



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Crimean Indigenous Peoples, Impact of Toxic and Russian Aggression

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², with activities devoted to Crimea's issues, including indigenous rights in close cooperation with UN institutions. Our researches are devoted to the situation of indigenous peoples, including Crimean Tatars, Crimean Karaites and Krymchaks in the Autonomous Republic of Crimea and city of Sevastopol (hereinafter – Crimea).

Our submission deals with the challenges for Crimean indigenous peoples, identified by the Association in its work, namely the issue of intentional and organised Russian policy against indigenous rights in the Crimea, occupied in 2014 and in the southern districts of Ukraine's mainland, occupied in 2022. Our Association also researches the issues of Ukraine's policy related to those indigenous peoples, including the indigenous right to free, prior and informed consent and rights to sustainable development.

Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation in the region of traditional indigenous peoples' residing.

In 2020-2021 ARC sent more than forty relevant submissions to UN HRC bodies, including OHCHR³, informing on the relevant gross violations of indigenous rights, and made more than 20 publications on transit justice issues⁴, including collective memory⁵, indigenous peoples' representation⁶ and their cultural rights⁷, indigenous property issues⁸. Association researched Ukrainian preparatory work on transitional justice in indigenous framework⁹, it granted own proposals to Ukraine's government on the development of the draft laws where the transitional justice issues were reflected¹⁰, Association's experts presented our impacts on the sessions of the Crimean Discussion Club¹¹ and for the World Law Congress 2021 in Barranquilla, Colombia¹². ARC paid special attention to issues of ecologic rights of indigenous peoples¹³ We informed UN agencies on challenges for Crimean Tatars' sacrificed zones, caused by the Russia's occupation of the peninsula.

¹ <https://arc.construction/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ <https://arc.construction/21494>

⁴ <https://www.ejiltalk.org/the-proceedings-flow-while-water-does-not-russias-claims-concerning-the-north-crimean-canal-in-strasbourg/> ; <https://arc.construction/category/analytics>

⁵ <https://arc.construction/7505>

⁶ <https://arc.construction/7465>

⁷ <https://arc.construction/7449>

⁸ <https://arc.construction/7303>

⁹ <https://arc.construction/5594>

¹⁰ <https://arc.construction/21627> ; <https://arc.construction/9921>

¹¹ <https://arc.construction/23596>

¹² <https://arc.construction/23309>

¹³ <https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/ToxicWastes/CFI-lifecycle-plastics/arc.pdf>

On 2021 Our Association submitted to the UN the proposals on two Crimea-related natural objects to the researchathon on sacrifice zones and human rights proposed by the UN Special Rapporteur on Toxics and Human Rights and UN Special Rapporteur on Human Rights and the Environment, for their forthcoming report on toxic-free environments in which to live, work, study and play to be discussed in UN on 2022. UN rapporteurs intend to highlight the egregious problem of places that are being subjected to severe toxic pollution¹⁴.

In our submission ARC reminded to the UN rapporteurs that human rights violations in the Crimea, including indigenous rights and rights on healthy environment and sustainable development now are the subject to consideration in international courts, including the International Court of Justice (case 166) and the European Court of Human Rights (case 20958/14 and others). So ARC proposed to the UN such Crimea-related natural objects as Ukraine's national sacrifice zones being under Russian invaders' control, such as Syvash Bay of Azov Sea and Karkinit Bay of Black Sea.

Association pointed to the UN that those zones are degrading due to the activities of chemical plants "Titan", Crimean Sodium Plant and Crimean Brome Plant located in the Armiansk and Krasnoperekopsk towns, Crimea. Those plants use the waters of Syvash Bay as the mineral raw and throw off wastes to the shores of Syvash Bay and Karkinit Bay and to the atmosphere over it.

Also Russian military activities in the Crimean shore and on the waters of Syvash and Karkinit Bay, and the total Crimea-origin poaching against the fish, birds and are dangerous for Syvash and Karkinit unique ecosystems. Those negative factors have disturbing health effects on the local population, including the indigenous Crimean Tatar people residing on the both shores of Syvash and on the shores of Karkinit Bay. Those communities have high rates of childhood asthma and cancer, they suffer from the impossibility of using Karkinit Bay and Syvash Bay for the purposes of their own sustainable development.

ARC stressed to the UN that the severe pollution in Syvash Bay and Karkinit Bay, their militarization by Russian invaders are threats to the rights to life, health, dignity, water, food, and culture. Association informed the UN rapporteurs that the Ukrainian government strengthened in 2018 the monitoring over the negative consequences of the activities of chemical plants located in the Armiansk and Krasnoperekopsk towns and some criminal proceedings were started by the Ukrainian legal enforcement units. Association informed UN rapporteurs that its experts passed the lawsuit to the Ukrainian courts and to the European Court of Human Rights on the facts of violation by Russian invaders of the rights of local inhabitants to safely use the resources of Syvash and Karkinit Bay, and that those cases in Ukrainian courts, also as in the European Court, are pending.

Experts of our Association discussed those issues in the webinar "Redefining protected areas: Addressing human rights violations against Indigenous Peoples and recognizing Indigenous-led governance in conservation", organized on 5th of September, 2021 by the Indigenous Peoples Rights International (IPRI). IPRI is a global indigenous peoples' organization registered in the Philippines, which works to protect the indigenous rights defenders, and unite and amplify the call for justice and respect for indigenous peoples' rights, including right to healthy environment¹⁵.

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory from own territory, from occupied Crimea, Belarus, Black and Azov seas against Ukrainian mainland. Due last two months of fights Russia occupied some territories of Kherson and Zaporizhzhya regions where the representatives of Ukraine's indigenous peoples reside also. In last two months Russian troops committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights' law already. Russia commenced an

¹⁴ <https://arc.construction/19284>

¹⁵ <https://arc.construction/19284>

unprovoked invasion throughout Ukrainian territory, which is already causing catastrophic harms to Ukraine and its people¹⁶¹⁷.

Russian troops and “military commandant’s offices” created by Russian invaders in Kherson and Zaporizhzhya regions, adjacent to Crimea, where a lot of Crimean Tatars resides also, use actively the practice of extrajudicial executions of local civil population and Ukrainian prisoners of war. Russian troops use actively mercenaries in their military activities in Ukraine, including those Russia-occupied territories¹⁸¹⁹.

Among civil persons, who were victims of Russia-controlled mercenaries, there are persons who tried, to replace themselves from the hostilities zone, who hid in the shelters and were used as a “life shield” by Russian troops. A lot of persons were killed or kidnapped as “non-loyal” ones or during looting their property. Russian occupation of Melitopol and other cities in Southern Ukraine, where Crimean Tatars reside also in March 2022 led to mass actions of resistance to the aggressor²⁰. Russian troops block the humanitarian corridors established to evacuate civil population from occupied territories.

Due to the fierce resistance of the population of Kherson Region, adjacent to the Crimea, the occupiers are trying to impose an administrative-police regime, for which Rosguard units were introduced in the region, which illegally detained more than 400 Ukrainian citizens on racial grounds, including Ukrainian youth representatives²¹.

Now the International Criminal Court started investigation on the war crimes committed by Russian invaders in Ukraine and it collect relevant proofs. There is now peacekeeping missions in Ukraine as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are low and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March²². Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so there victims of Russian troops and Russia-controlled mercenaries, including victims of forced labor have no access to justice.

UN Human Rights Council 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, including the rights to life, resulting from the aggression against Ukraine by Russia²³. On 8 March 2022 UN human rights experts called on Russia to immediately end its invasion of Ukraine to avoid further bloodshed and loss of life; experts recalled that intentional attacks against civilians and civilian objects amount to war crimes²⁴. In other UN experts’ statements the negative impact of Russia’s aggression on right to life of persons with disabilities and older persons was condemned²⁵, and relevant risks for women’s right to life were pointed²⁶.

All those steps of the Nazi policy of Russian government and by the Russia-controlled “administrations” in Russia-occupied Crimea, South, North and East of Ukraine create the especial risks for the above-pointed Crimean Tatars’ sacrificed zones such as Karkinit Bay and Syvash Bay. Karkinit Bay is the zone of Russia’s Navy dislocation now and its environment was strongly damaged already during ongoing Russian aggression against Ukraine²⁷²⁸. Above-pointed chemical

¹⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁷ <https://arc.construction/26897>

¹⁸ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁹ <https://www.bbc.com/news/world-europe-60547807>

²⁰ <https://arc.construction/26918>

²¹ <https://arc.construction/26892>

²² <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

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

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

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

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

²⁷ <https://arc.construction/27581>

²⁸ <https://arc.construction/26843>

plants in Armiansk and Krasnoperekopsk pollutes the Karkinit Bay and Syvash Bay under full Russian control.

More, as Russia's Ministry of Defense officially reported, on 13 of April, 2022, a fire begun on the Russia's guided missile cruiser "Moskva" (project 1164 Atlant class with displacement on 12,490 tons) in Black Sea's hostilities zone²⁹. During 14 of April Russian media gave controversial information regarding this incident, pointing that cruiser allegedly goes or is tugged to Sevastopol. On the evening of 14 April, 2022 Russia's Ministry of Defense officially said that "Moskva" sank in the Black Sea while being towed during stormy weather.

Russian sources do not inform the exact place where the "Moskva" sank in the Black Sea and give any details of this extraordinary incident. But experts made analysis of satellite images and points that it happened in Black Sea approximately 40 miles from Western Crimea. As experts points there is extremely high probability of present as minimum two nuclear warheads in the arsenal of "Moskva" at the time when the incident begun with cruiser on 13 April, 2022. Russian authorities gave no information on destiny of those nuclear warheads from "Moskva" on-board munitions.

Risk is extremely high that those nuclear warheads did sink together with "Moskva" cruiser. This incident creates challenges of Black Sea's nuclear pollution directly near above-pointed maritime sacrifice zones of the Crimean Tatars.

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 ECHR orders to stop the aggression and hostilities. Russian occupying structures, such as military administrations, refuse to recognize the Crimean Tatars' rights to free, prior and informed consent and ecologic rights.

Our Association believes that urgent, immediate steps of the UN OHCHR must be done including all observation procedures and immediate visit to Ukraine. Monitoring procedure, mentioned in HRC resolution 49/1, 2022 must be enforced immediately.

Our Association believes that urgent, immediate steps of the UN Special Rapporteur on toxic and human rights defending Crimean Tatars' ecologic rights in condition of ongoing interstate conflict and hostilities must be done including all observation procedures and immediate visit to Ukraine. Our Association believes that Ukraine need expert support from UN Permanent Forum and Expert Mechanism for defending the rights of Crimean Tatars, Crimean Karaites and Krymchaks to free, prior and informed consent on all Russia-occupied territories.

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²⁹ <https://www.theguardian.com/world/2022/apr/18/film-and-photos-appear-to-show-russian-cruiser-moskva-shortly-before-it-sank>