



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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To UN Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence

Russian Aggression Against Ukraine and Right to Justice

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², with activities devoted to Crimea's issues. ARC's expert researches are related with human rights of Crimean residents and ethnic groups, including fundamental, humanitarian and ecologic rights and transitional justice. In 2020-2022 we sent more than 75 submissions regarding those issues to UN officials, and more than 30 of them were published by the UN bodies, including some, devoted to the issues of right to truth and transitional justice³.

Systematic gross violations of the human rights and humanitarian standards, including usage the mercenaries and paramilitary units, armed by illegal ammunition for total repressions, were committed in last seven years by Russia in the Crimea, were condemned by the UN GA resolutions⁴, resolutions of OSCE Parliamentary Assembly, of PACE, of European Parliament's resolutions etc. Gross human rights' violations, correlated with crimes against humanity in Crimea are now subject to consideration in and the European Court of Human Rights (case 20958/14 and others).⁵

UN GA Resolution 76/179 on 16 December 2021⁶ condemned the reported serious violations and abuses committed by Russia against residents of the Crimea, in particular – repressions, committed by the Russia-controlled paramilitary structures.

As we pointed already to some UN bodies, **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, Belarus, Black and Azov seas.

Due last two months of fights Russia occupied some territories of Chernigiv, Donetsk, Kharkiv, Kherson, Kyiv, Luhansk, Mykolaiv, Sumy, Zaporizhzhya, Zhitomir regions and strong fights were going near cities with total population more than 10 millions persons near the frontline. During end of March, 2022 Ukraine returned back control over districts in Kyiv, Sumy, Zhitomir and Chernigiv regions.

Russian troops use actively illegal arm trafficking, including relevant arms for Russia-controlled mercenaries from Syria and Caucasus in their military activities in Ukraine. Among them they use the private military company "Wagner Group" that was identified in the fights as by Ukrainian government so by the independent media⁷. Till 19th of April, 2022 more new

¹ <https://arc.construction/>

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

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

⁴ for example, <https://undocs.org/en/A/RES/73/263>

⁵ <http://hudoc.echr.coe.int/eng?i=001-207622>

⁶ <https://undocs.org/en/A/RES/76/179>

⁷ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

was crimes were committed by the Russian troops, Russia-controlled mercenaries from Syria and Caucasus including usage civil population as hostages and “human shield”, destruction objects of civil infrastructure, including pipe electric lines, bomb the civil objects, including kindergartens, schools and hospitals by missiles and artillery, kill medics that try to give aid to victims of war.

More than 10000 civil people, including 200 children were killed by Russian troops and Russia-controlled mercenaries to this date, especially in Donetz, Kharkiv, Kyiv Regions of Ukraine⁹¹⁰. 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”. A lot of persons were killed or kidnapped as “non-loyal” ones or during looting their property.

In last eight weeks Russia-controlled mercenaries committed in Ukraine, during this operation, gross violation of international humanitarian law and international human rights’ law already¹¹. 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 rights¹².

Due to such gross violation the human rights Ukraine immediately filed an application with the International Court of Justice (ICJ) on 25 February 2022¹³ and to the European Court of Human Rights¹⁴. Russian government refused to execute the demand of the European Court of Human Rights and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.¹⁵

But on March 16, Russia stopped its participation in the Council of Europe and refused officially to execute the demands of European Convention on Human Rights, including all guarantees for human fundamental rights¹⁶. Russian troops and Russia-controlled mercenaries, created by Russian invaders on local level during March, 2022 in Chernigiv, Donetsk, Kharkiv, Kherson, Kyiv, Sumy and Zaporizhzhya regions, committed various war crimes¹⁷¹⁸¹⁹²⁰²¹. Human Rights Watch has documented several cases of Russian military forces committing laws-of-war violations against civilians in occupied areas of the Chernihiv, Kharkiv, and Kyiv regions of Ukraine. These include a case of repeated killings, tortures and rapes as a tool of Russian troops’ punitive actions against Ukrainian population²².

Russian troops block the humanitarian corridors, established to evacuate civil population from local communities in hostilities zones to the government-controlled areas that are especially dangerous for children. In Mariupol Russian troops and Russia-controlled mercenaries forcibly “evacuated” more than 40 thousands of Ukrainian citizens, including thousands of children, often without their parents, to the Russia and later nobody will know the destiny of those children. Same actions are done by Russian mercenaries in other

⁸ <https://www.bbc.com/news/world-europe-60547807>

⁹ <https://ua.interfax.com.ua/news/general/822911.html>

¹⁰ <https://kyivindependent.com/uncategorized/wagner-group-establish-headquarters-in-rostov-on-don/>

¹¹ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹² <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹³ <https://www.icj-cij.org/en/case/182>

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://arc.construction/26897>

¹⁷ <https://www.bbc.com/ukrainian/features-60888528>

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/26892>

²¹ <https://news.un.org/en/story/2022/03/1113652>

²² <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

regions²³²⁴²⁵ and persons forcibly replaced to Russia from the hostilities zones have any rights there and no practical possibility to leave Russia²⁶

Russia-controlled mercenaries with illegal arms are actively used by Russia in onland and maritime hostilities against Ukraine. More, Russian soldiers and mercenaries sometimes propose own arms and ammunition in the occupied territories of Kherson and Zaporizhzhya regions to the local criminals exchanging it for alcohol, drugs, sexual contacts and food²⁷. Illegal traffic of arms from Russia-occupied Crimea to the Russia-controlled areas of Ukrainian mainland increases and it cause new dangers for the local population.

Now the International Criminal Court started investigation on the war crimes committed by Russian invaders in Ukraine and it collect relevant proofs. Also the crimes against civil population, including children, committed by Russian troops and mercenaries, are investigated by the Ukraine's legal enforcement bodies and by prosecutors' offices of some European countries.

There are no peacekeeping missions in Ukraine; as such initiatives were blocked by the Russian government. Activities of UN Monitoring Mission in Ukraine are extremely low now and OSCE Special Monitoring Mission in Ukraine de-facto stopped its activities since 7th of March;²⁸ later Russia blocked the prolongation such Mission's activities.

Russian invaders destroyed Ukrainian legal enforcement and court activities in the occupied territories so there victims of Russian troops and Russia-controlled mercenaries, of relevant illegal arm trafficking have no access to justice and aid. 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, resulting from the aggression against Ukraine by Russia²⁹.

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 crimes³⁰. In other UN experts' statements the negative impact of Russia's aggression on right to life of persons with disabilities was condemned³¹, and relevant risks for women's right to life were pointed³².

UN General Assembly voted 7th of April to suspend Russia from the UN Human Rights Council after high-profile allegations of atrocities committed by Russian soldiers during the war in Ukraine.

After such UN General Assembly's resolution was adopted Russia immediately stated that it will "early terminate its powers" in the Human Rights Council. Neither suspended nor terminated Russia's membership in the Council will not stop any Russia's duties that fall from the UN human rights' treaties and UN human rights' mechanisms and programs.

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 ECHR orders to stop the aggression and hostilities that are directly pointed against older people.

²³ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

²⁴ <https://nv.ua/kharkiv/harkov-obstrely-skolko-domov-razrusheno-dannye-31-marta-novosti-harkova-50229919.html>

²⁵ <https://www.pravda.com.ua/rus/news/2022/03/31/7336102/>

²⁶ <https://arc.construction/28557>

²⁷ <https://arc.construction/29375>

²⁸ <https://www.osce.org/ru/special-monitoring-mission-to-ukraine/513430>

²⁹ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

³⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

³¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

³² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

Russia's illegal supply the arms to the Ukraine's territory to the Russia-controlled mercenaries, including "people's militias" of Russia-controlled fake "republics" directly violates the International Convention for the Suppression of the Financing of Terrorism, so Russia now is the state sponsor of terrorism.

All measures of truth, justice, reparation, memorialization and guarantees of non-recurrence may be granted to the victims of Russian aggression against Ukraine only after the hostilities will be stopped and Russian troop will be evacuated from all Ukrainian territory.

Monitoring procedure, mentioned in HRC resolution 49/1, must be started immediately and it will be the most important issue for changing the framework of cooperation of our Association and other human rights bodies with UN structures in 2022, for its enforcement and transparency.

Such UN steps must counteract the war crimes and 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.

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