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OF CRIMEA

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UN Working Group on the use of mercenaries

Russian Ongoing Aggression against Ukraine and Financing Mercenaries

Our Association of Reintegration of Crimea, is non-governmental expert and human rights organisation¹, our expert researches are related with human rights and humanitarian issues, including their fundamental rights, 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 150 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 negative consequences the Russian aggression against Ukraine, including Russia's mercenaries' activities²³⁴⁵⁶⁷⁸⁹.

We informed UN structures that illegal occupation and attempted annexation of the Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region and was correlated in Russia-controlled mercenaries¹⁰¹¹.

As our experts stated, the occupation of the Crimea, Donetsk and Luhansk, the subsequent full-scale invasion of Ukraine by Russia, and the crimes committed by its military and mercenaries against civilians, raised the question of codifying such terms as "criminal state" and "terrorist state" in international law¹².

ICJ concluded in case "Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)" by its Judgment dated 31 January, 2024 that the Russian Federation has violated after 2014 its obligations under Article 9, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism that concerns the obligation of a State party to that Convention to investigate allegations of the commission of terrorism financing offences by alleged offenders present in its territory¹³.

In that case Ukraine respectfully requested the Court to order Russia to comply with its obligations under the Terrorism Financing Convention, including that Russia: immediately

¹ https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

² <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

³ <https://www.ohchr.org/sites/default/files/2022-06/DP-HRC51-ARC.pdf>

⁴ <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/moratorium-2022/ngos-others/2022-07-12/CFI-DP-2022-ARC.pdf>

⁵ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

⁶ <https://www.ohchr.org/sites/default/files/documents/issues/disappearances/cfi/draft-stm/submissions/2022-09-05/association-of-reintegration-of-crimea-draft-stm.pdf>

⁷ <https://www.ohchr.org/sites/default/files/documents/issues/food/cfi-violence-food/csos/3-arc-crimea-en.doc>

⁸ <https://web.archive.org/web/20231231163656/https://www.ohchr.org/sites/default/files/2022-04/Association-Reintegration-Crimea-CFI-WG-Mercenaries-GA77.pdf>

⁹ <https://web.archive.org/web/20231231163042/https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

¹⁰ <https://arcrimea.org/en/news/2023/02/13/un-experts-condemn-wagner-groups-activities/>

¹¹ <https://arcrimea.org/en/investigations/2020/10/17/crimean-armenians-fight-in-karabakh-with-the-help-of-collaborators-from-seilem-gang/>

¹² <https://arcrimea.org/en/analytics/2024/03/09/international-criminal-organizations-state-armed-structures-and-occupied-territories/>

¹³ <https://www.icj-cij.org/sites/default/files/case-related/166/166-20240131-jud-01-00-en.pdf>

and unconditionally cease and desist from all support, including the provision of money, weapons, and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the “DPR”, the “LPR”, the “Kharkiv Partisans”, and associated groups and individuals; immediately make all efforts to ensure that all weaponry provided to such armed groups is withdrawn from Ukraine; immediately exercise appropriate control over its border to prevent further acts of financing of terrorism, including the supply of weapons, from the territory of Russia to the territory of Ukraine; immediately stop the movement of money, weapons, and all other assets from the territory of Russia and occupied Crimea to illegal armed groups that engage in acts of terrorism in Ukraine, including the “DPR”, the “LPR”, the “Kharkiv Partisans”, and associated groups and individuals, including by freezing all bank accounts used to support such groups; immediately prevent all Russian officials from financing terrorism in Ukraine, and initiate prosecution against these actors responsible for financing terrorism; immediately provide full co-operation to Ukraine in all pending and future requests for assistance in the investigation and interdiction of the financing of terrorism relating to illegal armed groups that engage in acts of terrorism in Ukraine, including the “DPR”, the “LPR”, the “Kharkiv Partisans”, and associated groups and individuals.

This case showed that issue of common and differs on state-controlled terrorists and mercenaries and, respectively, their financing, is extremely important for modern international law.

As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression against Ukraine. Due last twenty three months of fights Russia occupied some territories of Donetsk, Kherson, Luhansk, Zaporizhzhya and other regions and strong fights are going near cities with total population of millions persons near the frontline¹⁴¹⁵

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 fundamental rights¹⁶¹⁷¹⁸¹⁹²⁰²¹²²²³. Such situation escalated the forms of Russia’s usage mercenaries and, respectively their funding²⁴²⁵²⁶²⁷²⁸²⁹.

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 2022.³⁰

Russia uses illegally own bank system to finance mercenaries on Russia-occupied territory of Ukraine, using as so-called “International Settlement Bank” (“Международный расчетный банк”) “registered” from an apartment in Shcherbinki, Moscow, to Georgian Tskhinvali, to the fake “jurisdiction of South Ossetia” and some Russia's state banks such as “Promsvyazbank” in the Russia-occupied Crimea, Donetsk, Kherson, Luhansk and Zaporizhzhya regions³¹³²³³ In 2022 Russian occupiers themselves declared that the criminal

¹⁴ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

¹⁵ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

¹⁶ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹⁷ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁸ <https://www.bbc.com/ukrainian/features-60888528>

¹⁹ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

²⁰ <https://www.bbc.com/news/world-europe-60547807>

²¹ <https://web.archive.org/web/20220819172853/https://arc.construction/26892>

²² <https://news.un.org/en/story/2022/03/1113652>

²³ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²⁴ <https://arcrimea.org/en/news/2023/05/09/russia-occupied-crimea-and-kremlins-bashkir-mercenaries/>

²⁵ <https://arcrimea.org/en/news/2023/11/12/sniping-from-aggressor-and-occupied-crimea/>

²⁶ <https://arcrimea.org/en/activity/2023/04/26/crimean-collaborators-and-terrorist-private-military-companies/>

²⁷ <https://arcrimea.org/en/news/2023/03/11/schrodinger-terrorists-criminal-advertising-from-box/>

²⁸ <https://arcrimea.org/en/news/2023/01/19/criminal-head-of-crimea-decided-to-promote-mercenary-snipers/>

²⁹ <https://arcrimea.org/en/analytics/2023/02/16/international-legal-qualification-of-recruitment-of-prisoners-by-russian-occupiers/>

³⁰ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

³¹ <https://arcrimea.org/en/activity/2022/12/21/russian-aggression-against-ukraine-financial-obligation-and-digital-systems/>

³² https://www.ohchr.org/sites/default/files/documents/issues/iedebt/digital-systems/2022-12-15/ARC_Submission.pdf

³³ <https://www.ohchr.org/sites/default/files/documents/issues/iedebt/cfi-foreign-debt-human-rights/cfi-iedebt-cso-arc.pdf>

“financial support” of the aggressor’s servicemen would be carried out by the “field military offices” of “Promsvyazbank”³⁴.

Russian invaders use for their financial machinations the structures of illegal “Post of Crimea” in Russia-occupied Crimea, parts of Kherson and Zaporizhzhya regions, also as illegal “Post of Donbas” in East of Ukraine, as de-facto structure units of “Post of Russia”. Russian “Sberbank” opened its illegal units in Crimea, especially in its Southern part where its bosses like German Gref have own criminal “commercial interest”, and it is also used for financing Russia’s mercenaries³⁵.

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, including illegal financing mercenaries.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Russia-occupied parts of Ukraine must be supported by next UN Working Group’s, 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 UN procedures must be enforced immediately.

15th March, 2024

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³⁴ <https://arcrimea.org/en/news/2022/12/05/russian-occupiers-promise-to-create-a-criminal-military-mail/>

³⁵ <https://arcrimea.org/en/activity/2023/06/03/illegal-posts-and-banks-financial-crisis-and-un-experts/>