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To UN Special Rapporteur on Foreign Debt

Russian Aggression against Ukraine, Financial Obligation and Digital Systems

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 financial obligations and relevant activities on the Russia-occupied territories³.

1. 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 infrastructure⁵⁶⁷⁸⁹¹⁰¹¹¹².

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 Ukrainian economic, including bank sector, mobile, Internet,

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/IEDebt/Int-debt-architecture-reform/ARC-input-IDAreform-EN.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>

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 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 respect for private and family life and correspondence, to receive and impart information and ideas without interference by public authority and regardless of frontiers.

. 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 vulnerable persons²⁰²¹²²²³.

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 well²⁴.

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 war²⁵.

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 conflict²⁶.

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 Ukraine²⁹.

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

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

¹⁴ <https://www.icc-cpi.int/ukraine>

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-traumatised-and-urgently-need-help-say-experts>

²³ <https://arc.construction/26902>

²⁴ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-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>

territories of Ukraine, especially in the Crimea, Donetsk, Kharkiv, Kherson Luhansk and Zaporizhzhya regions³⁰³¹.

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-September 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 and block any information about such corridors.

Since March 2022 Russia makes sustainable illegal steps to prepare crime of attempted annexation the territories of Donetsk, Kherson³³, Luhansk and Zaporizhzhya³⁴ regions of Ukraine. Russian criminal illegal “administrations” in those areas 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 areas in digital and financial issues³⁷.

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 digital issues, created by the Russia’s broad and open military aggression to all Ukraine’s territory against Ukrainian mainland³⁸³⁹⁴⁰⁴¹⁴².

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.

Later the Russia’s Ministry of Digital Development announced that subscribers of mobile operators of the Russian illegal “administrations” in the East of Ukraine will receive illegally the telephone code of the Russian numbering system⁴³⁴⁴⁴⁵⁴⁶.

So Russia blocked the possibility for Ukrainian citizens and legal persons, residing in the Russia-occupied territories, to get the information and to communicate without illegal interfere to their privacy, including all digital financial operations, as all Russia-controlled Internet and mobile operators are under full control of Russia’s authoritarian regime, its military and special services⁴⁷.

Those Russia’s illegal activities on Russia-occupied territories of Ukraine’s mainland brutally violate Ukrainians’ right and Ukraine’s informational and financial sovereignty.

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>

⁴³ <https://www.vedomosti.ru/technology/news/2022/05/07/921281-abonenti-dnr-i-lnr>

⁴⁴ <https://rtvi.com/news/abonenty-v-dnr-i-lnr-poluchat-rossiyskiy-kod-mobilnogo-operatora-7/>

⁴⁵ <https://iz.ru/1331514/2022-05-07/abonenty-sotovoi-sviasi-dnr-i-lnr-vkliucheny-v-rossiiskii-plan-numeratcii>

⁴⁶ <https://meduza.io/news/2022/05/07/mobilnym-nomeram-v-dnr-i-lnr-prisvoili-kod-7>

⁴⁷ <https://arc.construction/32258>

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 2022⁴⁸, UN General Assembly resolutions ES-11/1 "Aggression against Ukraine"⁴⁹ and ES-11/2 "Humanitarian consequences of the aggression against Ukraine"⁵⁰. More, such illegal Russia's military interference to the Ukraine's tele- and radio-communication and other digital 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 800⁵¹.

More, Russian invaders use the new "operators" "and block the Ukrainian Internet and mobile operators for illegal banking procedures. As in addition to announcing the criminal introduction of the so-called "ruble zone" in the occupied territories of Zaporizhzhya and Kherson regions, the Russian invaders have stated illegally that the so-called "International Settlement Bank" ("Международный расчетный банк") will enter those Ukrainian territories.

Earlier in 2018, the occupiers introduced the same "financial model" with the same "bank" in the Russia-occupied districts of Ukraine's Donetsk and Luhansk regions. Limited Liability Company Commercial Bank "International Settlement Bank" was once registered in Russia, by Bank of Russia in 1994 registration number 3028, and the Russian Central Bank "revoked its license" regarding the document 2217700032340 dated 13 January 2021⁵²⁵³

Therefore, this bank was "re-registered" from an apartment in Shcherbinki, Moscow, to Georgian Tskhinvali, to the fake "jurisdiction of South Ossetia". The funds of other, "white" Russian banks were illegally transferred to the "grey" "International Settlement Bank" and from there to the Russia-occupied territories of Ukraine and back. Limited Liability Company Commercial Bank "International Settlement Bank" was "re-registered" in Georgian Tskhinvali, Stalin Street, 20, with "registration number" 12 dated 15 May 2015 and "tax number" 1159800030409 and "license for bank activities" 16 dated 6 April 2017; it has Dzgoev Oleh "appointed" as "head of bank's governing body"⁵⁴⁵⁵.

Our Association has no information about sanctions, criminal proceedings of other legal administrative, fiscal, procedural forms of Georgian authorized authorities' reacting to the "International Settlement Bank" and its "stuff and personnel" illegal activities. Anyway, regarding the demands of international criminal, international humanitarian and international human rights law, Georgia as a State is as minimum partially responsible, together with Russia, for the activities of the "International Settlement Bank", "re-registered" by its owners and beneficiaries exactly on Georgian territory.

Georgia ratified the Roma Statute of the International Criminal Court in 2003⁵⁶ and Georgia has obligations regarding the Geneva Conventions, 1949, to respect and to ensure respect for those Conventions, including occupied territories' issues, in all circumstances⁵⁷

Georgia is member of Council of Europe and regarding the sustainable position of the European Court of Human Rights, absence of Georgia's control over Tskhinvali Region do

⁴⁸ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

⁴⁹ <https://digitallibrary.un.org/record/3959039?ln=ru>

⁵⁰ <https://digitallibrary.un.org/record/3966630?ln=en>

⁵¹ <https://www.itu.int/council/pd/council-res-dec-e.docx>

⁵² https://www.cbr.ru/banking_sector/credit/coinfo/?id=450000883

⁵³ <https://gosobzor.ru/2021/02/09/soobshhenie-o-likvidacii-ooo-kb-mezhdunarodnyj-raschetnyj-bank/>

⁵⁴ https://www.bank-ossetia.org/bank_system/credit_documents.php

⁵⁵ <https://www.rusprofile.ru/foreign/59585>

⁵⁶ <https://asp.icc-cpi.int/states-parties/eastern-european-states/georgia>

⁵⁷ <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380>

not exclude Georgia's responsibility for respect and ensuring respect to basic human rights, directly violated by the "International Settlement Bank" in Ukraine.

It is established by European Court of Human Rights in case "Ilaşcu and others v. Moldova and Russia" 48787/99⁵⁸ and it is pointed preliminary by Court, exactly regarding Tskhinvali issues, in case "Khadizat Sergejevna Dzhioyeva v. Georgia" 24964/09⁵⁹.

Also Russian invaders started illegally the activities of Russian state "Promsvyazbank" in the Russia-occupied territories of Ukraine's mainland.

Illegal activities of the so-called "International Settlement Bank" and "Promsvyazbank" in the Crimea, Donetsk, Kherson, Luhansk and Zaporizhzhya regions also violate brutally the rights of Ukrainian citizens and legal persons to respect for private and family life, property and correspondence, to receive and impart information – as all data, collected by this "bank" on-line, is available for Russian militaries and special services.

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.

2-6. 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' rights to property and privacy in conditions of illegal financial operations must be done, including all observation procedures and visits to Ukraine.

7. 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.

Above-pointed issues of influence the interstate conflict, aggression, occupation and attempted annexation on the international financial obligations, digital systems and human rights must be included to the relevant report to the Human Rights Council, 52nd session

29th of September, 2022

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⁵⁸ <https://hudoc.echr.coe.int/eng?i=001-61886>

⁵⁹ <https://hudoc.echr.coe.int/eng?i=001-188714>