



ASSOCIATION OF REINTEGRATION
OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001
Ukraine, Kyiv, 56 Kharkivske highroad, 02175
arcconstructionofcrimea@gmail.com

05.05.2023 № 403/2023

To UN Special Rapporteur on the independence of judges and lawyers

Russian Aggression in Ukraine and Challenges for Lawyers' Independence

Our Association of Reintegration of Crimea (ARC), as non-governmental expert and human rights organisation¹, 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-sources²³.

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 submission⁴ 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 (ECHR).

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

² https://www.ohchr.org/sites/default/files/2021-11/ARC_Submission_Responces_Toxic_01_11_2021.doc

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

⁴ https://www.ohchr.org/sites/default/files/2022-04/assoc-reintegration-crimea-submission_0.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 Rights⁵.

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 aggression⁶.

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 environment⁷⁸⁹¹⁰¹¹¹²¹³¹⁴.

All war crimes, committed by Russian invaders during ongoing hostilities, are connected with absolutely clear Russia's war targets in maximal destruction the civil infrastructure¹⁵. Those issues now are the subject of the investigation the International Criminal Court¹⁶

Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights¹⁷. 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 2022.¹⁸

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 decades¹⁹. 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 infrastructure²⁰.

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 aggression²¹. 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 Ukraine²²²³.

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 Supplementary Human Dimension Meeting on April 24, 2023 in Vienna the Ukrainian

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

⁶ <https://www.icj-cij.org/en/case/182>

⁷ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁸ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

⁹ <https://www.bbc.com/ukrainian/features-60888528>

¹⁰ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹¹ <https://www.bbc.com/news/world-europe-60547807>

¹² <https://arc.construction/26892>

¹³ <https://news.un.org/en/story/2022/03/1113652>

¹⁴ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹⁵ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹⁶ <https://www.icc-cpi.int/ukraine>

¹⁷ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁸ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁹ <https://digitallibrary.un.org/record/3959039?ln=ru>

²⁰ <https://digitallibrary.un.org/record/3966630?ln=en>

²¹ <https://arc.construction/31039>

²² <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

²³ <https://www.bbc.com/news/world-europe-60547807>

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 destroyed²⁴.

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.

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 and 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.

5th of May, 2023

Representative of the ARC
Dr. Borys Babin



²⁴ <https://www.facebook.com/625686219599272>