad, 02175 arcconstructionofcrimea@gmail.com 08.05.2025 <u>No 359/2024</u>

To UN Special Rapporteur in the field of cultural rights

Russian Aggression Against Ukraine, Olympic Principles and Manipulation with Right to Participate in Sports

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², with activities devoted to Crimea's issues³⁴⁵.

We informed UN structures and many other international bodies that illegal occupation and attempted annexation of the Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, worsened significantly the possibilities of human rights' realization and protection⁶, including the right to participate in sports.

The illegal occupation and attempted annexation of the Crimea by Russia since 2014 have been condemned in a series of international acts, including UN GA resolutions 2014 68/262, 2016 71/205, 2017 72/190, 2018 73/263 2019 74/168, 2020 75/192, 2018 73/194, 2019 74/17, 2020 75/29⁷, resolutions of the OSCE Parliamentary Assembly, of the Parliamentary Assembly of the Council of Europe 1988 (2014), 2028 (2015), 2067 (2015), 2112 (2016), 2132 (2016), 2145 (2017), 2198 (2018), 2231 (2018) etc., of the European Parliament's resolutions 2014/2841, 2014/2965, 2016/2556, 2016/2692, 2017/2596, 2017/2869, 2018/2754, 2018/2870, 2019/2734, 2019/2202 etc.

Since 24th of February 2022 Russia committed broad and open military aggression to Ukraine's territory. Due last twenty six months of fights Russia occupied some territories and strong fights are going near cities with total population of millions persons near the frontline⁸⁹¹⁰¹¹¹²¹³.

As Ukrainian Government informed in 2023, as minimum 262 Ukrainian athletes and coaches were killed by Russians during the aggression against Ukraine, another 16 were wounded, 28 are in captivity, and 6 are still missing.

Ukraine immediately filed an Application with the International Court of Justice (ICJ) on 25 February 2022. Russia refused to execute the ICJ order in this case to stop the

⁷ for example, https://undocs.org/en/A/RES/73/263

¹ https://arcrimea.org/

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

³ https://www.ohchr.org/sites/default/files/documents/issues/truth/nsa/2022-09-14/submission-NSAs-hrc51-academia-Association-of-Reintegration-of-Crimea-ARC.pdf

⁴ https://www.ohchr.org/sites/default/files/2022-01/Association-of-Reintegratin-of-Crimea.pdf

⁵ https://www.ohchr.org/sites/default/files/documents/issues/truth/cfi-achieving-sdgs/2022-10-10/submission-NSAs-hrc51-academia-Association-of-Reintegration-of-Crimea-ARC.pdf

⁶ https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/DGD24June2021/Oral_statements/Part1/31.DOC

⁸ https://arcrimea.org/en/news/2023/02/01/olympic-intrigues-russian-aggression-and-occupied-crimea/

⁹ https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf

¹⁰ https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf

¹¹ https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf

¹² https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf

¹³ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

aggression¹⁴¹⁵. Those issues now are the subject of the investigation the International Criminal Court¹⁶ and European Court of Human Rights¹⁷¹⁸¹⁹.

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights. UN Human Rights Council (HRC) 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 Russia²⁰. On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed; experts recalled that intentional attacks against civilian objects amount to war crimes²¹²²²³²⁴²⁵.

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 decades²⁶. 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 infrastructure²⁷. On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3²⁸ calling for Russia to be suspended from the Human Rights Council²⁹.

On February, 23, 2023 the UN General Assembly called for ending the war in Ukraine and demanded Russia's immediate withdrawal from the country, in line with the UN Charter³⁰. On February 24, 2023 OSCE officials and structures made a number of statements, condemning the Russia's atrocities³¹³²³³.

European Court of Human Rights issued admissible ruling in case "Ukraine and the Netherlands v. Russia" on January 26, 2023³⁴ regarding Russia's occupation Eastern part of Ukraine, where ECtHR confirmed that Russia's occupying "authorities" practice constant violations of almost all articles of the European Convention on Human Rights, 1950 and its protocols³⁵.

 $^{^{14}\} https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/csos/2022-07-26/submission-sdgs-cso-ARC-second-submission.pdf$

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

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://www.icj-cij.org/public/files/case-related/166/166-20170419-ORD-01-00-EN.pdf

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

²⁴ https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts

²⁵ https://arcrimea.org/en/news/2022/12/16/new-un-resolution-on-human-rights-in-crimea/

²⁶ https://digitallibrary.un.org/record/3959039?ln=ru

²⁷ https://digitallibrary.un.org/record/3966630?ln=en

²⁸ https://digitallibrary.un.org/record/3967950?ln=ru

²⁹ https://news.un.org/en/story/2022/04/1115782

³⁰ https://documents-dds-ny.un.org/doc/UNDOC/LTD/N23/048/58/PDF/N2304858.pdf?OpenElement

³¹ https://arcrimea.org/en/news/2023/02/25/osce-statements-were-made-on-large-scale-russian-aggression-anniversary/

³² https://www.osce.org/odihr/537933

³³ https://www.oscepa.org/en/documents/officers-of-the-assembly/4627-joint-statement-of-the-osce-pa-bureau-action-on-the-one-yearanniversary-of-russia-s-war-against-ukraine-and-the-international-legal-order-24-february-2023/file

³⁴ https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7550165-

^{10372782&}amp;filename=Grand%20Chamber%20decision%20Ukraine%20and%20the%20Netherlands%20v.%20Russia%20-%20Flight%20MH17%20and%20eastern-Ukraine-

conflict%20case%20partially%20admissible%2C%20will%20proceed%20to%20judgment.pdf

³⁵ https://arcrimea.org/en/analytics/2023/02/01/european-courts-decision-regarding-east-of-ukraine-victory-of-justice-over-aggression/

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy or terror and repressions over the Russia-occupied territories of Ukraine³⁶³⁷.

Also, the politicization and obviousness of these Russian aggressor's crimes, accompanied by statements and demands from both the leaders of the occupying "authorities" in the Crimea, and the Russian leadership as a whole, has all the signs of state terrorism, which was adopted by the Parliamentary Assembly of the Council of Europe on 13th of October 2022³⁸. Before, some states adopted resolutions declaring Russia to be a terrorist state that is carrying out genocide against the Ukrainian people³⁹⁴⁰⁴¹⁴²⁴³.

On January, 26 Parliamentary Assembly of Council of Europe (PACE) adopted the resolution 2482 (2023)⁴⁴ that will recalled in resolution that the ongoing aggression is a continuation of the aggression started on 20 February 2014, which included the invasion, occupation and attempted annexation of Crimea by Russia. On March, 17, 2023 The International Criminal Court in The Hague has issued an arrest warrant for Russia's president Vladimir Putin for overseeing the abduction of Ukrainian children⁴⁵.

Our Association took into account the Declaration of the 11th Olympic Summit, 9 December 2022⁴⁶ and Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these countries, 25 January, 2023⁴⁷

Declaration pointed that protective measures, related to Russia's aggression, put the Olympic Movement in a grave dilemma, that allegedly "led the IOC to act against its mission to unify the entire world in peaceful competition, since it had to prohibit athletes from participation because of their passport only".

Declaration refers to the "Sport as an enabler of sustainable development" resolution A/77/L.28 by the UN General Assembly adopted on 1 December 2022 and to the Letter by the Special Rapporteur in the field of cultural rights and the Special Rapporteur on contemporary forms of racism of the UN Human Rights Council, that express "serious concern about the recommendation to ban Russian and Belarusian athletes and officials such as judges from international competitions, based solely on their nationality, as a matter of principle. This raises serious issues of non-discrimination".

Statement pointed that with regard to the sanctions, no international sports events being organised or supported by an International Federation or National Olympic Committee in Russia or Belarus, no flag, anthem, colours or any other identifications whatsoever of these countries being displayed at any sports event or meeting, including the entire venue, no Russian and Belarusian Government or State official should be invited to or accredited for any international sports event or meeting.

Those IOC and whole Olympic Movement steps are well-grounded and are connected with above-pointed international legal consequences of Russia's aggression.

terrorystyczny.html

³⁶ https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine

³⁷ https://www.bbc.com/news/world-europe-60547807

³⁸ https://pace.coe.int/en/files/31390/html

³⁹ https://www.lrt.lt/en/news-in-english/19/1691202/lithuania-recognises-war-in-ukraine-as-genocide-russia-as-terrorist-state

⁴⁰ https://www.saeima.lv/lv/aktualitates/saeimas-zinas/31308-saeima-pazinojuma-atzist-krieviju-par-terorismu-atbalstosu-valsti

⁴¹ https://www.riigikogu.ee/en/news-from-committees/foreign-affairs-committee/riigikogu-declared-russia-a-terrorist-regime/

⁴² https://www.senat.gov.pl/aktualnoscilista/art,15100,uchwala-senatu-o-uznaniu-wladz-federacji-rosyjskiej-za-rezim-

⁴³ https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=519169

⁴⁴ https://pace.coe.int/en/files/31620/html

⁴⁵ https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and

⁴⁶ https://olympics.com/ioc/news/declaration-of-the-11th-olympic-summit

⁴⁷ https://olympics.com/ioc/news/statement-on-solidarity-with-ukraine-sanctions-against-russia-and-belarus-and-the-status-of-athletes

But Statement also stressed that "No athlete should be prevented from competing just because of their passport" that a "pathway for athletes' participation in competition under strict conditions should therefore be further explored". Statement also stressed that athletes would participate in competitions as "neutral athletes" and in no way represent their state or any other organization in their country, as is already happening in professional leagues, particularly in Europe, the United States and Canada, and in some individual professional sports.

Statement also stressed that only athletes who fully respect the Olympic Charter would participate. This means in particular: first, only those who have not acted against the peace mission of the IOC by actively supporting the war in Ukraine could compete and that there must be individual checks carried out for all entered athletes.

In the event of any athlete failing to respect the eligibility criteria or failing to respect the strict participation conditions as set out above, the International Federations and/or the sports event organizer concerned should immediately remove them from the competition, suspend them from further competitions and report the incident to the IOC for its consideration for further measures and sanctions.

We addressed submission to IOC on 31 January, 2023 No 101/2023, where our Association asked to pay special attention to IOC and other Olympic Movement participants that such conditions caused strong social discussion in Ukraine and other states, including all arguments, pointed in the Statement and Declaration.

Regarding non-discrimination issue and letter of Special Rapporteur in the field of cultural rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance we paid IOC attention that those UN HRC representatives published our Association's reports regarding racial discrimination and other human rigths' violations on Russia-occupied territories of Ukraine⁴⁸⁴⁹⁵⁰⁵¹

And, alas, as we pointed in our submission to IOC those UN representatives evidently did not mention those issues in own letter to IOC. More, as we directly stressed to IOC, the citizenship issue is not the possible groung of discrimination persons, regarding internatonal legal standards, including p. 2 of article 1 of International Convention on the Elimination of All Forms of Racial Discrimination⁵², 1965 and others.

Also, as we stressed in submission № 101/2023 to IOC, after Statement and Declaration were adopted the above-pointed ECtHR decision was published on 25th of January regarding Russian occupation of districts of Eastern Ukraine since 2014 in pending case № 8019/16, 43804/14 and 28525/20, but the Statement and Declaration did not tale into account this decision that establish the Russia-supported terrorist and aggressive activities as in the Crimea so in the East of Ukraine since 2014.

And anyway, as the above-pointed international act stresses, Russian aggression in Ukraine started from the illegal occupation and attempted annexation of the Crimea in 2014. As the Statement stressed – only athletes who fully respect the Olympic Charter would participate, in particular: first, only those who have not acted against the peace mission of the IOC by actively supporting the war in Ukraine.

⁴⁸ https://owncloud.unog.ch/s/FH8BRDGyRWEeXO9?path=%2FCivil%20Society#pdfviewer

⁴⁹ https://owncloud.unog.ch/s/Gx716OB9FcqPMts?path=%2FCivil%20Society%20Organizations

⁵⁰ https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/cfi-cultural-rights-and-migration/2023-01-30/Association-of-Reintegration-of-Crimea-cfi-cultural-rights.doc

⁵¹ https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/sustainabledevelopment/2022-08-22/submission-development-ga77-cso-associationreintegrationcrimea-en_0.pdf

⁵² https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial

Our Association pointed to IOC in submission № 101/2023 that all athletes, who visited illegally Russia-occupied Crimea and others Russia-occupied territories of Ukraine from 2014, as in personal purposes, so for any sportive or so called "social" or "politic" activities acted strongly against the Olympic Charter

So, as ARC pointed in that submission, if the IOC would not change its position regarding participation the "neutral athletes" in Olympic Movement, the issue of their possible illegal visits to the Russia-occupied territories of Ukraine must be checked in any certain case; also the issue of the assessment by such athletes the illegality of Russian occupation and attempted annexation of Ukrainian territories, including the Crimea, must be checked.

ARC stressed in submission N_{2} 101/2023 that the special informing from the IOC on these issues will serve the ideals of global peace, prevention aggressive wars, non-discrimination and realization the human rights to sport and sustainable development. On behalf of the Crimean victims of Russia's repressions, discrimination and attempted genocide we asked IOC to response this letter in shortest terms.

Alas after the Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these countries, 25 January, 2023 was proclaimed a lot of manipulations were done, including some Crimea-related⁵³⁵⁴, that "neutral athletes" or "Russian athletes" allegedly can't be discriminated on grounds of their citisenship and that allegeldy participation of "Russian athletes" as "neutral" ones is in compliance with Olympic Principles. On March 22 IOC President Thomas Bach declared that allegedly "it would be discriminatory to exclude Russians and Belarusians based on citizenship alone" and argued that allegedly "the Olympics can help promote dialogue"

IOC Executive Board meeting, discussed in March 2023 the conclusions and review the feedback from a series of consultation calls held with IOC Members, National Olympic Committees (NOCs), International Federations (IFs) and athletes' representatives on the topic of solidarity with Ukraine, the sanctions against Russia and Belarus, and the status of athletes from these countries.

The IOC Executive Board reiterated on March, 28 2023 its condemnation of the Russian invasion of Ukraine, which is a blatant violation of the Olympic Truce that was in effect at the time, and of the Olympic Charter. For this reason, the IOC has already sanctioned the Russian and Belarusian states and governments, who are solely responsible for this war, in an unprecedented way. In particular, the IOC has recommended that: no international sports events be organized in Russia and Belarus; no flag, anthems or other national symbols whatsoever should be displayed at any international sports events; and no government or state officials should be accredited for or invited to any international sports events⁵⁵.

The eligibility conditions for Individual Neutral Athletes at Paris Olympic 2024, were additionally established by the IOC Executive Board in December, 2024: qualified athletes with a Russian or Belarusian passport will be entered as, and compete as, Individual Neutral Athletes ("AINs"); teams of athletes with a Russian or Belarusian passport will not be considered; athletes who actively support the war will not be eligible to be entered or to compete; support personnel who actively support the war will not be entered; athletes who are contracted to the Russian or Belarusian military or national

⁵⁵ https://olympics.com/ioc/news/ioc-issues-recommendations-for-international-federations-and-international-sports-event-organisers

⁵³ https://arcrimea.org/en/news/2023/02/09/too-green-grapes-occupiers-announced-boycott-of-olympics-in-crimea/

⁵⁴ https://arcrimea.org/en/news/2023/03/25/sevastopol-collaborators-are-extremely-worried-about-international-olympic-committeesmoney/

security agencies will not be eligible to be entered or to compete, and support personnel who are contracted to the Russian or Belarusian military or national security agencies will not be entered⁵⁶.

The experts projected in march, 2024, that, under the most likely scenario, 36 AINs with a Russian passport and 22 AINs with a Belarusian passport will qualify for the Olympic Games Paris 2024. The maximum number, which is unlikely to be reached, would be 54 and 28 respectively⁵⁷.

So we stress again that Olympic Principles must be realized and executed in this point. The Olympic Charter, that also serves as statutes for the IOC⁵⁸ in article 1.2 of Rule 1 point that the goal of Olympism is to place sport at the service of the harmonious **development** of humankind, with a view to promoting a peaceful society concerned with the preservation of human **dignity**.

But the Russian aggression, attempted genocide, war crimes and crimes against humanity in Ukraine is the strongest challenge for development not only Ukraine, but all human kind, that make impossible the sustainable development and violate the freedom from fear is listed as a fundamental human right according to the Universal Declaration of Human Rights. Human dignity is impossible to secure until the freedom from fear is violated and till Russian aggression will not stop on Ukraine, any Russian citizen, who does not stress personally the anti-aggressive position violate the article 1.2 of Olympic Charter.

The Olympic Charter, in article 1.6 point that the enjoyment of the rights and freedoms set forth in this Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

But the **issue of citizenship is not mentioned** in article 1.6 of Rule 1 and the "national origin" is not a citizenship but, regarding the positions of UN Committee of Human Rights and UN Committee on the Elimination of Racial Discrimination, the issue of ethnic ground. It is clear that national origin is different from citizenship, for example athlete with Greek citizenship can't be a member of Italian Olympic team, but athlete with Greek origin and Italian citizenship may be such member of Italian Olympic team.

Ban for Russian and Belorussian athletes is not ban for athletes of Russian or Belorussian ethnic origin but a ban for athletes of Russian or Belorussian citizenship.

The Olympic Charter, in article 2.4 of Rule 2 point that the IOC's role is to cooperate with the competent public or private organizations and authorities in the endeavour to place sport at the service of humanity and thereby to **promote peace**.

But as it was pointed in above-mentioned UN, OSCE and Council of Europe, ECtHR and ICC documents, Russian aggression makes promotion peace impossible and IOC and its bodies must take into consideration the UN GA resolutions and ECtHR and ICC judicial acts regarding Russian aggression and Russian crimes against peace and humanity.

The Olympic Charter, in articles 2.5 and 2.11 of Rule 2 point that the IOC's role is to action to strengthen the unity of the Olympic Movement, to protect its independence,

⁵⁶ https://olympics.com/ioc/news/ain-eligibility-review-panel-established-by-ioc-eb-paris-games-time-protocol-elements-agreed-on

⁵⁷ https://olympics.com/ioc/news/ain-eligibility-review-panel-established-by-ioc-eb-paris-games-time-protocol-elements-agreed-on

 $^{^{58}\} https://stillmed.olympics.com/media/Document\%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf$

to maintain and promote its political neutrality and to preserve the autonomy of sport to oppose any political or commercial abuse of sport and athletes.

But, as Russian propaganda confirms, any participation of Russian athletes in Olympic games will make the politic abuse of vide circle of persons, including athletes and more, Russia will definitely try to include in own team, even under umbrella of "neutral athletes" persons from Russia-occupied territories of Ukraine with clear criminal politic purpose. Such Russia's illegal policy regarding the Crimea was established by European Court on Human Rights in case *Filip Bedros Kirkorov against Lithuania*, *12174/22*⁵⁹⁶⁰.

So our Association called IOC Executive Board, as body that assumes the general overall responsibility for the administration of the IOC and the management of its affairs, regarding demands of articles 19.3.1, 19.3.2, 19.3.10, 19.3.13 of Rule 19, to monitor the observance of the Olympic Charter, to approve internal governance regulations, to make decision, necessary to ensure the proper implementation of the Olympic Charter and the organization of the Olympic Games regarding ban of participation of athletes of Russian or Belorussian citizenship in any Olympic activities till end of Russian aggression in Ukraine.

Also IOC Executive Board, regarding demands of articles 19.3.1, 19.3.2, 19.3.10, 19.3.13 of Rule 19 of the Olympic Charter, must make decision on mechanism of control that Olympic Games will not become a tool of illegal politic actions, including Russia's fake "justifying" of attempted annexation the six regions of Ukraine, including the AR Crimea and city of Sevastopol. Such mechanism must include monitoring of possible participation of any athlete in illegal activities on Russia-occupied territories of Ukraine. International Federations and National Olympic Committees must take all possible measures to help IOC in realization of relevant Executive Board's decisions.

So we call all UN authorized bodies and agencies, also as their member states to pay a special attention to Russian illegal activities and provocations in area of sport with manipulation of right to participate in sport events and fake discrimination on ground of citizenship.

8th May, 2024

Representative of the ARC Dr. Borys Babin



⁵⁹ https://hudoc.echr.coe.int/eng-press?i=003-7929639-11044140

⁶⁰ https://arcrimea.org/en/news/2024/04/19/ecthr-recognized-ban-on-entry-into-lithuania-after-crimean-tour-as-justified/