



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN OHCHR

**Russian Aggression and Racial Discrimination against Ukrainians and Crimean
Tatars**

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation, with activities devoted to Crimea's issues.

ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including collective rights and non-discrimination issues. Since 2020 we sent more than 100 submissions and proposals to UN human rights' structures, major part of them were published in the UN web-sources, including the issues of counteraction racial discrimination²³. We informed international structures on the systemic, structural and institutional racial discrimination the ethnic Ukrainians and Crimean Tatars by the Russia-controlled "administrations" and "officials" in the Russia-occupied Crimea; and those illegal processes are still going on⁴.

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory against Ukrainian mainland from own territory, and from the Russia-occupied Crimea, from Belarus, Black and Azov seas, including maritime aggression.

Due last fourteen monthes Russia occupied some territories of Donetzk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and active hostilities were in Chernigiv, Kyiv, Mykolaiv, Sumy, Zhitomir regions of Ukraine. Strong fights were going near cities of Kharkiv, Mykolaiv, Mariupol and others with total population more than 10 millions persons near the frontline. Russia-controlled troops and mercenaries committed in Ukraine gross violation of international humanitarian law and international human rights' law already⁵.

Russia commenced an unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people, including gross violation the international humanitarian law and destruction the fundamental human rights⁶⁷⁸⁹¹⁰. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas¹¹. All war crimes, committed by Russian invaders during ongoing hostilities are connected with absolutely clear Russia's war targets in maximal racial discrimination of ethnic minorities and some other vulnerable groups like

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

² <https://owncloud.unog.ch/s/FH8BRDGyRWEeXO9?path=%2FCivil%20Society#pdfviewer>

³ <https://owncloud.unog.ch/s/Gx716OB9FcqPMts?path=%2FCivil%20Society%20Organizations>

⁴ <https://arccrimea.org/en/activity/2023/01/31/ukrainian-displaced-persons-and-discrimination-by-aggressor/>

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

¹¹ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

indigenous Crimean Tatars¹².

Those issues now are the subject of the investigation the International Criminal Court¹³. Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also¹⁴. 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 2022.¹⁵ On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights that guarantees rights not to be discriminated.

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 Russia¹⁶.

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 crimes¹⁷, that are terroristic by their nature. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned¹⁸, and relevant risks for women's right to life were pointed^{19,20}.

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 of Ukrainians that is directly connected with activities of Russia-controlled fake terroristic "Donetsk peoples republic" and "Luhansk peoples republic".

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 to protect civilians, including persons in vulnerable situations²¹.

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 sieges²².

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3²³ calling for Russia to be suspended from the Human Rights Council²⁴. 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-

¹² <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹³ <https://www.icc-cpi.int/ukraine>

¹⁴ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁵ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁶ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

¹⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

¹⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

¹⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

²⁰ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

²¹ <https://digitallibrary.un.org/record/3959039?ln=ru>

²² <https://digitallibrary.un.org/record/3966630?ln=en>

²³ <https://digitallibrary.un.org/record/3967950?ln=ru>

²⁴ <https://news.un.org/en/story/2022/04/1115782>

affected areas. On February, 23, 2023 the UN GA called for ending the war in Ukraine and demanded Russia's immediate withdrawal from the country and expressed grave concern at the high number of internally displaced persons and refugees in need of humanitarian assistance, and violations and abuses committed against children²⁵.

On February 24, 2023 OSCE officials and structures made a number of statements, condemning the Russia's atrocities²⁶²⁷. Also on February 24, a Joint Statement of the OSCE Parliamentary Assembly Bureau, was made also. In a Joint Statement, the OSCE PA Bureau condemned Russia's kidnapping of thousands of Ukrainian children for forced adoption and assimilation. OSCE PA Bureau declared the duty to hold accountable, in co-ordination with Ukraine, those responsible for such crimes, and also called to support the children of Ukraine to overcome the trauma they have experienced²⁸. On March, 17, 2023 ICC has issued an arrest warrant for Russia's president Vladimir Putin for overseeing the abduction of Ukrainian children²⁹ as modern illegal form of slavery for Ukrainian minors³⁰, that were illegally limited in their right to housing by Russian occupiers and terroristic paramilitary units.

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

Above-pointed issues of Russia's aggression against Ukraine are the main human rights challenges arising from systemic, structural and institutional Nazism of Russia-controlled structures against citizens of Ukraine, ethnic Ukrainian, including belonging to minorities, and Ukrainian-speaking persons.

Now the Report of the UN Special Rapporteur, E. Tendayi Achiume to UN General Assembly "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" A/HRC/50/61 was published.

In Report the Special Rapporteur notes, with alarm, that Russia has sought to "justify" its military invasion and territorial aggression in Ukraine on the purported basis of alleged "eliminating neo-Nazism". The use of neo-Nazism as a pretext to "justify" territorial aggression seriously undermines genuine attempts to combat neoNazism, stated the UN Rapporteur, who denounced and condemned in the strongest terms such Russia's criminal "pretextual use", including in relation to the unlawful breach of the sovereign territory of Ukraine and the humanitarian crisis that breach has caused.

Report includes the thesis of our Association on systemic violations of human rights and humanitarian standards, including racial and ethnic discrimination against, inter alia, ethnic Crimean Tatars, in the Russia-occupied Crimea since 2014.

Report recognized that ARC outlined how multiple "justifications" for this military aggression were criminally used by Russia, including the allegedly need to "denazify Ukraine". Report stresses, as ARC described – how, in conjunction with such fake criminal

²⁵ <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N23/048/58/PDF/N2304858.pdf?OpenElement>

²⁶ <https://arcrimea.org/en/news/2023/02/25/osce-statements-were-made-on-large-scale-russian-aggression-anniversary/>

²⁷ <https://www.osce.org/odihr/537933>

²⁸ <https://www.oscepa.org/en/documents/officers-of-the-assembly/4627-joint-statement-of-the-osce-pa-bureau-action-on-the-one-year-anniversary-of-russia-s-war-against-ukraine-and-the-international-legal-order-24-february-2023/file>

²⁹ <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>

³⁰ <https://arcrimea.org/en/analytics/2023/03/04/deportation-of-ukrainian-youth-by-russian-invaders-specifics-of-legal-response/>

“justifications”, the Russian government had been using hate speech against ethnic Ukrainians, as well as neo-Nazi symbols, including marking its troops and paramilitaries with the letter “Z”³¹.

UN Special Rapporteur stressed that our Association described the catastrophic harms to Ukraine, including among its military and civilians, as a result of the above-mentioned aggression, she also points on ARC-provided examples of such harm, including the death of civilians, kidnappings, illegal detention practices and attempts to create a food blockade.

Report A/HRC/50/61 recognized that ARC pointed on mass displacements as a result of Russian military aggression and that also ARC claimed that the government of Russia was preparing to undertake the criminal mass deportation of the Crimean Tatar population from the AR of Crimea. On December 15, 2022 the UN General Assembly approved the next annual and strengthened resolution on human rights in the Crimea. Also on December 15, the General Assembly adopted the annual resolution 77/204, the initial draft of which was promoted at the UN by Russia³².

As experts point out, under the guise of “fighting neo-Nazism” in this resolution, the aggressor annually promoted, in particular, manipulative theses about “protecting monuments of the Great Patriotic War” and accused anyone, of course, except himself, of “glorifying Nazism.” The aggressor’s cynicism was reflected in part of the draft’s theses, built in such a way, that there would be no arguments against them – because no one in the world would publicly support neo-Nazism, of course, except for Russia itself.

But, as Permanent Representative of Ukraine to the UN Sergiy Kyslytsya reported, the text of the initial draft of this resolution in November 2022 included an amendment stating that the UN General Assembly notes with alarm that the Russian Federation has sought to “justify” its territorial aggression against Ukraine on the purported “basis” of eliminating neo-Nazism, and underlines that the pretextual use of neo-Nazism to “justify” territorial aggression seriously undermines genuine attempts to combat neo-Nazism.

This paragraph, included in the final text of the current resolution 77/204, was taken by the delegates of the General Assembly from the Report of the relevant UN Special Rapporteur Professor Tendai Achime A/HRC/50/61 precisely on the topic of the resolution. This Special Rapporteur’s document was worked out in 2022 in parallel with the promotion by the aggressor in the UN of Russia’s manipulative narratives, and the UN could not then ignore this UN Report, after it was submitted to the General Assembly, when processing the “Russian” draft resolution 77/204. As our Association has already noted, the said Report A/HRC/50/61 included theses of ARC submission on systematic violations of human rights and humanitarian norms, including racial and ethnic discrimination in the occupied Crimea since 2014. The Report acknowledges that the ARC, in its submissions to the UN, outlined how Russia criminally used numerous “justifications” for this military aggression, in particular the alleged “need to de-Nazify Ukraine”.

But Russia’s Nazi illegal policy is ongoing on Russia-occupied territories of Ukraine.

Since December 2022, Russian aggressor began to “advertise” illegal “volunteer unit”– the “Española” squad, formed from Russian football fans of various clubs with extreme right and Nazi views. Among the “sponsors” of “Española” are the contractor of “Gazprom” Ilya Khanin, the fan “money bag” Alexei Trifonov and the former sports journalist Andrei Malosolov, and Stanislav Orlov, with the “call sign” “Spaniard” (“Ispanets”) is the

³¹ <https://arcrimea.org/en/activity/2022/12/19/russian-neo-nazism-was-researched-in-un-report-on-crimean-examples/>

³² <https://arcrimea.org/en/activity/2022/12/22/failure-of-aggressors-provocations-about-nazism-in-un-general-assembly-resolution/>

“commander” of that criminal structure³³.

Also, the criminal “Crimean speaker” Vladimir Konstantinov has now been “marked” with regular Nazi statements. In his “longread” on the Holocaust, in December, 2022, he not only indiscriminately accused the Poles of anti-Semitism and admitted his own desire to torture, “pull some people out of them by a thread,” but also criminally stated literally that supposedly “German Jews did not consider themselves as Jews, how Russians in Ukraine consider themselves as “Ukrainians”. In such phrases of the criminal “official statements” of the Crimean Nazis, their anti-human essence comes through³⁴.

As part of the constant attempts at brainwashing, the Russian aggressor made another propaganda move, bringing two “political scientists” to the occupied Henichesk, namely the sub-sanctioned “Director of the institute of Russian diaspora” and one of the “founders of the Livadia club” Sergey Pantelev and the odious Minsk agent of the “Russian world” Alexey Dzermant, for some “meeting with teachers and students of the medical college”.

If everything is clear with the “Livadians” as carriers of imperial Russian revanchism, militarism and Ukrainophobia in general, then Dzermant, among other things, is “remarkable” in that ten years ago he was an activist of the neo-Nazi movement, having founded the ultra-right organization “Gega Rukh” in Minsk”, with direct references to the criminal practices of the ideology of Nazi Germany³⁵. Russian occupier not only allow such Nazist to make lectures but directly organized such illegal event.

Counteracting Russia’s Nazi practice, on February 10, the Statement of the Public Council of the State Service of Ukraine for Ethno-Politics and Freedom of Conscience, approved on February 3, was published in connection with the demonstrative and provocative burning of the Holy Book for all Muslims – the Quran in Sweden, Denmark and the Netherlands. In the statement, the Public Council drew attention to the obvious connection between the actions of the said Nazi provocateurs and the destructive activities of the Russian special services in the countries of Europe and the Middle East, and demands the authorized bodies of the countries where the said provocations took place to conduct the most thorough analysis of the real causes of the said illegal acts, to establish an exhaustive circle of persons involved in this.

The Public Council called on all authorized structures of the UN, OSCE, the European Union and the Council of Europe, as well as the governments, religious structures and civil society of European countries to take maximum responsibility for the already carried out and likely future provocations aimed at inciting inter-religious enmity, to take all measures to preserve inter-confessional peace and harmony, in particular between Muslims and Christians, monitoring and countering all forms of hate speech and religious discrimination.

The Council stated that the experience of the terrible suppression of the right to freedom of conscience and the persecution of “wrong” and “inconvenient” religions and beliefs by the aggressor’s punishers in the occupied territories of Ukraine, including Crimea, should unite the civilized nations of the world in opposing modern Nazism, barbarism and xenophobia. Our Association informed about the pointed Statement authorised interstate institutions and officials, civilised nations’ governments and respected religious entities all around the world³⁶.

On April 28, the UN Committee on the Elimination of Racial Discrimination published

³³ <https://arcrimea.org/en/news/2023/03/16/criminal-espanola-and-aggressors-crimean-football-games/>

³⁴ <https://arcrimea.org/en/news/2023/01/28/contemporary-crimean-nazis-and-holocaust/>

³⁵ <https://arcrimea.org/en/news/2023/03/10/aggressors-nazi-ideologists-checked-in-russia-occupied-henichesk-2/>

³⁶ <https://arcrimea.org/en/news/2023/02/11/ethnic-and-religious-communities-condemned-russian-provocations-of-burning-quran/>

the Report (Concluding Observations) CERD/C/RUS/CO/25-26 on Russia's violations of the requirements of the relevant Convention of 1965³⁷.

Decisions of the Committee as a conventional control body are imperative and binding and they must be implemented by all states that are parties to the Convention.

As our Association pointed out on this issue, "the Kremlin approached the Committee's discussion of Russian racism, or rather Nazism, with the cynicism characteristic of Moscow, including in the delegation to Geneva not only Artyom Berezovsky, the so-called "representative of the Ministry of foreign affairs of the Russian Federation in Simferopol", but also the Crimean collaborator Ayder Tippa, the criminal "head of the state committee on international relations" from the same occupied Simferopol."

But "for some reason", ARC's expert adds, Tippa and Berezovsky in Geneva began to play "stone face" because, as the Observations directly indicate, "refusal of the [aggressor's] delegation to discuss and respond to questions posed by the Committee on issues related to the armed conflict and the situation in Crimea and the City of Sevastopol"³⁸.

The Observations directly stated the Russia's responsibility for violations of the Convention, 1965 in all occupied territories of Ukraine, in particular under conditions of armed conflict and including the activities of the Kremlin's "private military companies". Observations highlighted a particular focus on forced "mobilization and conscription", particularly in the Russia-occupied territories, which disproportionately affects members of ethnic minorities, including indigenous peoples. Professor Babin reminds that the criminal mass mobilization of Crimean Tatars by the occupiers is a blatant example of such violations.

At the same time, the exceptional role of the Crimean Tatar Resource Center³⁹, which in the fall of 2022 was the first to start communication with international UN structures and an information campaign in Ukraine regarding these crimes⁴⁰, was pointed out, and ARC systematically included itself in communication with UN officials on the specified issues.

In the Observations, the Committee carefully focused on the Crimean issues, not only emphasizing the importance of the principle of territorial integrity of all UN member states, but also separately stating, precisely as forms of racial discrimination, repression against indigenous peoples in the Crimea, the destruction and damage of the cultural heritage of the Crimean Tatars, including tombstones, monuments and shrines, existing barriers to the use and study of the Ukrainian and Crimean Tatar languages in the occupied Crimea, persecution of the Mejlis and its members, repression against human rights defenders and journalists, etc.

On April 24-25, 2023 OSCE Supplementary Human Dimension Meeting "Torture and Other Grave Breaches of International Humanitarian Law and Gross Violations of International Human Rights Law" was held in Vienna, where experts of ARC took active part.

In Meeting's Session I ARC's expert Tsybulko Olesia reported to participants on tortures as Criminal practice on Russia-occupied territories, regarding relevant illegal Russia's administrative practices, decisions of European Court on Human Rights adopted and regarding new Conference on Security and Cooperation in Europe that is our common inevitable future. Experts stressed that Russia use tortures as a tool of racial discrimination against ethnic Ukrainian and Crimean Tatars⁴¹.

Our Association together with Crimean Tatar Resource Center (CTRC) organized on

³⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FRUS%2FCO%2F25-26&Lang=en

³⁸ <https://arcrimea.org/en/news/2023/04/29/un-convention-body-condemned-occupiers-racial-discrimination/>

³⁹ <https://arcrimea.org/en/news/2023/04/23/permanent-un-forum-on-indigenous-issues-and-occupation-of-crimea/>

⁴⁰ <https://arcrimea.org/en/news/2023/04/21/fake-friendship-of-peoples-from-russian-nazis-was-discussed-at-un/>

⁴¹ <https://arcrimea.org/en/activity/2023/04/24/osce-researches-issues-of-tortures-in-crimea/>

April, 24 side-event “Broad-Scale Practice of Tortures and Ill-Treatment in Conditions of Russian Occupation: Crimean Examples” on this OSCE Meeting in Vienna where we stressed that tortures and ill-treatment as a tool of racial discrimination, committed on Russia-occupied territories during interstate conflict consist a subject of war crimes. Russian structures do not investigate those aspects, and no any criminal case was started by numerous aggressor’s punitive bodies on those issues.

Any public discussion regarding any fact of tortures and racial discrimination committed by Russian army representatives is punished on Russia-controlled territory, and some groups on Russia-occupied territories are most vulnerable for tortures as a tool of discrimination. They are hostages from number of Ukrainian civil activists, prisoners of war, kept by Russia in Crimea in awful conditions, Ukrainian children, deported from mainland to Crimea and Russia as Kremlin’s genocidal practice, representatives of indigenous Crimean Tatar People and various minorities⁴².

*Special challenges to protecting victims of racial discrimination must be solved after the de-occupation of the Crimea during its reintegration, our Association works actively on this challenge*⁴³⁴⁴⁴⁵.

Also special attention must be paid on issue of manipulations with alleged “racial discrimination” in International Olympic Committee. The Declaration of the 11th Olympic Summit was adopted on 9 December 2022 and Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these countries was adopted on 25 January, 2023⁴⁶.

Statement pointed that with regard to the sanctions, no international sports events being organized or supported by an International Federation or National Olympic Committee in Russia or Belarus, no flag, anthem, colours or any other identifications whatsoever of these countries being displayed at any sports event or meeting, including the entire venue, no Russian and Belarusian Government or State official should be invited to or accredited for any international sports event or meeting.

Those IOC and whole Olympic Movement steps are well-grounded and are connected with international legal consequences of Russia’s aggression. But Statement also stressed that allegedly “no athlete should be prevented from competing just because of their passport” that a “pathway for athletes’ participation in competition under strict conditions should therefore be further explored”.

Statement also stressed that athletes would allegedly participate in competitions as “neutral athletes” and in no way represent their state or any other organization in their country, as is already happening in professional leagues, particularly in Europe, the United States and Canada, and in some individual professional sports.

Statement also stressed that only athletes, who fully respect the Olympic Charter would participate and this means in particular: first, only those who have not acted against the peace mission of the IOC by actively supporting the war in Ukraine could compete and that there must be individual checks carried out for all entered athletes.

Regarding this issue ARC addressed submission to IOC on 31 January, 2023 № 101/2023, where our Association asked to pay special attention to IOC and other Olympic

⁴² <https://arcrimea.org/en/activity/2023/04/25/human-rights-experts-organized-discussion-on-combating-tortures-in-crimea/>

⁴³ <https://arcrimea.org/en/activity/2023/04/28/expert-recommendations-on-reintegration-of-crimea-were-presented-to-diplomatic-corps/>

⁴⁴ <https://arcrimea.org/en/analytics/2023/04/28/legal-programming-of-crimeas-deoccupation-and-reintegration-measurement-of-effectiveness/>

⁴⁵ <https://arcrimea.org/en/analytics/2023/04/20/government-plan-for-reintegration-of-crimea-international-dimension/>

⁴⁶ <https://olympics.com/ioc/news/statement-on-solidarity-with-ukraine-sanctions-against-russia-and-belarus-and-the-status-of-athletes>

Movement participants that such conditions caused strong social discussion in Ukraine and other states, including all arguments, pointed in the Statement and Declaration⁴⁷.

Regarding non-discrimination issue and letter of Special Rapporteur in the field of cultural rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance we paid IOC attention that those UN HRC representatives published our Association's reports regarding racial discrimination and other human rights' violations on Russia-occupied territories of Ukraine.

And, alas, as we pointed in our submission to IOC those UN representatives evidently did not mention those issues in own letter to IOC. More, as we directly stressed to IOC, the citizenship issue is not the possible ground of discrimination persons, regarding international legal standards, including p. 2 of article 1 of International Convention on the Elimination of All Forms of Racial Discrimination, 1965 and others.

Also, as we stressed in submission № 101/2023 to IOC, after Statement and Declaration were adopted the above-pointed ECtHR decision was published on 25th of January regarding Russian occupation of districts of Eastern Ukraine since 2014 in pending case №№ 8019/16, 43804/14 and 28525/20, but the Statement and Declaration did not take into account this decision that establish the Russia-supported terrorist and aggressive activities as in the Crimea so in the East of Ukraine since 2014.

And anyway, as the above-pointed international act stresses, Russian aggression in Ukraine started from the illegal occupation and attempted annexation of the Crimea in 2014. As the Statement stressed – only athletes who fully respect the Olympic Charter would participate, in particular: first, only those who have not acted against the peace mission of the IOC by actively supporting the war in Ukraine.

Our Association pointed to IOC in submission № 101/2023 that all athletes, who visited illegally Russia-occupied Crimea and others Russia-occupied territories of Ukraine from 2014, as in personal purposes, so for any sportive or so called “social” or “politic” activities acted strongly against the Olympic Charter

So, as ARC pointed in that submission, if the IOC would not change its position regarding participation the “neutral athletes” in Olympic Movement, the issue of their possible illegal visits to the Russia-occupied territories of Ukraine must be checked in any certain case; also the issue of the assessment by such athletes the illegality of Russian occupation and attempted annexation of Ukrainian territories, including the Crimea, must be checked.

ARC stressed in submission № 101/2023 that the special informing from the IOC on these issues will serve the ideals of global peace, prevention aggressive wars, non-discrimination and realization the human rights to sport and sustainable development.

Alas after the Statement on solidarity with Ukraine, sanctions against Russia and Belarus, and the status of athletes from these countries, 25 January, 2023 was proclaimed a lot of manipulations were done, including some Crimea-related, that “neutral athletes” or “Russian athletes” allegedly can't be discriminated on grounds of their citizenship and that allegedly participation of “Russian athletes” as “neutral” ones is in compliance with Olympic Principles.

On March 22 IOC President Thomas Bach declared that allegedly “it would be discriminatory to exclude Russians and Belarusians based on citizenship alone” and argued that allegedly “the Olympics can help promote dialogue”

IOC Executive Board meeting, that will be held 28 to 30 March 2023 will discuss the conclusions and review the feedback from a series of consultation calls held with IOC

⁴⁷ <https://arcrimea.org/en/activity/2023/03/27/fake-discrimination-of-aggressors-citizens-and-ioc-discussions/>

Members, National Olympic Committees, International Federations and athletes' representatives on the topic of solidarity with Ukraine, the sanctions against Russia and Belarus, and the status of athletes from these countries.

So our Association sent new submission № 229/2023, to IOC bodies, members of IOC Executive Board where ARC stressed again that Olympic Principles must be realized and executed in this point. ARC pointed that the Olympic Charter, that also serves as statutes for the IOC in article 1.2 of Rule 1 point that the goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.

But the Russian aggression, attempted genocide, war crimes and crimes against humanity in Ukraine is the strongest challenge for development not only Ukraine, but all human kind, that make impossible the sustainable development and violate the freedom from fear is listed as a fundamental human right according to the Universal Declaration of Human Rights.

ARC stressed that human dignity is impossible to secure until the freedom from fear is violated and till Russian aggression will not stop on Ukraine, any Russian citizen, who does not stress personally the anti-aggressive position violate the article 1.2 of Olympic Charter.

The Olympic Charter, in article 1.6 point that the enjoyment of the rights and freedoms set forth in this Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

But the issue of citizenship is not mentioned in article 1.6 of Rule 1 and the “national origin” is not a citizenship but, regarding the positions of UN Committee of Human Rights and UN Committee on the Elimination of Racial Discrimination, the issue of ethnic ground. It is clear that national origin is different from citizenship, for example athlete with Greek citizenship can't be a member of Italian Olympic team, but athlete with Greek origin and Italian citizenship may be such member of Italian Olympic team.

*Ban for Russian and Belorussian athletes is not ban for athletes of Russian or Belorussian ethnic origin but a ban for athletes of Russian or Belorussian **citizenship**.*

The Olympic Charter, in article 2.4 of Rule 2 point that the IOC's role is to cooperate with the competent public or private organizations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace.

But as it was pointed in modern UN, OSCE and Council of Europe, ECtHR and ICC documents, Russian aggression makes promotion peace impossible and IOC and its bodies must take into consideration the UN GA resolutions and ECtHR and ICC judicial acts regarding Russian aggression and Russian crimes against peace and humanity. ARC pointed attention in submission on issues of ICC Order issued on 17 March on arrest Russia's president and on ECtHR decisions regarding Russia-occupied Crimea and East of Ukraine.

ARC stressed that the Olympic Charter, in articles 2.5 and 2.11 of Rule 2 point that the IOC's role is to action to strengthen the unity of the Olympic Movement, to protect its independence, to maintain and promote its political neutrality and to preserve the autonomy of sport to oppose any political or commercial abuse of sport and athletes.

But, as Russian propaganda confirms, any participation of Russian athletes in Olympic games will make the politic abuse of wide circle of persons, including athletes and more, Russia will definitely try to include in own team, even under umbrella of “neutral athletes” persons from Russia-occupied territories of Ukraine with clear criminal politic purpose.

So our Association called in submission № 229/2023 IOC Executive Board, as body that assumes the general overall responsibility for the administration of the IOC and the

management of its affairs, regarding demands of articles 19.3.1, 19.3.2, 19.3.10, 19.3.13 of Rule 19, to monitor the observance of the Olympic Charter, to approve internal governance regulations, to make decision, necessary to ensure the proper implementation of the Olympic Charter and the organization of the Olympic Games regarding ban of participation of athletes of Russian or Belorussian citizenship in any Olympic activities till end of Russian aggression in Ukraine.

Also ARC's submission № 229/2023 stressed that IOC Executive Board, regarding demands of articles 19.3.1, 19.3.2, 19.3.10, 19.3.13 of Rule 19 of the Olympic Charter, must make decision on mechanism of control that Olympic Games will not become a tool of illegal politic actions, including Russia's fake "justifying" of attempted annexation the six regions of Ukraine, including the AR Crimea and city of Sevastopol. Such mechanism must include monitoring of possible participation o any athlete in illegal activities on Russia-occupied territories of Ukraine.

Association informed in submission № 229/2023 all current International Federations and more that hundred of National Olympic Committees that they must take all possible measures to help IOC in realization of relevant Executive Board's decisions. ARC will monitor the further development of such situation.

So regarding the UN GA resolution 77/205 such key proposals may be stressed:

Duty to protect victims from racial discrimination that is a tool of aggression crimes and war crimes is essential for UN bodies.

Duty to protect from hate speech that conjunct calls for racial discrimination and calls for aggressive war, genocide and war crimes in interstate conflict conditions is also important for UN structures.

Duty to protect effectively indigenious peoples from racial discrimination in conflict zones and under foreign occupation, as in happens in Crimea, is crucial for UN structures.

Issues of alleged racial discrimination must not be ground for propaganda of aggression, genocide an war crimes as Russia try to commit in the Olympic events using own sportsmen.

Our Association believes that next urgent, immediate steps of the UN OHCHR for protecting rights of Ukrainians not to be discriminated, in condition of ongoing interstate conflict and hostilities, must be done, including all observation procedures and **visits to Ukraine**. Such UN steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such UN 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.

1st of May, 2023

Representative of the ARC
Dr. Borys Babin

