



ASSOCIATION OF REINTEGRATION  
OF CRIMEA

*France, Paris, 14 Avenue de l'Opera, 75001*  
*Ukraine, Kyiv, 56 Kharkivske highroad, 02175*  
*arcconstructionofcrimea@gmail.com*  
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*To UN Special Rapporteur on the independence of judges and lawyers*

**Russian Aggression in Ukraine and Ongoing Challenges for Lawyers' Independence**

Our Association of Reintegration of Crimea (ARC), as non-governmental expert and human rights organisation<sup>1</sup>, passed long-term researches, related with human rights and humanitarian issues. Since 2020 we sent more than 100 submissions and proposals to UN, OSCE and CoE human rights' strictures, including issues of violation the basic human rights, major part of them were published in the official web-sources<sup>23</sup>.

Since 2014 Crimean peninsula was illegally occupied by Russia. On 2021 our Association informed UN Special Rapporteur on the independence of judges and lawyers on situation in Autonomous Republic of Crimea and Sevastopol, illegally occupied by Russia.

ARC stressed in its submission<sup>4</sup> that Russian de-facto "authorities" established since 2024 in the Crimea illegal organizational and normative regime that makes for lawyers impossible to exercise their professional activities in favor of their clients in a free independent manner. All persons, allowed by such "authorities" to act as a "lawyer" has to make activities it in the illegal "Russian legal framework" and under full control of the Russian special services and punitive bodies.

ARC pointed that there are any mechanisms in the Crimea to prevent and/or punish interferences with the free and independent exercise of the legal profession and that Russian de-facto "authorities" have no goal to establish the rule of law in Crimea, even the illegal "rule of Russian law".

Association pointed that persons who wish to be a "lawyer" in the Crimea, have to get the "Russian citizenship" and to establish a confidential cooperation with Russian special services that is obligatory for such candidates.

ARC stressed that as there is no available statistics how many lawyers were punished in the Crimea since 2014 by occupiers as Russian de-facto "authorities" do not make it public, the information of Russia's intimidation, hindrance, harassment or improper interference to the lawyers' activities in the Crimea is reflected in periodic reports of UN bodies such as Human Rights Monitoring Mission in Ukraine.

ARC showed example of Dr. Babin, repressed by occupiers' punitive bodies per absentee just for legal aid to Crimean residents helping them to pass individual applications to European Court of Human Rights (ECtHR)<sup>5</sup>.

<sup>1</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>2</sup> [https://www.ohchr.org/sites/default/files/2021-11/ARC\\_Submission\\_Responces\\_Toxic\\_01\\_11\\_2021.doc](https://www.ohchr.org/sites/default/files/2021-11/ARC_Submission_Responces_Toxic_01_11_2021.doc)

<sup>3</sup> <https://www.ohchr.org/sites/default/files/documents/issues/toxicwaste/toxics-indigenous-peoples/inputsreceived/2022-07-13/association-reintegration-crimea.pdf>

<sup>4</sup> [https://www.ohchr.org/sites/default/files/2022-04/assoc-reintegration-crimea-submission\\_0.pdf](https://www.ohchr.org/sites/default/files/2022-04/assoc-reintegration-crimea-submission_0.pdf)

<sup>5</sup> <https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/cfis/legal-empowerment/subm-upcoming-legal-empowerment-cso-association-reintegration-cri.pdf>

And the ECHR itself in decision for applications nos. 20958/14 and 38334/18 Ukraine v. Russia (re Crimea) declared admissible, Ukrainian Government's complaints regarding the period under consideration (2014-2021) concerning existence of an administrative practice of extending the Russia's laws to the Crimea and the resulting effect that as from 27 February 2014 the "courts in Crimea could not be considered to have been "established by law" within the meaning of Article 6" of the European Convention of Human Rights<sup>6</sup>.

Since 24<sup>th</sup> 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 aggression<sup>7</sup>.

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 property, social and cultural rights and environment<sup>89101112131415</sup>.

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<sup>16</sup>. Those issues now are the subject of the investigation the International Criminal Court<sup>17</sup>

Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights<sup>18</sup>. 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.<sup>19</sup>

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<sup>20</sup>. UN General Assembly in its resolution ES-11/2 on 24 March 2022 demanded again full respect for and protection of objects indispensable to civilian infrastructure<sup>21</sup>.

The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine where pointed that Russia should immediately cease its aggression<sup>22</sup>. Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy of terror and repressions over the Russia-occupied territories of Ukraine<sup>2324</sup>.

Till 2023 more new crimes were committed by the Russian troops, including destruction objects of civil infrastructure such as district courts.

All legal structures in Russia-occupied parts of Donetsk, Luhansk, Zaporizhzhya and Kherson region were destroyed and banned by occupiers. Population of those areas lives more than year without any access to justice and court.

As the judge of Ukraine's Supreme Court Dmytro Hudyma stressed on the OSCE

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<sup>6</sup> <https://hudoc.echr.coe.int/fre?i=001-207622>

<sup>7</sup> <https://www.icj-cij.org/en/case/182>

<sup>8</sup> <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

<sup>9</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

<sup>10</sup> <https://www.bbc.com/ukrainian/features-60888528>

<sup>11</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>12</sup> <https://www.bbc.com/news/world-europe-60547807>

<sup>13</sup> <https://arc.construction/26892>

<sup>14</sup> <https://news.un.org/en/story/2022/03/1113652>

<sup>15</sup> <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

<sup>16</sup> <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

<sup>17</sup> <https://www.icc-cpi.int/ukraine>

<sup>18</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

<sup>19</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

<sup>20</sup> <https://digitallibrary.un.org/record/3959039?ln=ru>

<sup>21</sup> <https://digitallibrary.un.org/record/3966630?ln=en>

<sup>22</sup> <https://arc.construction/31039>

<sup>23</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>24</sup> <https://www.bbc.com/news/world-europe-60547807>

Supplementary Human Dimension Meeting on April 24, 2023 in Vienna the Ukrainian judiciary has also suffered a devastating impact due to the armed aggression of Russia against Ukraine. To that date 87 appellate and local courts (11%) do not administer justice, and 99 court premises (13%) are damaged or completely destroyed<sup>25</sup>.

Some of the judges and employees of the courts, in particular the Supreme Court, joined the ranks of the Armed Forces of Ukraine and others help the Ukrainian army and war victims. “However, even in the conditions of martial law and hostilities, Ukrainian courts do everything possible to ensure quick and fair consideration of cases”, judge Dmytro Gudyma emphasized.

Next de-occupation and reintegration of Ukrainian territories will demand a big number of Ukrainian lawyers and judges to be appointed and such recruitment and placement issues is a key task for such reintegration’s preparation.

Since 2018 Ukrainian authorities adopted some strategic and program documents regarding processes of reintegration the Crimea after its de-occupation, that included issues of restoration Ukrainian courts and judges’ and lawyers’ activities.

The Plan of emergency measures to counter Russian aggression from the temporarily occupied territory of Ukraine in Crimea, the protection of the interests of the state, citizens of Ukraine and Ukrainian legal entities in Crimea for 2018–2019<sup>26</sup>, the Plan of measures aimed at implementing some of the principles of state internal policy regarding the temporarily occupied territory of the AR Crimea and Sevastopol, 2018<sup>27</sup>, Strategy of deoccupation and reintegration of the temporarily occupied territory of Crimea and Sevastopol, 2021 also as plans for its implementation were adopted<sup>28</sup>, and those legal binding acts foreseen the issues of restoring Ukrainian legal system.

On March 3-6, 2023 the I Session of Strategic Forum “Future of Crimea” initiated by the Crimean Tatar Resource Center was held<sup>29</sup>, in which more than twenty key experts of various structures on the subject of the peninsula, including ARC’s representatives, took part<sup>30</sup>. Strategic Forum elaborated proposals for Ukrainian government to make relevant preparations for legal activities to be established for de-occupied Crimea during reintegration period.

Relevant recommendations were sent by the organizing committee of the Forum to the authorized state bodies of Ukraine, and meeting was held with the Deputy Prime Minister of Ukraine Iryna Vereshchuk, on May 3, 2023 but the above-pointed strategic and program documents regarding processes of reintegration the Crimea after its de-occupation may be soon amended and they need to be modernized regarding issues of restoration Ukrainian courts and judges’ and lawyers’ activities.

Also those issues were discussed at II Session of Strategic Forum “Future of Crimea” initiated by the Crimean Tatar Resource Center in October, 2023<sup>31</sup> and relevant recommendations were granted to Ukrainian government and third countries’ representatives<sup>32</sup>. On January 29, 2024 the Ukrainian Bar Association approved by its Board the Concept for the restoration of the Ukrainian legal profession in the de-occupied territories of the AR of Crimea and the city of Sevastopol.

“The restoration of the Ukrainian legal profession in the de-occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol is considered in this Concept,

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<sup>25</sup> <https://www.facebook.com/625686219599272>

<sup>26</sup> <https://arcrimea.org/en/analytics/2023/04/28/legal-programming-of-crimeas-deoccupation-and-reintegration-measurement-of-effectiveness/>

<sup>27</sup> <https://arcrimea.org/en/analytics/2023/04/25/actual-dimension-of-program-acts-implementation-on-crimea-reintegration/>

<sup>28</sup> <https://journals.fpk.kyiv.ua/index.php/kyivlawjournal/article/view/17/15>

<sup>29</sup> <https://arcrimea.org/en/activity/2023/03/06/results-of-strategic-forum-future-of-crimea/>

<sup>30</sup> <https://arcrimea.org/en/activity/2023/05/04/ministry-of-reintegration-held-meeting-with-experts-from-future-of-crimea-forum/>

<sup>31</sup> <https://arcrimea.org/en/activity/2023/11/23/recommendations-were-presented-to-governmental-plan-for-reintegration-of-crimea/>

<sup>32</sup> <https://arcrimea.org/en/activity/2023/12/15/presentation-of-results-of-strategic-forum-future-of-crimea/>

including as an important component of ensuring the right to fair justice and proper access to legal assistance for the civilian population of the Crimean peninsula, including those affected by the consequences of Russia's occupation and criminal actions," the text of the document says<sup>33</sup>.

As exactly Russia as aggressor state bears the responsibility for violation the conflict related violation of Ukrainians' individual and collective ecologic rights, relevant mechanisms of compensation and reparations must be established with strong participation of UN OHCHR and UN Human Rights Committee.

*Now new wave of authoritarian repressions against lawyers started during Russia's preparations for illegal "presidential elections" that will be organized in Russia-occupied territory in February-March 2024, as Russia-controlled structures promise to local Ukrainian population, as in Crimea so in Kherson and Zaporizhzhya regions, that persons, who will make any «legal support» for protests against "presidential elections" or for persons who will refuse to participate in such "presidential elections" and to "vote for Putin", will be punished brutally of even "will disappear forever".*

So we call Special Rapporteur, also as all UN authorized bodies and agencies, also as their member states to pay a special attention to Russian illegal activities in Ukraine in framework of global risks for activities of lawyers an judges.

Issues for risks for lawyers in situation of foreign occupation, attempted annexation, war crimes and genocide must be reflected in forthcoming report. Special Rapporteur's opinion for lawyers' impact in reintegration of de-occupied territories and transitional justices is essential for those issues.

31<sup>st</sup> of January, 2024

Representative of the ARC  
Dr. Borys Babin



<sup>33</sup> <https://t.me/ARCconstruction/19404>