



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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

Ukraine, Kyiv, 56 Kharkivske highroad, 02175

arcconstructionofcrimea@gmail.com

28.01.2024 № 112/2024

UN Special Rapporteur on extrajudicial, summary or arbitrary executions

Russian Ongoing Aggression against Ukraine and Protection of Dead Persons

Our Association of Reintegration of Crimea, is non-governmental expert and human rights organisation¹, our expert researches are related with human rights and humanitarian issues, including their fundamental rights, also as with issues of the transitional justice for Crimean peninsula, with relevant humanitarian, informational, economic, social and financial impacts. Since 2020 we sent more than 70 submissions and proposals to UN human rights' strictures, major part of them were published in the official web-sources. Our experts researched the issues of negative consequences the Russian aggression against Ukraine, including enforced disappearances and extrajudicial killings²³⁴⁵⁶⁷⁸⁹.

On 14 January 2021 the Grand Chamber of the European Court of Human Rights (ECtHR) delivered its admissibility decision in the interstate case Ukraine v. Russia (re Crimea) (application nos. 20958/14 and 38334/18) regarding systematic human rights violations committed by the Russian Federation in Crimea.

ECtHR affirmed that Russia spread in Crimea the "administrative practice" (systematic violations that were not investigated) of such human rights violations: as enforced disappearances and killings of the abducted persons; systematic killing and shooting¹⁰.

Researching this issue (paragraphs 402-404) ECtHR pointed in case 20958/14 that as to the "official tolerance" element of an administrative practice, the Court reiterates that it may be found to exist on two alternative levels: that of the direct superiors of those immediately responsible for the acts involved or that of a higher authority who knew or ought to have known of the acts in question. In both scenarios, cognizance of such a practice at the level of the direct superiors of those immediately responsible or of the higher authorities of the State is required. The ECtHR considered that the available material provides prima facie evidence of "official tolerance" of the alleged administrative practice under this head. In particular, where the acts complained of under this head, as alleged by Ukraine and noted in the international organizations' reports, had allegedly been committed by members of the Russia-controlled "Crimea self-defense" and a "Cossack group" as potential enforced disappearances' perpetrators that have been recognized as agents of the Russian State.

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

² <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

³ <https://www.ohchr.org/sites/default/files/2022-06/DP-HRC51-ARC.pdf>

⁴ <https://www.ohchr.org/sites/default/files/documents/issues/deathpenalty/moratorium-2022/ngos-others/2022-07-12/CFI-DP-2022-ARC.pdf>

⁵ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

⁶ <https://www.ohchr.org/sites/default/files/documents/issues/disappearances/cfi/draft-stm/submissions/2022-09-05/association-of-reintegration-of-crimea-draft-stm.pdf>

⁷ <https://www.ohchr.org/sites/default/files/documents/issues/food/cfi-violence-food/csos/3-arc-crimea-en.doc>

⁸ https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/cfis/general-comment-1/csos/2022-07-20/Association%20of%20Reintegration%20of%20Crimea_GCMigration_English.pdf

⁹ <https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/cfis/1-draft-enforced-disappearances-context-migration/association-reintegration-Crimea-contribution-general-comment-ced.pdf>

¹⁰ <https://hudoc.echr.coe.int/rus?i=002-13090>

As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression against Ukraine. Due last twenty three months of fights Russia occupied some territories of Donetsk, Kherson, Luhansk, Zaporizhzhya and other regions and strong fights are going near cities with total population of millions persons near the frontline¹¹¹²

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 fundamental rights, and including enforced disappearances and extrajudicial killings¹³¹⁴¹⁵¹⁶¹⁷¹⁸¹⁹²⁰.

Russian troops, fake "military-civil administrations" and "military commandant's offices" created by Russian invaders in Kherson and Zaporizhzhya regions use actively the practice of enforced disappearances and extrajudicial killings – as of Ukrainian prisoners of war so of local civil population, including persons who tried to evacuate themselves from hostilities zones²¹²².

All war crimes committed by Russian invaders²³ during ongoing hostilities, including tortures and degrading treatment and punishment, are connected with absolutely clear Russia's war targets in maximal destruction the Ukrainian ethnic group and Ukrainian politic nation²⁴. Those issues now are the subject of the investigation the International Criminal Court²⁵ Due to gross violation the human rights Ukraine filed new application to the ECtHR also²⁶.

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 2022.²⁷

Ukrainian human rights organization ZMINA has reported year ago that during Russia's full-scale military invasion of Ukraine, aggressor's military have abducted, forcibly disappeared and unlawfully detained at least 386 volunteers, activists, and human rights defenders, some of them have been transferred criminally to Russian-occupied Crimea, and more than 10 individuals who engaged in humanitarian work were later found dead, or died after being released due to torture they faced in captivity²⁸.

Russian "officials" and propagandists from Ukrainian collaborators in Simferopol and Melitopol like Talipov, Mardan²⁹ and Evgen Balytsky³⁰ directly confessed in 2022 and 2023 not only regarding tortures but also of killings against prisoners of war and pro-Ukrainian civil persons, also as against everybody³¹ who "discrediting the Russian army and the current government"³². Aggressor's illegal "local administrations" on occupied territories of Ukraine including the Crimea, are participants of war crimes, committed in Ukrainian territory including enforced disappearances and extrajudicial killings³³

¹¹ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

¹² <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

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://web.archive.org/web/20220819172853/https://arc.construction/26892>

¹⁹ <https://news.un.org/en/story/2022/03/1113652>

²⁰ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²¹ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

²² <https://www.bbc.com/news/world-europe-60547807>

²³ <https://arcrimea.org/en/analytics/2023/02/08/interstate-armed-conflict-russia-occupied-crimea-and-counteracting-financing-of-terrorism/>

²⁴ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

²⁵ <https://www.icc-cpi.int/ukraine>

²⁶ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

²⁷ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

²⁸ <https://arcrimea.org/en/news/2023/01/04/human-rights-defenders-condemn-enforced-disappearances-of-russian-aggression-victims/>

²⁹ <https://arcrimea.org/en/news/2022/12/26/bring-to-simferopol-and-kill-phantom-pains-of-aggressors-propaganda/>

³⁰ <https://arcrimea.org/en/news/2023/05/09/melitopol-gautleiter-crimean-media-and-occupiers-international-crimes/>

³¹ <https://arcrimea.org/en/analytics/2023/01/17/from-hate-speech-to-calls-for-genocide-crimean-example/>

³² <https://arcrimea.org/en/news/2023/05/11/occupiers-no-longer-hide-their-nazi-practices-against-crimean-tatars/>

³³ <https://arcrimea.org/en/activity/2023/10/15/crimea-russian-aggression-and-local-government/>

In the occupied Simferopol, in the so-called “pre-trial detention center No. 2”, there is a “closed institution” “pre-trial detention center No. 8”, which contains people stolen by the aggressor’s punishers from the occupied mainland Ukrainian territories. According to the testimonies of the Ukrainians who managed to get out of this “isolation cell in the detention center”, violence was used against them – invaders used shockers, choked, fired from pneumatics, beaten and tortured with electric current, and also forced to sing aggressor’s propaganda songs³⁴. Nobody knows where the dead bodies of victims from “pre-trial detention center No. 2 and No. 8” are located now.

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights³⁵ that guarantees right to life and to have transparent investigation of death in reasonable term. Obligations of Russia regarding this Convention were stopped in autumn, 2022 but the demands of European Convention also as of UN International Covenant, 1966 for the prevention of enforced disappearances and extrajudicial killings³⁶ are still in force for Russia³⁷, and it must execute them (but does not execute) on the Russia-occupied territories of Ukraine.

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 Russia³⁸.

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 crimes³⁹. In other UN experts’ statements the negative impact of Russia’s aggression on persons with disabilities and older persons was condemned⁴⁰, and relevant risks for women’s rights were pointed⁴¹. UN Special Rapporteur on the right to adequate housing expressed on 9th of March the grave concerns about the serious violations of the right to adequate housing in Ukraine⁴².

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 Europe 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 civilians⁴³.

UN General Assembly stressed it also in its resolution ES-11/2 on 24 March 2022⁴⁴. On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3⁴⁵ calling for Russia to be suspended from the Human Rights Council⁴⁶. 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 aggression⁴⁷.

Later ECtHR established in decision on 30 November 2022, case Ukraine and Netherlands against Russia, that fact of illegal administrative practice in Russia-occupied East of Ukraine

³⁴ <https://arcrimea.org/en/news/2023/05/28/isolator-in-isolator-simferopol-hostages-of-russian-occupiers/>

³⁵ <https://web.archive.org/web/20220701231239/https://arc.construction/26897>

³⁶ <https://rm.coe.int/168007a67f>

³⁷ <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=126>

³⁸ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

³⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

⁴⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

⁴¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

⁴² <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

⁴³ <https://web.archive.org/web/20220326100354/https://arc.construction/26902>

⁴⁴ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

⁴⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

⁴⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

⁴⁷ <https://digitallibrary.un.org/record/3967950?ln=ru>

⁴⁸ <https://news.un.org/en/story/2022/04/1115782>

⁴⁹ <https://web.archive.org/web/20220612122520/https://arc.construction/31039>

⁵⁰ <https://arcrimea.org/en/analytics/2022/12/07/crimean-cases-in-european-court-aggressor-will-not-escape-responsibility/>

consisting of the torture of civilians and Ukrainian soldiers, of enforced disappearances and killings of the abducted persons; systematic killing and shooting⁵¹.

In November 2022, the UN Human Rights Committee published its Concluding Observations, CCPR/C/RUS/CO/8, where a separate section, is devoted to Russia's violation of human rights in the occupied Crimea including killing and lack of their "investigation"⁵².

Also on November 21, 2022, ECtHR published the report, regarding Court's communications with governments of Russia and Ukraine started in some individual cases, directly connected with deaths and enforces disappearances in the occupied Crimea in 2014-2017 and with possible violation of right to life⁵³.

In November 2022, UN Independent Expert Dr. Victor Madrigal-Borloz pointed regarding actions, committed by Russian militaries in Ukraine that all forms of violence may amount to international crimes that should be prosecuted and punished accordingly⁵⁴.

On 26 January, 2023 Parliamentary Assembly of Council of Europe (PACE) adopted the resolution 2482 (2023) calling to stop tortures, committed by Russian militaries⁵⁵. On 4 April, 2023 UN HRC Resolution 52/42 was adopted, condemning tortures, committed by Russian militaries in Ukraine⁵⁶ and relevant demands were adopted by European Parliament⁵⁷.

UN Special Rapporteur Dr. Edwards published on June 15, 2023 special press-release "Widespread use of torture by Russian military in Ukraine appears deliberate" together with UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, UN Special Rapporteur on extrajudicial, summary or arbitrary executions and UN Working Group on the use of mercenaries⁵⁸.

Those decisions and demands are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy or terror and repressions over the Russia-occupied territories of Ukraine, especially in Kherson and Zaporizhzhya regions.

The main challenges for investigating the deaths and enforces disappearances in Russia-occupied parts of Ukraine are connected with absence of access to such territories as for Ukraine's legal enforcement bodies, so for the representatives of the international organizations and bodies. *Russia-controlled structures make any "investigations" regarding deaths and enforced disappearances of Ukrainian prisoners of war and civil inhabitants, committed on those territories.*

When some Ukraine's territories were de-occupied, as it happened with parts of Kyiv Region in April-May, 2022, of Kharkiv Region in September, 2022 and Kherson Region in November, 2022 the issues of investigating deaths and enforces disappearances, committed during Russian occupation were complicated with limited number of forensic equipment and police and special service's officers.

Russian occupiers hide and destroy the victims' bodies and do not allow access to the places of their possible burying to ICRC representatives. **New wave of enforced disappearances and killings is expected during Russia's preparations for illegal "presidential elections" that will be organized in Russia-occupied territory in February-March, as Russia-controlled structures promise to local Ukrainian population, especially in Kherson and Zaporizhzhya regions that persons who will refuse to participate in such "presidential elections" and to "vote for Putin", "will disappear forever".**

⁵¹ <https://arcrimea.org/en/activity/2023/04/24/osce-researches-issues-of-tortures-in-crimea/>

⁵² <https://arcrimea.org/en/activity/2022/12/01/un-human-rights-committee-published-observations-on-aggressor-state/>

⁵³ <https://arcrimea.org/en/news/2022/11/21/echr-communicated-some-crimean-cases-connected-with-killed-persons/>

⁵⁴ <https://arcrimea.org/en/activity/2022/11/27/crimea-aggression-and-un-report-on-gender-issues-on-war/>

⁵⁵ <https://arcrimea.org/en/analytics/2023/01/26/new-fundamental-resolution-of-pace-regarding-russias-aggression/>

⁵⁶ <https://arcrimea.org/en/analytics/2023/04/04/new-un-human-rights-councils-resolution-regarding-russian-aggression/>

⁵⁷ <https://arcrimea.org/en/analytics/2023/01/23/resolution-establishing-tribunal-on-crime-of-russias-aggression-four-europarlaments-messages/>

⁵⁸ <https://arcrimea.org/en/activity/2023/06/17/tortures-as-criminal-tool-of-russian-aggression/>

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 ECtHR orders to stop the aggression and hostilities that are directly pointed against the Ukrainians' rights to life.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in Russia-occupied parts of Ukraine must be supported by next UN HRC's and UN High Commissioner for Human Rights' official positions. Our Association believes that urgent, immediate steps of the UN OHCHR bodies must be done; monitoring UN procedures must be enforced immediately.

28th January, 2024

Representative of the ARC
Dr. Borys Babin

