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OF CRIMEA

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28.06.2024 № 541/2024

*To UN Special Rapporteur on counter-terrorism and human rights*

**Russian Aggression Against Ukraine and  
Regional Organisations in Countering Terrorism**

Our Association of Reintegration of Crimea (ARC)<sup>1</sup>, is non-governmental expert and human rights organisation<sup>2</sup>, with activities devoted to Crimea's issues. ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including transitional justice issues and other conflict-related humanitarian aspects.

Since 2020 we sent more than 150 submissions and proposals to UN human rights' strictures, major part of them were published in the UN web-sources, including the issues of transitional justice and countering terrorism<sup>345678</sup>.

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 worsened significantly the possibilities of human rights' realization and protection<sup>9</sup> that made the aspects of counter-terroristic activities extremely important.

The illegal occupation and attempted annexation of the Crimea by Russia since 2014 have been condemned in a series of international acts, including UN GA resolutions 2014 68/262, 2016 71/205, 2017 72/190, 2018 73/263 2019 74/168, 2020 75/192, 2018 73/194, 2019 74/17, 2020 75/29<sup>10</sup>, resolutions of the OSCE Parliamentary Assembly, of the Parliamentary Assembly of the Council of Europe 1988 (2014), 2028 (2015), 2067 (2015), 2112 (2016), 2132 (2016), 2145 (2017), 2198 (2018), 2231 (2018) etc., of the European Parliament's resolutions 2014/2841, 2014/2965, 2016/2556, 2016/2692, 2017/2596, 2017/2869, 2018/2754, 2018/2870, 2019/2734, 2019/2202 etc. Those acts paid special attention to the brutal violation by Russia the fundamental human rights in the peninsula and on some steps of Russia-controlled structures that have clearly manifested terroristic nature.

As we pointed already to some UN bodies, since 24<sup>th</sup> of February 2022 Russia committed broad and open military aggression to Ukraine's territory. Due last thirty-two

<sup>1</sup> <https://arcrimea.org/>

<sup>2</sup> [https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations\\_b/20210005/1348](https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348)

<sup>3</sup> <https://www.ohchr.org/sites/default/files/documents/issues/truth/nsa/2022-09-14/submission-NSAs-hrc51-academia-Association-of-Reintegration-of-Crimea-ARC.pdf>

<sup>4</sup> <https://www.ohchr.org/sites/default/files/2022-01/Association-of-Reintegratin-of-Crimea.pdf>

<sup>5</sup> <https://www.ohchr.org/sites/default/files/documents/issues/truth/cfi-achieving-sdgs/2022-10-10/submission-NSAs-hrc51-academia-Association-of-Reintegration-of-Crimea-ARC.pdf>

<sup>6</sup> <https://www.ohchr.org/sites/default/files/documents/issues/trafficking/cfi-idp/Submission-by-Association%20of%20Reintegration%20of%20Crimea.pdf>

<sup>7</sup> <https://www.ohchr.org/sites/default/files/documents/issues/indigenouspeoples/cfi/hrc-participation/2022-11-09/arc-cfi-hrc-participation.docx>

<sup>8</sup> [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](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)

<sup>9</sup> [https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/DGD24June2021/Oral\\_statements/Part1/31.DOC](https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/DGD24June2021/Oral_statements/Part1/31.DOC)

<sup>10</sup> for example, <https://undocs.org/en/A/RES/73/263>

months of fights Russia occupied some territories of Donetsk, Kherson, Luhansk, Zaporizhzhya regions and strong fights are going near cities with total population of millions persons near the frontline<sup>1112131415</sup>.

Those issues now are the subject of the investigation the International Criminal Court<sup>161718</sup> Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also<sup>19</sup>. 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,<sup>20</sup> also as previous order of ICJ<sup>21</sup>.

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<sup>22</sup> that guarantees rights to life. 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 Russia<sup>23</sup>.

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 crimes<sup>24</sup>, which are terroristic by their nature. In other UN experts' statements the negative impact of Russia's aggression was condemned<sup>25</sup>, and relevant risks were pointed<sup>2627</sup>.

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 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 situations<sup>28</sup>.

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<sup>29</sup>. On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3<sup>30</sup> calling for Russia to be suspended from the Human Rights Council<sup>31</sup>.

The UN Human Rights Council adopted on 12 May 2022 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,

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<sup>11</sup> <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

<sup>12</sup> <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

<sup>13</sup> <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

<sup>14</sup> <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

<sup>15</sup> [https://www.ohchr.org/sites/default/files/2022-05/arc\\_replies-dp.pdf](https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf)

<sup>16</sup> <https://www.ohchr.org/sites/default/files/documents/issues/children/cfi/vulnerabilities-children/csos/2022-07-26/submission-sdgs-cso-ARC-second-submission.pdf>

<sup>17</sup> <https://www.icj-cij.org/en/case/182>

<sup>18</sup> <https://www.icc-cpi.int/ukraine>

<sup>19</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

<sup>20</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

<sup>21</sup> <https://www.icj-cij.org/public/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>

<sup>22</sup> <https://arc.construction/26897>

<sup>23</sup> <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

<sup>24</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

<sup>25</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

<sup>26</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

<sup>27</sup> <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

<sup>28</sup> <https://digitallibrary.un.org/record/3959039?ln=ru>

<sup>29</sup> <https://digitallibrary.un.org/record/3966630?ln=en>

<sup>30</sup> <https://digitallibrary.un.org/record/3967950?ln=ru>

<sup>31</sup> <https://news.un.org/en/story/2022/04/1115782>

and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas<sup>32</sup>.

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. Russian troops, fake “administrations” and “commandant’s offices” use actively the practice of extrajudicial executions, tortures and endorsed disappearances of local civil population<sup>3334</sup>.

Also, the politicization and obviousness of these Russian aggressor’s crimes, accompanied by statements and demands from both the leaders of the occupying “authorities” in the Crimea, Henichesk, Melitopol, and the Russian leadership as a whole, has all the signs of state terrorism, which was adopted by the *Parliamentary Assembly of the Council of Europe on 13th of October 2022 that declared the current Russian regime as a terrorist one*<sup>35</sup>.

Before, on 10th May, 2022, Lithuanian Seimas unanimously adopted a resolution declaring Russia to be a terrorist state that is carrying out genocide against the Ukrainian people<sup>36</sup>. Also on 11th August 11, the Latvian Saeima declared Russia a state sponsor of terrorism, citing attacks on civilians. Declaration pointed that Russia has been providing support and financing for terrorist regimes and organizations for many years, directly and indirectly<sup>37</sup>.

Later Riigikogu, Estonia’s parliament declared on 18th of October 2022 Russia a terrorist regime over its unprovoked invasion of Ukraine and moves it has made since, including the illegal annexation of parts of Ukraine and thinly veiled threats by President Putin concerning the possible use of nuclear weapons<sup>38</sup>. On 26th of October 2022 Poland’s upper house of parliament, the Senate, has unanimously adopted a resolution recognising Russia as a terrorist regime for its aggression against Ukraine and the Ukrainian people<sup>39</sup>. Lated the similar statements were made by parliaments of Czech Republic and of Slovakia<sup>40</sup>.

On January, 26 Parliamentary Assembly of Council of Europe (PACE) adopted the resolution “Legal and human rights aspects of the Russian Federation’s aggression against Ukraine” 2482 (2023)<sup>41</sup> that will have fundamental significance. PACE recalled in resolution that the ongoing aggression is a continuation of the aggression started on 20 February 2014, which included the invasion, occupation and attempted annexation of Crimea by Russia.

Such decisions of interstate and national bodies are a strong ground for next development of measures, taken by regional organizations, such as Council of Europe, in counter terrorism.<sup>4243</sup>

Later, on January 8, 2023 the special statement was published by UK Ministry of Justice that announced meeting at Lancaster House. On this meeting Justice Ministers from around the world will convene in London in March to support the International Criminal Court (ICC) investigating Russia’s war crimes in Ukraine. The group will hear from Prosecutor of the ICC, Karim Khan KC, on the Court’s work and the role of the international

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<sup>32</sup> <https://arc.construction/31039>

<sup>33</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>34</sup> <https://www.bbc.com/news/world-europe-60547807>

<sup>35</sup> <https://pace.coe.int/en/files/31390/html>

<sup>36</sup> <https://www.lrt.lt/en/news-in-english/19/1691202/lithuania-recognises-war-in-ukraine-as-genocide-russia-as-terrorist-state>

<sup>37</sup> <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/31308-saeima-pazinojuma-atzist-krieviju-par-terorismu-atbalstosu-valsti>

<sup>38</sup> <https://www.riigikogu.ee/en/news-from-committees/foreign-affairs-committee/riigikogu-declared-russia-a-terrorist-regime/>

<sup>39</sup> <https://www.senat.gov.pl/aktualnoscilista/art,15100,uchwala-senatu-o-uznaniu-wladz-federacji-rosyjskiej-za-rezim-terrorystyczny.html>

<sup>40</sup> <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=519169>

<sup>41</sup> <https://pace.coe.int/en/files/31620/html>

<sup>42</sup> <https://arcrimea.org/en/news/2023/01/08/british-politic-figures-demand-special-tribunal-to-investigate-russias-for-aggression/>

<sup>43</sup> <https://infonavigator.com.ua/novosti/rossijskie-voennye-prestupleniya-i-propaganda-agressora-protiv-mirovoj-kultury/>

community in supporting its investigations. The meeting, UK Ministry stresses, comes as *Russia steps up its campaign of terror against Ukraine*, striking at crucial energy infrastructure and plunging people into the dark and freezing cold of winter. In de-occupied areas of Ukraine, prosecutors continue to gather evidence of Russian invaders' atrocities and sexual violence, adds the UK Ministry.

As Association's experts commented regarding this issue, including role of such procedures for punishment the international crimes, committed in Russia-occupied Crimea, including terrorism, it is obvious that the discussion about special tribunals will at least give rise to healthy competition of the international bureaucracy, this is important in terms of the terms of approval of relevant decisions by ICC and other bodies such as European Court of Human Rights<sup>44</sup>. These are the examples of next development of administrative measures in counter terrorism.

It must be mentioned that European Court of Human Rights (ECtHR) published on 25th of January decision regarding Russian occupation of districts of Eastern Ukraine since 2014 in pending case №№ 8019/16, 43804/14 та 28525/20. In this decision the "Crimean trace" was reflects exactly regarding the above-pointed Russia's terroristic activities, including points 589-591 of this act<sup>45</sup><sup>46</sup>. ECtHR noted on the similarities in time, space and method of Russia-controlled terrorists between the events in Crimea in late February and early March 2014 – which the Court has found already within the jurisdiction of Russia in case №№ 20958/14 and 38334/18, by decision published in December, 2020.

ECtHR stated that criminal Russia-controlled persons subsequently organized illegal "referendums" and noted that one of the central figures in Crimea events, Russia-controlled terrorist Girkin travelled to eastern Ukraine in early April with a group of men and shortly afterwards took illegal control of Ukrainian government buildings in Slovyansk.

ECtHR added that in its decision in *Ukraine v. Russia (re Crimea)*, 2020<sup>47</sup>, clearly established Girkin's criminal role in those events, as it was established that as February 2014 Girkin had illegally entered Ukraine on the instructions of Russian state in order to lead criminal operation in the Crimea, including acts of terror.

In his capacity as criminal "adviser" to Russia-controlled criminal collaborator Sergei Aksyonov, terrorist Girkin had begun illegal working with persons from, inter alia, the Luhansk and Donetsk regions before gathering a team of armed men to travel illegally to Slovyansk. ECtHR stressed, that Girkin explained that in Crimea "he had been heavily involved behind the scenes" but "had been discreet as to his identity" and said that he had "planned to behave in the same way" in Slovyansk with allegedly "charismatic leader and help as an advisor".

ECtHR established that Girkin illegally travelled to eastern Ukraine as an extension of his previous illegal activities in Crimea, to act there under the general authority of the Russian Federation and to carry out that state's illegal interests. Also ECtHR stressed that similarly the elements in the case-file show that Borodai, criminal "prime minister" of the terroristic fake "republic" from May 2014, had also been illegally in Crimea as a criminal "political advisor" to Aksyonov immediately before illegal going to East of Ukraine, acting under Russian instructions, "carrying out orders and protecting the interests" of Russian state only.

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<sup>44</sup> <https://arcrimea.org/en/news/2023/01/09/uk-announced-meeting-of-justice-ministers-on-russian-aggression/>

<sup>45</sup> <https://hudoc.echr.coe.int/eng?i=002-13989>

<sup>46</sup> <https://arcrimea.org/en/news/2023/01/26/crimean-accent-of-european-courts-decision-on-east-of-ukraine/>

<sup>47</sup> <https://hudoc.echr.coe.int/fre?i=001-207622>

Those arguments regarding Russia-controlled terroristic activities, among many others, were used by ECtHR to prove the fact of occupation by Russia the non-controlled by Ukrainian government areas on East of Ukraine since May, 2014. ECtHR stressed in its pointed decision on essential significance of proofs and evidences, given to court by the civil society structures. Later, at June 25 2024, the ECtHR published its decision on applications 20958/14 and 38334/18 of Ukraine against Russia regarding Crimea<sup>48</sup>.

The ECtHR satisfied the vast majority of Ukraine's demands and recognized the existence of not just human rights violations, but rather the systemic practice of the aggressor regarding such violations, which consistently continued from February 2014 until at least September 2022, when the European Court ceased its jurisdiction on the Russia.

Among other things, the ECtHR found, based on applications filed in 2014-2015, that Russia violated the right to life in the Crimea as part of the "administrative practice" of forced disappearances and the lack of an effective investigation into them. The ECtHR noted the Russian practice of ill-treatment of Ukrainian military personnel, ethnic Ukrainians and Crimean Tatars, as well as journalists. The ECtHR also found a violation of the right to freedom due to the "administrative practice" of secretly incommunicado detention of Ukrainian military personnel, ethnic Ukrainians and Crimean Tatars, as well as journalists, and found a violation of the right to confidentiality due to the "administrative practice" of arbitrary raids and searches in private premises<sup>49</sup>.

Those Russian activities in Crimea, established by this ECtHR's decision, have direct terroristic nature.

ICJ concluded in its Judgment on January 31, 2024 in case 166<sup>50</sup> that the Russian Federation has violated its obligations under Article 9, paragraph 1, of the International Convention for the Suppression of the Financing of Terrorism as upon receiving information from Ukraine that persons who has committed or who is alleged to have committed an terroristic act may be present in Russian territory, Russia did not take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

Later, soon after so-called Russia's presidential elections were held in 2024, terroristic act was committed on 22 March 2024, carried out by the Islamic State occurred at the Crocus City Hall music venue in Krasnogorsk, Moscow Oblast, Russia. More than two weeks before terrorists staged a bloody attack in the suburbs of Moscow, the U.S. government told Russian officials that Crocus City Hall, a popular concert venue, was a potential target, according to U.S. officials familiar with the matter<sup>51</sup>. Iran warned Russia also about the possibility of a major "terrorist operation" on its territory ahead of the mass killing at the suburban Crocus City Hall<sup>52</sup>. Later Russian MFA initiated "negotiations" with Ukraine in alleged "relations" of Ukrainian authorities with terroristic acts in Russia that is a direct fabrication of "respond" case in ICJ after mentioned ICJ Judgment in case 166.

Extremely soon, literally in some hours after Crocus City Hall attack, illegal "Crimean authorities" organized allegedly "spontaneous meetings" and also made some chauvinistic and racist statements and promised to initiate official death penalty for "high treason and terrorism"<sup>53</sup> Russian diplomacy and propaganda tried to use regional structures such as Collective Security Treaty Organization and Shanghai Cooperation Organisation to

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<sup>48</sup> <https://hudoc.echr.coe.int/?i=001-234982>

<sup>49</sup> <https://arcrimea.org/en/news/2024/06/26/historical-victory-for-ukraine-in-european-courts-crimean-case/>

<sup>50</sup> <https://www.icj-cij.org/sites/default/files/case-related/166/166-20240131-jud-01-00-en.pdf>

<sup>51</sup> <https://www.washingtonpost.com/national-security/2024/04/02/us-warning-russia-isis-crocus/>

<sup>52</sup> <https://www.reuters.com/world/iran-alerted-russia-security-threat-before-moscow-attack-sources-say-2024-04-01/>

<sup>53</sup> <https://arcrimea.org/en/news/2024/03/26/aggressor-announced-innovative-approaches-to-intensify-repression/>

<sup>54</sup> <https://arcrimea.org/en/news/2024/03/25/criminal-head-of-crimea-announced-repressions-based-on-ethnicity/>

disseminate relevant fakes on alleged Ukraine's relations with Crocus City Hall attack, but those regional structures refused to support Russia on those provocations.

*Above pointed proves importance of such regional structures as ECtHR and Council of Europe in countering terroristic activities.*

Our Association believes that urgent, immediate steps of the UN OHCHR bodies must be done including all observation procedures and immediate visits to Ukraine. Monitoring procedure, mentioned in HRC resolution 49/1, must be enforced immediately.

Our Association believes that urgent, immediate steps of the UN OHCHR in condition of ongoing interstate conflict and hostilities must be done including all observation procedures and immediate visit to Ukraine.

We hope that previous special statements of the UN experts and rapporteurs regarding situation in Ukraine must be supported by next UN OHCHR's steps reacting the Russia's ongoing terrorist policy and aggression in Ukraine, in framework of UN mandate.

28<sup>th</sup> June, 2024

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