



ASSOCIATION OF REINTEGRATION  
OF CRIMEA

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

**Non-State Actors and Transitional Justice Processes: Crimean Challenges**

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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 their right to development, also as with issues of the transitional justice for peninsula, with relevant cultural, economic, social and financial impacts. Illegal occupation and attempted annexation of Crimea by Russia since 2014, as a part of Russian-Ukrainian interstate conflict, changed the situation radically in the region. Systematic gross violations of the human rights and humanitarian standards were committed in last seven years in the peninsula, condemned by the UN GA resolutions<sup>3</sup>, resolutions of the OSCE Parliamentary Assembly, of the PACE, of the European Parliament's resolutions etc. Gross human rights violations, correlated with crimes against humanity in Crimea are now subject to consideration in International Court of Justice (case 166)<sup>4</sup> and the European Court of Human Rights (case 20958/14 and others).<sup>5</sup>

ARC informs UN, Council of Europe and OSCE structures on transitional justice issues and it publishes analytics, regarding challenges for human and indigenous rights in Crimea. In 2020-2021 ARC sent more than forty relevant submissions to UN HRC bodies, including OHCHR<sup>6</sup>, informing on the relevant gross violations, and made more than 20 publications on transit justice issues<sup>7</sup>, including collective memory<sup>8</sup>, indigenous peoples' representation<sup>9</sup> and cultural rights<sup>10</sup>, property issues<sup>11</sup>. ARC researched Ukrainian preparatory work on transitional justice<sup>12</sup>, it granted own proposals to Ukraine's government on the development

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<sup>1</sup> <https://arc.construction/>

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

<sup>4</sup> <https://www.icj-cij.org/public/files/case-related/166/166-20191108-JUD-01-00-EN.pdf>

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

<sup>6</sup> <https://arc.construction/21494>

<sup>7</sup> <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>

<sup>8</sup> <https://arc.construction/7505>

<sup>9</sup> <https://arc.construction/7465>

<sup>10</sup> <https://arc.construction/7449>

<sup>11</sup> <https://arc.construction/7303>

<sup>12</sup> <https://arc.construction/5594>

of the draft laws where the transitional justice issues were reflected<sup>13</sup>, Association's experts presented our impacts on the session of the Crimean Discussion Club<sup>14</sup> and for the World Law Congress 2021 in Barranquilla<sup>15</sup>.

Our publications remind that the transitional justice effort of Ukraine is a response to a multi-layer conflict, which includes dealing with the legacies of the totalitarian rule and the subsequent kleptocratic regime, response to open occupation of parts of the territory of Ukraine by another state. A specific feature of the illegally occupied Crimea is that it is home of three indigenous people, all of which were subjected to different forms of genocide by the Nazi and Soviet regimes. So there are two possibilities of transitional justice in region. First, any overall transitional justice strategy for Ukraine intended to overcome the consequences of the ongoing armed conflict, and it refers secondly to transitional justice for the Crimean Tatars in the historical context, including overcoming the consequences of the genocide against them<sup>16</sup>.

ARC reflected the role of the non-state actors, including "cossaks", "veterans of Soviet-Afghan war"<sup>17</sup> and "Crimean self-defence units"<sup>18</sup> in the attempted annexation of Crimea and Russia's effective control over peninsula in a set of publications and relevant discussions. Our experts researched lists of those units' of participants and organisers and ARC came to doubtless conclusion, that those unites that were directly involved in serious human rights violations in the Crimea, including killings, kidnapping, tortures, enforced disappearances, illegal property seizure, ban of media and meetings etc.

But the level of autonomy in those units' behaviour was minimal since 2014, as they were under full control of Russia's military stuff and special services<sup>19</sup>. This issue was confirmed by the decision of the European Court of Human Rights in case 20958/14 that agreed on Russia's effective control over Crimea from 27 February 2014, when exactly those "cossaks", "veterans"<sup>20</sup> and "self-defence units" allegedly were the "governing forces" in the Crimea before Russia declared on the "annexation of peninsula" on March 18, 2014.

The fact of full control Russia's military stuff and special services over those formations is also proved by full absence of their participation in assisting the truth-seeking processes established in connection to the aforementioned human rights and humanitarian violations in the Crimea. ARC believes that Rapporteur's visit to Ukraine, including Crimea, and relevant UN researches on the issues of transitional justice issues, would enable the UN bodies to make a first-hand impression of the situation.

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<sup>13</sup> <https://arc.construction/21627> ; <https://arc.construction/9921>

<sup>14</sup> <https://arc.construction/23596>

<sup>15</sup> <https://arc.construction/23309>

<sup>16</sup> <https://arc.construction/5582>

<sup>17</sup> <https://arc.construction/20600>

<sup>18</sup> <https://arc.construction/6271>

<sup>19</sup> <https://arc.construction/10072>

<sup>20</sup> <https://arc.construction/20242>