



ASSOCIATION OF REINTEGRATION
OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001

Ukraine, Kyiv, 56 Kharkivske highroad, 02175

arcconstructionofcrimea@gmail.com

29.03.2024 № 315/2024

To UN Special Rapporteur on toxics and human rights

Russian Aggression in Ukraine: Issues of Gender and Toxics

DrHab Borys Babin, PhD Olexiy Plotnikov, PhD Andrii Chvaliuk PhD Anna Prikhodko

Our Association of Reintegration of Crimea (ARC), is non-governmental expert and human rights organisation¹, with activities devoted to Crimea's issues. ARC informs UN, CoE and OSCE structures and publishes analytics regarding challenges for human rights in Crimea. In 2020-2024 ARC sent more than 150 relevant submissions to UN HRC bodies, including information on the ongoing ecologic and water crisis in Crimea²³⁴, its indigenous peoples⁵ and sustainable development challenges⁶, ARC made more than 20 publications on this issue⁷.

In the Crimean peninsula, illegally controlled by Russia, negligence and illegal actions of the so called "authorities" caused massive toxic pollution after 2014.

Our Association pointed in 2021⁸ 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 women 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

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

² <https://www.ohchr.org/Documents/Issues/Water/PlanningReportWater/input-nonstates/Association-of-Reintegration-of-Crimea.doc>

³ <https://www.ohchr.org/sites/default/files/2022-01/Association-of-Reintegration-of-Crimea.pdf>

⁴ <https://www.ohchr.org/Documents/Issues/Environment/EnvironmentWater/Civil%20Society/ARC.doc>

⁵ https://www.ohchr.org/Documents/Issues/IPeoples/SR/Urban-areas_Submissions/Indigenous_Organisations_Civil_Society/association-of-reintegration-of-crimea.pdf

⁶ <https://www.ohchr.org/Documents/Issues/Food/FoodSystems/CSO/ARC.doc>

⁷ <https://www.ejiltalk.org/the-proceedings-flow-while-water-does-not-russias-claims-concerning-the-north-crimean-canal-in-strasbourg/>

⁸ <https://web.archive.org/web/20231231132550/https://www.ohchr.org/sites/default/files/Documents/Issues/ToxicWaste/RightToScience/Submissions/NGOs/arc-crimea.pdf>

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)⁹. UN GA resolution 76/179 pointed that Russia as occupying State bears all responsibility for ongoing water crisis in Crimea¹⁰ and European Court on Human Rights refused in 2021 to oblige Ukraine supply water to Crimea by the North Crimean Channel¹¹. Experts of ARC held consultations with Crimean Tatar representatives and took part in conferences devoted to Crimean issues, including water crisis challenges, and in “Crimean Platform” high-level summit in Kyiv.

ARC highlighted the brutal violation of the international ecologic and environmental law by “Siemens” and “Grundfos” companies that supplied in 2020-2021 industrial water pumps to the Crimean “administration”; such pumps’ exploitation in military purposes destroyed the unique ecosystem of Zuya River valley, traditional for the Crimean Tatars. We informed German and Danish officials, European Commission and ecologic organisation, relevant investigation was held by the Dutch Business Authority due to our complaint.

ARC human rights’ activities caused the aggressive reaction of the Russia’s so-called “authorities” in Crimea. ARC’s expert, professor Borys Babin was declared as allegedly “extremist” by such “authorities”, relevant “criminal proceedings” were initiated by them.

The key challenge for Crimea since 2015 was the water crisis that appeared exactly due to the policies of the Russia’s “authorities” in conditions of the climate change. Russia established its effective control over Crimea with its 2,5 million inhabitants in 2014. In the next years, Russia has relocated over 500 thousand of its residents to Crimea. Russia initiated large military infrastructure projects in Crimea, requiring massive water supply and making toxic pollution. Crimea’s indigenous peoples – Crimean Tatars – including women have no access to the verified information relating to access to clean water and sanitation services. Any attempts to get such access will be punished by the Russia-controlled “administration” as allegedly “extremist” ones.

There is no effective mechanism available in Crimea to submit complaints regarding access to safe drinking water and sanitation as well as obtain information on how those complaints were handled and resolved. Such complaint will not be satisfied and its author(s) will be punished for “illegal activities”; such negative practice was during collection the signatures against the corruption in the “Water of Crimea” and against desalination systems.

Crimea’s human rights defenders and activists, including women, who stand up for the human rights to safe drinking water and sanitation of indigenous peoples and against toxic pollution are under permanent fear and harassment. The example of Ludvica Papadoupulu may be pointed, blogger from Yalta, who was persecuted by the Russia’s punitive structures in 2020-2021 for her posts in the social networks on the ecologic issues. ARC reflected the repressions against Mr. Papadoupulu in our statements to UN HRC and OSCE structures.

Water always had specific, sacral importance for the Crimean Tatar people in arid Crimea. Now the Russia-controlled “Water of Crimea” is responsible for the water management in the region and it has no cooperation with Crimean Tatars. Crimean Tatars and their communities have no effective access to water management issues in the Crimea since 2014.

⁹ <https://arc.construction/19284>

¹⁰ <https://undocs.org/en/A/76/PV.53>

¹¹ <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7085775-9583164&filename=Inter-State%20case%20brought%20by%20Russia%20against%20Ukraine.pdf>

Economic and water crisis in Crimea forces Crimean Tatars to resettle to Simferopol since 2015. At the same time exactly Simferopol, central city of the Crimea, became a destination for most Russian citizens illegally resettled by the Russian “authorities” to Crimea, including “military officers”, “officials”, “servicemen”, and their families.

Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine’s territory. Russia refused to execute the ICJ order in this case to stop the aggression¹². 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 environment, attacks on forests, dams, national parks, riparian and maritime ecosystems¹³¹⁴¹⁵¹⁶¹⁷¹⁸¹⁹. All war crimes, committed by Russian invaders during ongoing hostilities, are connected with absolutely clear Russia’s war targets in maximal destruction the civil infrastructure and environment, including water management objects²⁰, essential for all Ukrainian ethnic and social groups²¹. Those issues are the subject of the International Criminal Court investigation²²

Till 2023 more new was crimes were committed by the Russian troops, including destruction objects of civil infrastructure, forests, dams and other melioration systems by mines explosions, missiles and artillery. Russian forces destroy and loot the technical equipment of Ukrainian forestry and melioration management and of national parks in Kherson and Zaporizhzhya regions en masse²³. Such changes also include an indirect impact through Russian attacks on Ukrainian nuclear power facilities, such as the Zaporizhzhia NPP, located on Kakhovka water store and on Ukrainian green energy facilities in occupied territories and war zones. Russian troops make ongoing provocations with North Crimean Canal and Kakhovka Canal in Russia-occupied part of Kherson region²⁴²⁵²⁶²⁷²⁸²⁹³⁰³¹.

Since the level of hostilities in Ukraine is unprecedented for modern humanity and has no clear prospect of minimization in the coming months, the above risks and challenges have a strong and direct impact on the issue of toxic pollution³².

From the point of view of international law, such Russia’s illegal acts can be considered as terrorism³³ as Russian forces conjunct the attacks on ecologic objects with politic demands. Czech Republic, Estonia, Lithuania, Latvia, Netherlands, Poland and Slovakia, also as European Parliament and Parliamentary Assemblies of NATO and Council of Europe recognized Russian politic regime as terroristic one already³⁴. Ukraine started some criminal

¹² <https://www.icj-cij.org/en/case/182>

¹³ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹⁴ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁵ <https://www.bbc.com/ukrainian/features-60888528>

¹⁶ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁷ <https://www.bbc.com/news/world-europe-60547807>

¹⁸ <https://news.un.org/en/story/2022/03/1113652>

¹⁹ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²⁰ <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/2022-11-28/Association-of-Reintegration-of-Crimea.pdf>

²¹ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

²² <https://www.icc-cpi.int/ukraine>

²³ <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/food/submissions/csos/submission-climate-change-food-association-reintegration-crimea.pdf>

²⁴ <https://arcrimea.org/en/news/2023/06/01/crimea-kremlin-dictator-and-corrupted-assistant/>

²⁵ <https://arcrimea.org/en/news/2023/05/08/donetsk-roots-and-kyiv-cake-of-crimean-rice/>

²⁶ <https://arcrimea.org/en/news/2023/03/25/collaborators-of-sevastopol-and-melitopol-sang-on-background-of-water-crisis/>

²⁷ <https://arcrimea.org/en/news/2023/03/23/traders-of-stolen-water-and-drying-crimean-villages/>

²⁸ <https://arcrimea.org/en/analytics/2023/03/20/occupied-crimea-and-russian-aggressions-anniversaries/>

²⁹ <https://arcrimea.org/en/news/2023/02/26/fantastic-bypass-channels-from-criminal-head-of-crimea/>

³⁰ <https://arcrimea.org/en/news/2022/12/15/land-amelioration-and-storm-in-glass-of-occupiers-special-services/>

³¹ <https://arcrimea.org/en/news/2023/01/27/delusions-of-sriminal-gautleiter-refugee-about-north-crimean-canal/>

³² <https://www.ohchr.org/sites/default/files/documents/issues/toxicwastes/cfis/detoxdecarb/submission-detoxification-of-climate-solutions-ngo-arc.pdf>

³³ <https://casebook.icrc.org/case-study/icjy-prosecutor-v-galic>

³⁴ <https://arcrimea.org/en/analytics/2022/11/05/sevastopols-maritime-cotton-and-terrorist-states-blaming-through-victim/>

proceedings regarding issues of destruction the ecosystem by Russian troops, with qualification of such activities as ecocide crime³⁵, but the whole concept of ecocide crime is not too develop in modern international law and have no conventional protection³⁶.

New challenges for the issue of toxic pollution, including its gender framework, were caused by destruction the dam of Kakhovka Hydroelectric Power Plant (HPP) on Dnipro River by Russian military units, which happened on 6 June, 2023³⁷³⁸³⁹⁴⁰⁴¹.

UN Office for the Coordination of Humanitarian Affairs (OCHA) stressed on June 10 that the catastrophic effects of the flooding that followed the Kakhovka Dam destruction add to the immense human suffering caused by Russia's war on Ukraine⁴²⁴³⁴⁴⁴⁵.

As ARC experts noted, the aggressor's undermining of the Kakhovka HPP became a separate crime of genocide, including the forced deportation of the population of the villages and cities adjacent to the Dnipro in the left-bank Kherson region, the destruction of their houses and the murder of those who cannot escape flooding⁴⁶. From the point of view of international law, such Russia's illegal acts can be considered as terrorism also⁴⁷⁴⁸⁴⁹.

Destruction of Kakhovka HPP by Russian invaders caused toxic pollution of Black Sea in non precedent volumes.

Relevant activities of UN bodies, in the context of counteraction the toxic pollution will allow intergovernmental bodies, governments of developing countries, environmental protection and human rights organizations, and institutions of the world's indigenous peoples to start a discussion and assessment of the forms of direct and indirect negative ecological and economic impact of Russian aggression in the field of sustainable development and the related rights to food, water and sanitation⁵⁰⁵¹, and regarding the related gender challenges.

The result should be the development of plans to counteract the corresponding negative processes at the level of international organizations, governments and non-governmental environmental protection structures, organizations of the indigenous peoples of the world, the inclusion of relevant issues in international documents of legal and political dimensions, in particular in the development the ecocide conventional criminalization, increased sanctions pressure and international recognition of the Russian regime as a terrorist one.

Also the above-pointed issues were discussed during the side-events on Sharm-el-Sheikh Climate Change Conference (COP 27) and Dubai Climate Change Conference (COP 28) held by our experts together with Crimean Tatar Resource Center and Mission of Ukraine in 2022 and 2023⁵²⁵³⁵⁴⁵⁵⁵⁶, also as at World Law Congress, 2023⁵⁷⁵⁸⁵⁹.

³⁵ <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/gcomments/gc26/2023/cs/GC26-CS-association-reintegration-crimea-2023-02-15.doc>

³⁶ <https://www.internationalcrimesdatabase.org/upload/documents/20221024T110657-Prosecution%20for%20Ecocide%20as%20a%20weapon%20in%20armed%20conflict%20reflections%20on%20Crimea.pdf>

³⁷ <https://www.pravda.com.ua/eng/news/2023/06/6/7405479/>

³⁸ <https://www.nytimes.com/2023/06/09/world/europe/ukraine-dam-collapse-explosion.html>

³⁹ <https://www.jordskjelv.no/meldinger/seismic-signals-recorded-from-an-explosion-at-the-kakhovka-dam-in-ukraine>

⁴⁰ <https://www.president.gov.ua/en/news/stvorena-rosijskimi-teroristami-katastrofa-na-kahovskij-ges-83449>

⁴¹ <https://en.ecoaction.org.ua/destruction-of-the-kakhovka-hpp-preliminary-conclusions.html>

⁴² https://twitter.com/OCHA_Ukraine/status/1667531704364331010

⁴³ <https://news.un.org/en/story/2023/06/1137497>

⁴⁴ https://web.archive.org/web/20230619214026/https://www.parismou.org/system/files/202%20-%20ARC_Submission_IMO_ILO_FAO_11_06_2023.pdf

⁴⁵ <https://arcrimea.org/en/activity/2023/06/20/paris-mou-informed-member-states-about-russias-undermining-kakhovka-hpp/>

⁴⁶ <https://arcrimea.org/en/news/2023/06/11/gondoliers-of-fortune-and-aggressors-genocide-of-left-bank-population/>

⁴⁷ <https://casebook.icrc.org/case-study/icty-prosecutor-v-galic>

⁴⁸ <https://arcrimea.org/en/analytics/2022/11/05/sevastopols-maritime-cotton-and-terrorist-states-blaming-through-victim/>

⁴⁹ <https://www.internationalcrimesdatabase.org/upload/documents/20221024T110657-Prosecution%20for%20Ecocide%20as%20a%20weapon%20in%20armed%20conflict%20reflections%20on%20Crimea.pdf>

⁵⁰ <https://arcrimea.org/en/analytics/2023/07/08/qualification-of-russian-aggression-ecologic-challenges/>

⁵¹ <https://arcrimea.org/en/analytics/2023/06/13/environmental-challenges-of-occupation-of-crimea-and-other-forms-of-russian-aggression/>

⁵² <https://arcrimea.org/en/analytics/2023/07/08/qualification-of-russian-aggression-ecologic-challenges/>

⁵³ <https://arcrimea.org/en/analytics/2023/03/24/world-law-congress-occupied-crimea-and-russian-aggression/>

⁵⁴ <https://arcrimea.org/en/activity/2022/11/20/crimea-indigenous-peoples-international-crimes-and-global-warming/>

⁵⁵ <https://arcrimea.org/en/activity/2023/12/04/deoccupation-of-crimea-was-discussed-in-ukrainian-pavilion-of-un-climate-conference/>

Experts stressed on COP 27 & COP 28 that the main negative consequences for the indigenous peoples of Crimea, are the destruction or damage due to climatic changes of natural ecosystems and areas of traditional farming. All negative consequences make negative impact on the social & humanitarian potential of region, including women health⁶⁰. Relevant conventional disputes and activities in the area of international environmental law in conflict situations must be taken into consideration⁶¹. An all-enhancing work on the development of the concept of ecocide as a fourth core international crime should be continued, and it must take into account national legislation, law-enforcement practices and jurisprudence. Ukraine and other European states have formed relevant practices in recent years.

International ecological crimes against clean air and water present a principally new phenomenon for victims of criminal acts, including issues like damage recovery, special challenge to collective rights of territorial communities and indigenous peoples most affected by such crimes. The victim-centered approach is especially crucial taking into account the possible and probable correlation between genocide and eventual international ecologic crimes, including ecocide. Here, genocide may take a form of deliberately inflicting on a national, ethnical, racial or religious group conditions of life calculated to bring about its physical destruction in whole or in part. The deliberate destruction of the Nova Kakhovka Dam by the Russian forces in 2023 is an example of a war crime with such genocidal implications and also is an ecocidal act and act against right to clean food, air and water.

Issues of sustainable development, challenges of climate change and new reality of artificial intelligence as a hypothetical international crimes' subject must be taken into consideration while advancing accountability for such illegal acts as toxic pollution also.

So we call Special Rapporteur, also as all UN authorized bodies and agencies, also as their member states to pay a special attention to Russia's illegal activities in Ukraine, including Russian aggression, ecocide, ecologic war crimes and state terrorism, in framework of global risks for climate and relevant global human rights and sustainable development, including women right to clean food, water and air without toxic pollution.

29th March, 2024

Representative of the ARC
Dr. Borys Babin



⁵⁶ <https://arcrimea.org/en/activity/2023/12/03/un-climate-change-conference-and-de-occupation-of-crimea/>

⁵⁷ <https://arcrimea.org/en/activity/2023/07/21/world-law-congress-russian-aggression-energy-markets-and-maritime-safety/>

⁵⁸ <https://arcrimea.org/en/news/2023/07/23/crimean-issues-on-the-world-law-congress/>

⁵⁹ <https://arcrimea.org/en/activity/2024/02/17/un-climate-conference-and-russian-aggression/>

⁶⁰ <https://arcrimea.org/en/news/2024/02/25/kerch-youth-under-sun-of-russian-occupation/>

⁶¹ <https://pca-cpa.org/en/cases/149/>