



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 Secretary General

Russian War Crimes in Ukraine: Illegal Death Penalty on Occupied Territories

Our Association of Reintegration of Crimea (ARC)¹, is the 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, such as right to life. 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' rights to life³.

Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region. Systematic gross violations of the human rights and humanitarian standards, racial discrimination of ethnic Crimean Tatars and Russians, 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 and racial discrimination in the region 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 – extrajudicial killings, abductions, enforced disappearances, torture and ill-treatment, as well as reported abuses of other fundamental freedoms.

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. During end of March, 2022 Ukraine returned back control over some districts in Kyiv, Sumy and Chernigiv regions.

In last six weeks Russian troops committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already⁸. Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including death of thousands civil citizen, hundreds of whom were killed in framework of extrajudicial procedures by the Russia's occupying forces⁹.

Due to such gross violation the human rights Ukraine immediately filed an application with the International Court of Justice (ICJ) on 25 February 2022¹⁰ and to the European Court of Human

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

⁹ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁰ <https://www.icj-cij.org/en/case/182>

Rights¹¹. 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.¹²

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 ban for death penalty¹³. As Russia refused to execute the international obligations of Russian government, its propaganda and military forces use the hate speech against the ethnic Ukrainians, including Russian officials' statements, with calls for the killings and penalties against Ukrainians. Russia-controlled "administrations" in Donetsk and Luhansk regions of Ukraine declare the usage of the death penalty by their punitive structures already.

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 war¹⁴¹⁵. 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 12th of April, 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 13000 civil person, including 180 children were killed by Russian troops and Russia-controlled mercenaries to this date, especially in Chernigiv, Kharkiv, Kyiv, Sumy Regions of Ukraine. Russian troops killed for the "non-loyalty" Ukraine's majors of Hostomel town Yuri Prylypko and of Motyzhin settlement Olga Sukenko.

Among civil persons, who were victims of Russia-controlled mercenaries, there are persons who tried, to replace themselves from the hostilities zone, who hided 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 Kherson, Melitopol and other cities in Southern Ukraine in March 2022 led to mass actions of resistance to the aggressor¹⁶. Russian troops block the humanitarian corridors established to evacuate civil population from hostilities zones and occupied territories.

Currently, the situation with killing civil population is extremely difficult in Mariupol¹⁷. 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, and a lot of them were killed¹⁸. During the Ukraine's counter-offensive in Kyiv Region in 1-3 April, 2022 more than 400 dead civil persons were found by Ukrainian authorities in Kyiv Region, killed by Russian troops, including children¹⁹.

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 paramilitaries are investigated by the Ukraine's legal enforcement bodies and by prosecutors' offices of some European countries, including Germany. There is now peacekeeping missions in Ukraine as such initiatives were blocked by the Russian government.

¹¹ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹² <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹³ <https://arc.construction/26897>

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

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

¹⁶ <https://arc.construction/26918>

¹⁷ <https://arc.construction/26887>

¹⁸ <https://arc.construction/26892>

¹⁹ <https://www.pravda.com.ua/rus/news/2022/04/3/7336895/>

Activities of UN Monitoring Mission in Ukraine are low and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March²⁰. Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so their victims of Russian troops and Russia-controlled mercenaries, including victims of forced labor 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 Russia²¹. 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 crimes²². In other UN experts' statements the negative impact of Russia's aggression on right to life of persons with disabilities and older persons was condemned²³, and relevant risks for women's right to life were pointed²⁴.

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, hostilities that are directly pointed against civil population, including killings. 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.

All those steps of the Russian government's policy of extrajudicial death penalties as a tool of terror, committed by Russian troops and Russia-controlled "administrations" in Russia-occupied Crimea, 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 and other UN structures 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 death penalty and extrajudicial executions, on 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.

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Representative of the ARC
Dr. Borys Babin



²⁰ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

²¹ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>