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To UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

**Russian Aggression, Occupation and
Challenges to Freedom of Opinion and Expression**

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², our expert researches are 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 humanitarian, informational, economic, social and financial impacts.

Since 2020 we sent more than 50 submissions and proposals to UN human rights' strictures, major part of them were published in the official web-sources. Our experts researched the issues of violation by Russian aggressors the Ukrainians' human rights on the Russia-occupied territories, including rights to freedom of opinion and expression³.

As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory from own territory, occupied Crimea, Belarus, Black and Azov seas against Ukrainian mainland. Due last three months of fights Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and strong fights are going near cities of Kharkiv, Mykolaiv and others 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 aggression⁴.

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 environment, attacks on journalists and broadcasting agencies, Internet and mobile infrastructure^{5,6,7,8,9,10,11,12}.

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, including objects, essential for all Ukrainian social groups, including mobile, Internet, TV and radio broadcasting networks¹³. Those issues now are the subject of the investigation the International Criminal Court¹⁴ Due to gross violation the human rights Ukraine filed an application 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/sites/default/files/2021-11/ARC_Gender_Justice_Opinion_13_06_2021_3.pdf

⁴ <https://www.icj-cij.org/en/case/182>

⁵ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

⁷ <https://www.bbc.com/ukrainian/features-60888528>

⁸ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁹ <https://www.bbc.com/news/world-europe-60547807>

¹⁰ <https://arc.construction/26892>

¹¹ <https://news.un.org/en/story/2022/03/1113652>

¹² <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹³ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹⁴ <https://www.icc-cpi.int/ukraine>

Rights also¹⁵. 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 2022.¹⁶

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights¹⁷, which guarantee the right to freedom of peaceful assembly and to freedom of association with others.

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 Russia¹⁸.

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 crimes¹⁹. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned²⁰, and relevant risks for women's right to life were pointed²¹. UN Special Rapporteur on the right to adequate housing expressed on 9th of March the grave concerns about the serious violations of the right to adequate housing in Ukraine²³.

On 6 May 2022 UN human rights experts and the Global Protection Cluster Coordinator issued a statement alarming by the scale of displacement in Ukraine where pointed that alongside displaced people in Ukraine, the estimated 13 million people who are stranded in areas affected by the conflict are experiencing acute risks as well. Their lives and security are threatened, and they are largely unable to access life-saving assistance due to ongoing attacks and insecurity²⁴.

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 war. In article 9 of this resolution UN General Assembly demanded that all parties to protect civilians, including persons in vulnerable situations, and to respect human rights²⁵.

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 conflict; stressed that the sieges of cities in Ukraine further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to these sieges²⁶.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3²⁷ calling for Russia to be suspended from the Human Rights Council²⁸.

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 areas²⁹.

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, that established policy of terror and repressions over the Russia-occupied territories of Ukraine, especially in Kherson and Zaporizhzhya regions.

¹⁵ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁷ <https://arc.construction/26897>

¹⁸ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

¹⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

²² <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

²³ <https://arc.construction/26902>

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

²⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

²⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

²⁷ <https://digitallibrary.un.org/record/3967950?ln=ru>

²⁸ <https://news.un.org/en/story/2022/04/1115782>

²⁹ <https://arc.construction/31039>

Russian troops, fake “military-civil administrations” 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 war³⁰³¹.

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. Now more than 260 Ukrainian children are killed by Russian invaders during hostilities and in the Russia-occupied areas.

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, TV and mobile broadcasting equipment by missiles and artillery.

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-May 2022 led to mass actions of resistance to the aggressor³². Russian troops block the humanitarian corridors established to evacuate civil population from hostilities zones and occupied territories of Kherson and Zaporizhzhya regions and block any information about such corridors.

Since March 2022 Russia makes sustainable illegal steps to prepare crime of attempted annexation the territories of Kherson³³ and Zaporizhzhya³⁴ regions of Ukraine. Russian criminal illegal “administrations” in Kherson and Melitopol pursues tasks that are mostly related to the suppression of pro-Ukrainian resistance, the subjugation of the will of the local inhabitants³⁵ and the involvement of the relevant districts in the so-called “ruble zone” and “Russian informational space”.

As Ukrainian self-government, governmental agencies and bank institutions refused to co-operate with the Russian invaders in their illegal activities,³⁶ Russia transfer illegally the other bank institutions to the occupied territories of Kherson and Zaporizhzhya regions with direct target to undermine the Ukraine’s sovereignty in those areas³⁷.

Our Association informed the International Telecommunication Union (ITU)’ plenipotentiary bodies on 4th May 2022 in letter № 121/2022 and on 9th May 2022 № 132/2022 on challenges for radio- and tele-communication created by the Russia’s broad and open military aggression to all Ukraine’s territory against Ukrainian mainland³⁸.

We pointed to ITU that, since May, 1 Russian military forces blocked partially the Ukrainian suppliers of Internet and Ukrainian mobile communication services in the Russia-occupied parts of Kherson Region and Zaporizhzhya Region³⁹. After 3rd of May Internet traffic in Kherson, Melitopol and Berdyansk was restored but via Russia’s and Russia-controlled Crimean providers like “Miranda”⁴⁰⁴¹⁴². At the same time Ukrainian authorities warned the population of those regions that Russian troops make full control over the relevant mobile communication there, even if it is realized via Ukrainian operators.

So Russia blocked the possibility for Ukrainians, residing in the Russia-occupied territories, to get the information and to communicate without illegal interfere to their privacy, as all Russia-controlled Internet and mobile operators are under full control of Russia’s authoritarian regime, its military and special services.

Such informational blockade is extremely negative for realization the freedoms of opinion and expression on the Russia-occupied territories.

³⁰ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

³¹ <https://www.bbc.com/news/world-europe-60547807>

³² <https://arc.construction/26918>

³³ <https://arc.construction/27771>

³⁴ <https://arc.construction/28052>

³⁵ <https://arc.construction/29020>

³⁶ <https://arc.construction/30772>

³⁷ <https://arc.construction/31438>

³⁸ <https://reliefweb.int/sites/reliefweb.int/files/resources/Ukraine%20Flash%20Appeal%202022.pdf>

³⁹ <https://arc.construction/30379>

⁴⁰ <https://www.unian.net/techno/communications/internet-v-hersone-zahvachen-okkupantami-ob-etom-govoryat-dannye-nablyudeniy-11810127.html>

⁴¹ <https://twitter.com/netblocks/status/1520874432046239745>

⁴² <https://arc.construction/30571>

Later new on May 30, Ukrainian mobile communications were cut off in the occupied territories of Kherson and Zaporizhzhya regions. The Russian invaders were preparing for the shutdown throughout May and accompanied it with allegations of so-called “negative actions by Ukraine”, which were refuted, in particular, by Ukrainian mobile operators⁴³.

Those Russia’s illegal activities on Russia-occupied territories of Ukraine’s mainland brutally violate Ukrainians’ right to respect for private and family life and correspondence, to receive and impart information and to the freedoms of opinion and expression also.

Such illegal Russia’s activities in the East of Ukraine directly violate the norms of UN Charter and provisions of the UN Human Rights Council resolution 49/1 on 4 March 2022⁴⁴, UN General Assembly resolutions ES-11/1 “Aggression against Ukraine”⁴⁵ and ES-11/2 “Humanitarian consequences of the aggression against Ukraine”⁴⁶. More, such illegal Russia’s military interference to the Ukraine’s tele- and radio-communication systems, including mobile network, is not in compliance with demands of international humanitarian law, including IV Geneva Convention.

Such Russia’s illegal activities also violate brutally articles 40, 42, 45 and 47 of the Constitution of the ITU, norms of Convention of the ITU, and its Administrative Regulations, including Unions’ resolutions such as resolution R 800 “Telecommunications, an important factor in economic and social development: role of the ITU in this domain”⁴⁷.

Since the beginning of March, Russian propaganda in Crimea has reported on “collecting and sending humanitarian aid” to Russian-occupied settlements in the Kherson and Zaporizhzhia Regions. As part of this special operation, the aggressor planned to involve local collaborators and direct agents of his influence, primarily in Henichesk, Nova Kakhovka and Kherson.

Families of collaborators, Russian colonizers, and the general criminal element were also brought in en masse from the occupied Crimea for this purpose. This plan of the occupiers was not realized in March.

At the same time Ukrainian citizens in the Russia-occupied territories create own social initiatives struggling against the violation of their rights by Russian invaders.

The mass refusal of Ukrainian citizens to receive “humanitarian aid” from the Russian invaders deprived the aggressor of the desired “picture”. Moreover, mass rallies of patriotic residents of Kherson and Melitopol took place on March 5 in opposition to Russian aggression, occupation, and crimes against humanity committed by the invaders.

On March, 2nd, citizens of Melitopol organized a peaceful meeting against Russian troops’ invasion. During this meeting, Russians opened fire against protesters. As a result, one person got an injury⁴⁸.

On March 6, 2022, similar rallies took place in Nova Kakhovka and Novooleksiyivka, with the local Crimean Tatar community taking an active part in the events in the Henichesk district. Representatives of the indigenous diaspora of the Crimea also take an active part in daily prayers for peace and unity of Ukraine in Melitopol⁴⁹.

On April, 27 In Kherson, locals took to the streets for a peaceful protest against the pseudo-referendum on establishing a sham “republic” in the area and the Russian occupation of their region. To disperse the crowd, the occupiers applied teargas and light-noise grenades.

Casualties were reported. Some civilians were detained, according to Ukrinform. Kherson residents are posting a video of the rally across Facebook groups. The video shows people leaving Freedom Square – they are coughing, while the crowd is heard chanting “Kherson is Ukraine!”⁵⁰

On May, 29 a patriotic rally in support of Ukraine was held in occupied Melitopol, Zaporizhzhia Oblast.

⁴³ <https://arc.construction/32258>

⁴⁴ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

⁴⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

⁴⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

⁴⁷ <https://www.itu.int/council/pd/council-res-dec-e.docx>

⁴⁸ <https://mind.ua/en/news/20237096-shellings-during-the-peaceful-meeting-in-melitopol>

⁴⁹ <https://arc.construction/26825>

⁵⁰ <https://www.ukrinform.net/rubric-ato/3468714-in-kherson-invaders-disperse-antireferendum-rally-with-light-and-noise-grenades.html>

The rally was held in a city park. According to eyewitnesses, patriots are currently singing the national anthem of Ukraine in the city park. The photo shows several dozen people with improvised posters, flags and yellow-blue ribbons.

It is noted that a few days before, Melitopol partisans invited citizens on 29 May to a pro-Ukrainian rally organised by the Yellow Ribbon movement. Only the time and date were known, and the meeting place was kept secret until the last moment⁵¹.

The mass self-organized exodus of Melitopol residents to the government-controlled territories contradicts the fantasies of Russian propaganda about the fake “liberation of the city”, where now, it turns out, “you can freely celebrate May 9”. That is why the Russian invaders block near the village of Vasilyvka for several days now the evacuation columns from the occupied Melitopol, Enerгодар, Dneprorudny, which were heading to Zaporizhzhia.

In the evacuation convoys, numbering more than a thousand cars with children and women, a dramatic humanitarian situation has developed. It is possible that the Russian invaders are deliberately preparing bloody provocations against the internally displaced persons, as allegedly “traitors of the Russian world, fleeing to the Ukrainian nationalists”⁵²

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 freedom of opinion and expression.

Our Association believes that next urgent, immediate steps of the UN OHCHR in Ukraine, in condition of ongoing interstate conflict and hostilities, of ongoing Russia’s discriminative and racist policy against Ukrainians’ freedom of opinion and expression must be done, including all observation procedures and visits to Ukraine.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN HRC’s and UN High Commissioner for Human Rights’ official positions. Our Association believes that urgent, immediate steps of the UN OHCHR bodies must be done; monitoring procedure, mentioned in UN HRC resolution 49/1, must be enforced immediately. UN OHCHR may communicate with ITU authorized structures on this issue.

Such UN OHCHR steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such 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.

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⁵¹ <https://www.pravda.com.ua/eng/news/2022/05/29/7349282/>

⁵² <https://arc.construction/30772>