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*To UN Office of the High Commissioner for Human Rights*

**UN Human Rights Council, Protection Indigenous Rights**

**and Russian Terroristic Activities in Ukraine**

Our Association of Reintegration of Crimea (ARC)[[1]](#footnote-1), is non-governmental expert and human rights organisation[[2]](#footnote-2), our expert researches are related with human rights and humanitarian issues, including Indigenous Peoples’ rights, 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.

Our experts researched the issues of terroristic aspects of the Russian aggression against Indigenous Peoples of Ukraine, including activities of Russia-financed and Russian-controlled activities of terroristic groups on the Russia-occupied territories[[3]](#footnote-3)[[4]](#footnote-4).

*Examples of our recent activities on defending the Indigenous Peoples’ rights and relevant communication with UN structures allow our Association to form the position about possible co-operation of Indigenous Peoples and UN Human Rights Council.*

In 1944, Crimean Tatars fell victims of genocide (forced deportation) under the control of the Soviet authorities. In the Soviet period since 1967, the USSR state authorities refused to recognize of Crimean Tatars as separate ethnic group, they were determined as “Tatars,” as the part of undetermined Tatar population of the USSR. Up until 1987-1989, the Crimean Tatars were not allowed by Soviet authorities to resettle back to the Crimea as their historic native land from the Soviet-controlled Central Asian regions. Till 2014, Ukraine allocated budget costs to support the municipal infrastructure in Crimean Tatar settlements, including primary schools and cultural institutions[[5]](#footnote-5).

The illegal occupation and attempted annexation of the Crimea, motherland for the Indigenous Crimean Tatar People by Russia since 2014 have been condemned in a set of international acts, including UN GA resolutions[[6]](#footnote-6), resolutions of the OSCE Parliamentary Assembly, of the Parliamentary Assembly of the Council of Europe, of the European Parliament’s resolutions etc. Human rights violations in the Crimea and racial discrimination by Russian invaders the Indigenous Crimean Tatar People are now subject to consideration in international courts, including the International Court of Justice (case Ukraine v. Russia)[[7]](#footnote-7) and the European Court of Human Rights (case 20958/14 and others).[[8]](#footnote-8)

As it is well-known, 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 Donetzk, 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[[9]](#footnote-9)[[10]](#footnote-10)[[11]](#footnote-11)[[12]](#footnote-12)[[13]](#footnote-13)

On September 21, 2022, Russian President Vladimir Putin announced the socalled “partial mobilization”, which is being organized in violation of international humanitarian law in the occupied Crimea. Representatives of the Indigenous Crimean Tatar People began to receive “subpoenas” from Russian invaders en masse.

In this situaiton the Crimean Tatar Resource Center sent on 25th of October, 2022 an appeal to UN General Secretary, stressing that in the period from the beginning of Russian invaders’ “partial mobilization” from September 21 till October 13, about 100 “mobilized” representatives of the Indigenous Crimean Tatar People who died in the war were already brought to the occupied Crimea. The vast majority of them did not “sign contracts” with the Russian army and ended up in the war zone against their will.

Indigenous Crimean Tatars’ Appeal points that any military activity on the lands of indigenous peoples carried out without their consent, including the recruitment and mobilization of representatives of indigenous peoples into the armed forces, is a direct and flagrant violation of the UN Declaration on the Rights of Indigenous Peoples.

Appeal of Crimean Tatar Resource Center asked the UN Secretary General to increase pressure on Russia and use all available mechanisms to stop the illegal “conscription” and “mobilization” of representatives of the Indigenous Crimean Tatar people into the armed forces of the Russian Federation, which is almost guaranteed to result in the death sentence being imposed on representatives of the Indigenous People, as well as their forced involvement in the commission of military crimes and acts of state terrorism in Russia[[14]](#footnote-14).

So our Association addressed in 26th of October, 2022 to all Indigenous Peoples of the world to recognise, by decisions of their representative structures and other organisations, the Russia as state and Russian politic regime, that destroy the Indigenous Peoples of Ukraine by its terroristic attacks as terroristic organisations and sponsors of terrorism.

Also our Association asked all Indigenous Peoples of the world, their representative structures and other organisations to address the national and regional assemblies of their states and to demand in such submissions to recognise, by decisions of their representative structures and other organisations, the Russia as state and Russian politic regime, as terroristic organisations and sponsors of terrorism.

*Above-pointed current experience and previous period of collaboration with UN Special Rapporteur on the Rights of Indigenous Peoples and UN Expert Mechanism on the Rights of Indigenous Peoples*

1. Venues of participation of Indigenous Peoples may be enhanced by establishing special forms of co-operation with the Universal Periodic Review and Advisory Committee. Any Human Rights Council’s issue that may directly touch the Indigenous interests should include the participation of Indigenous Peoples’ representatives and institutions.

2. Participation modalities must be enforced; special co-operation mechanisms must be established between Universal Periodic Review, Advisory Committee, Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues. More, special forms of co-operation on indigenous issues must be established between those bodies and UN General Assembly committees. To make ensure effective and meaningful participation of Indigenous Peoples’ representatives and institutions the criteria of Indigenous Organisations’ representation must be clarified.

3. Selection mechanism may be revised only to ensure the maximum effectiveness of Indigenous presentation; the nature and composition of a mechanism, that will determine the eligibility of Indigenous People’s representatives and institutions for accreditation as well as the details of the process, must be established regarding the principled of transparent Indigenous participation and free, prior and informed consent.

4. Selection criteria also may be revised only to ensure the maximum effectiveness of Indigenous presentation; the type of Indigenous Peoples’ representatives and institutions that may qualify for a new category of participation and the designation of individual representatives of Indigenous Peoples must reflect the issues of Indigenous public and civil organizations; indigenous journalists, human rights activists and politic prisoners or victims.

29th of October, 2022 Representative of the ARC

Dr. Borys Babin

1. https://arc.construction/ [↑](#footnote-ref-1)
2. https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations\_b/20210005/1348 [↑](#footnote-ref-2)
3. https://www.ohchr.org/en/calls-for-input/calls-input/2021/report-human-rights-dimensions-technical-assistance-and-capacity [↑](#footnote-ref-3)
4. https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/cfi-gs-impact/2022-10-19/CFI-Association-of-Reintegration-of-Crimea\_Submission\_Terrorism\_Against\_Ukraine\_2022.pdf [↑](#footnote-ref-4)
5. https://zakon.rada.gov.ua/laws/show/518/99 [↑](#footnote-ref-5)
6. for example, https://undocs.org/en/A/RES/73/263 [↑](#footnote-ref-6)
7. https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf [↑](#footnote-ref-7)
8. http://hudoc.echr.coe.int/eng?i=001-207622 [↑](#footnote-ref-8)
9. https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf [↑](#footnote-ref-9)
10. https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf [↑](#footnote-ref-10)
11. https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf [↑](#footnote-ref-11)
12. https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf [↑](#footnote-ref-12)
13. https://www.ohchr.org/sites/default/files/2022-05/arc\_replies-dp.pdf [↑](#footnote-ref-13)
14. https://ctrcenter.org/uk/news/8087-zvernennya-krc-u-zv-yazku-z-nezakonnoyu-masovoyu-mobilizaciyeyu-korinnogo-krimskotatarskogo-narodu-do-zbrojnih-struktur-rosiyi [↑](#footnote-ref-14)