



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 Independent Expert on International Order,
Office of the High Commissioner for Human Rights**

Russian Aggression in Ukraine and Challenges to International Peace and Security

Our Association of Reintegration of Crimea (ARC)¹, is non-governmental expert and human rights organisation², our expert researches are related with human rights and humanitarian issues, including their fundamental rights, informational rights, right to development, 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 50 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 informational support the Russian aggression against Ukraine and other states and relevant activities on the Russia-occupied territories³.

1. As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory from own territory, occupied Crimea, Belarus, Black and Azov seas against Ukrainian mainland. Due last three months of fights Russia occupied some territories of Donetsk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions and strong fights are going near cities of Kharkiv, Mykolaiv and others with total population more than 8 millions persons near the frontline.

Ukraine immediately filed an Application with the International Court of Justice (ICJ) on 25 February 2022, instituting proceedings against Russian in a dispute concerning the interpretation, application or fulfillment of the UN Convention on the Prevention and Punishment of the Crime of Genocide. Russia refused to execute the ICJ order in this case to stop the aggression⁴. 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, attacks on medics, teachers, and journalists, social, medical, educational and informational infrastructure⁵⁶⁷⁸⁹¹⁰¹¹¹².

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, including objects, essential for all Ukrainian ethnic and social groups¹³. Those issues now are the subject of the investigation the International Criminal Court¹⁴ Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also¹⁵. Russian government refused to execute

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/2021-11/ARC_Gender_Justice_Opinion_13_06_2021_3.pdf

⁴ <https://www.icj-cij.org/en/case/182>

⁵ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

⁷ <https://www.bbc.com/ukrainian/features-60888528>

⁸ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

⁹ <https://www.bbc.com/news/world-europe-60547807>

¹⁰ <https://arc.construction/26892>

¹¹ <https://news.un.org/en/story/2022/03/1113652>

¹² <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹³ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹⁴ <https://www.icc-cpi.int/ukraine>

¹⁵ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

the demand of the ECtHR and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.¹⁶

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights¹⁷. 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 Russia¹⁸.

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 crimes¹⁹. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned²⁰, and relevant risks for women's right to life were pointed²¹. 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 Ukraine²³.

On 6 May 2022 UN human rights experts and the Global Protection Cluster Coordinator issued a statement alarming by the scale of displacement in Ukraine where pointed that alongside displaced people in Ukraine, the estimated 13 million people who are stranded in areas affected by the conflict are experiencing acute risks as well. Their lives and security are threatened, and they are largely unable to access life-saving assistance due to ongoing attacks and insecurity²⁴.

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 civilians, including persons in vulnerable situations, and to respect human rights²⁵.

UN General Assembly in its resolution ES-11/2 on 24 March 2022, articles 5 and 8, demanded again full respect for and protection of objects indispensable to the survival of the civilian population and civilian infrastructure that is critical to the delivery of essential services in armed conflict; stressed that the sieges of cities in Ukraine further aggravate the humanitarian situation for the civilian population and hamper evacuation efforts, and therefore demands to put an end to these sieges²⁶.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3²⁷ calling for Russia to be suspended from the Human Rights Council²⁸.

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, withdraw all its forces from the whole territory of Ukraine, and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas²⁹.

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, especially in Kherson and Zaporizhzhya regions.

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 extrajudicial

¹⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁷ <https://arc.construction/26897>

¹⁸ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

¹⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

²² <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

²³ <https://arc.construction/26902>

²⁴ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

²⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

²⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

²⁷ <https://digitallibrary.un.org/record/3967950?ln=ru>

²⁸ <https://news.un.org/en/story/2022/04/1115782>

²⁹ <https://arc.construction/31039>

executions of local civil population and Ukrainian prisoners of war³⁰. As it was pointed on the special session of UN General Assembly on 28th February 2022, more than 350 civil citizens, including 16 children were killed by the Russian troops during first five days of war, more than 2000 civil citizens were wounded. Now more than 260 Ukrainian children are killed by Russian invaders during hostilities and in the Russia-occupied areas.

Till June, 2022 more new crimes were committed by the Russian troops, including usage of civil population as hostages and “human shield”, destruction of civil infrastructure, including pipe electric lines, bombing of civil objects, including kindergartens, schools and hospitals, TV and mobile broadcasting equipment by missiles and artillery.

A lot of persons were killed or kidnapped as “non-loyal” ones or during looting their property. Russian occupation of Kherson, Melitopol and other cities in Southern Ukraine in March-May 2022 led to mass actions of resistance to the aggressor³². Russian troops block the humanitarian corridors established to evacuate civil population from hostilities zones and occupied territories of Kherson and Zaporizhzhya regions and block any information about such corridors.

Since March 2022 Russia makes sustainable illegal steps to prepare crime of attempted annexation of the territories of Kherson³³ and Zaporizhzhya³⁴ regions of Ukraine. Russian criminal illegal “administrations” in Kherson and Melitopol pursue tasks that are mostly related to the suppression of pro-Ukrainian resistance, the subjugation of the will of the local inhabitants³⁵ and the involvement of the relevant districts in the so-called “ruble zone” and “Russian informational space”.

As Ukrainian self-government, governmental agencies and bank institutions refused to co-operate with the Russian invaders in their illegal activities,³⁶ Russia transfers illegally the other bank institutions to the occupied territories of Kherson and Zaporizhzhya regions with direct target to undermine the Ukraine’s sovereignty in those areas³⁷.

Our Association informed the International Telecommunication Union (ITU)’ plenipotentiary bodies on 4th May 2022 in letter № 121/2022 and on 9th May 2022 № 132/2022 on challenges for radio- and tele-communication created by the Russia’s broad and open military aggression to all Ukraine’s territory against Ukrainian mainland³⁸.

We pointed to ITU that, since May, 1 Russian military forces blocked partially the Ukrainian suppliers of Internet and Ukrainian mobile communication services in the Russia-occupied parts of Kherson Region and Zaporizhzhya Region³⁹. After 3rd of May Internet traffic in Kherson, Melitopol and Berdyansk was restored but via Russia’s and Russia-controlled Crimean providers like “Miranda”⁴⁰. At the same time Ukrainian authorities warned the population of those regions that Russian troops make full control over the relevant mobile communication there, even if it is realized via Ukrainian operators⁴³.

Russia blocked the possibility for Ukrainians, residing in the Russia-occupied territories, to get the information and to communicate without illegal interference to their privacy, as all Russia-controlled Internet and mobile operators are under full control of Russia’s authoritarian regime, its military and special services. Later on May 30, Ukrainian mobile communications were cut off in the occupied territories of Kherson and Zaporizhzhya regions. The Russian invaders were preparing for

³⁰ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

³¹ <https://www.bbc.com/news/world-europe-60547807>

³² <https://arc.construction/26918>

³³ <https://arc.construction/27771>

³⁴ <https://arc.construction/28052>

³⁵ <https://arc.construction/29020>

³⁶ <https://arc.construction/30772>

³⁷ <https://arc.construction/31438>

³⁸ <https://reliefweb.int/sites/reliefweb.int/files/resources/Ukraine%20Flash%20Appeal%202022.pdf>

³⁹ <https://arc.construction/30379>

⁴⁰ <https://www.unian.net/techno/communications/internet-v-herson-zahvachen-okkupantami-ob-etom-govoryat-dannye-nablyudenyi-11810127.html>

⁴¹ <https://twitter.com/netblocks/status/1520874432046239745>

⁴² <https://arc.construction/30571>

⁴³ <https://www.vedomosti.ru/technology/news/2022/05/07/921281-abonenty-dnr-i-lnr>

⁴⁴ <https://rtvi.com/news/abonenty-v-dnr-i-lnr-poluchat-rossiyskiy-kod-mobilnogo-operatora-7/>

⁴⁵ <https://iz.ru/1331514/2022-05-07/abonenty-sotovoi-sviasi-dnr-i-lnr-vkliucheny-v-rossiiskii-plan-numeratcii>

⁴⁶ <https://meduza.io/news/2022/05/07/mobilnym-nomeram-v-dnr-i-lnr-prisvoili-kod-7>

the shutdown throughout May and accompanied it with allegations of so-called “negative actions by Ukraine”, which were refuted, in particular, by Ukrainian mobile operators⁴⁷.

Those Russia’s illegal activities on Russia-occupied territories of Ukraine’s mainland brutally violate Ukrainians’ right to respect for private and family life and correspondence, to receive and impart information. Such illegal Russia’s activities directly violate the norms of UN Charter and provisions of the UN Human Rights Council resolution 49/1 on 4 March 2022⁴⁸, UN General Assembly resolutions ES-11/1⁴⁹ and ES-11/2⁵⁰. More, such illegal Russia’s military interference to the Ukraine’s tele- and radio-communication systems, including mobile network, is not in compliance with demands of international humanitarian law, including IV Geneva Convention.

Such Russia’s illegal activities also violate brutally articles 40, 42, 45 and 47 of the Constitution of the ITU, norms of Convention of the ITU, and its Administrative Regulations, including Unions’ resolutions such as resolution R 800 “Telecommunications, an important factor in economic and social development: role of the ITU in this domain”⁵¹.

As in addition to announcing the criminal introduction of the so-called “ruble zone” in the occupied territories of Zaporizhzhya and Kherson regions, the Russian invaders have stated illegally that the so-called “International Settlement Bank” (“Международный расчетный банк”) will enter those Ukrainian territories.

Earlier in 2018, the occupiers introduced the same “financial model” with the same “bank” in the Russia-occupied districts of Ukraine’s Donetsk and Luhansk regions. Limited Liability Company Commercial Bank “International Settlement Bank” was once registered in Russia, by Bank of Russia in 1994 registration number 3028, and the Russian Central Bank “revoked its license” regarding the document 2217700032340 dated 13 January 2021⁵²⁵³

Therefore, this bank was “re-registered” from an apartment in Shcherbinki, Moscow, to Georgian Tskhinvali, to the fake “jurisdiction of South Ossetia”. The funds of other, “white” Russian banks were illegally transferred to the “grey” “International Settlement Bank” and from there to the Russia-occupied territories of Ukraine and back. Limited Liability Company Commercial Bank “International Settlement Bank” was “re-registered” in Georgian Tskhinvali, Stalin Street, 20, with “registration number” 12 dated 15 May 2015 and “tax number” 1159800030409 and “license for bank activities” 16 dated 6 April 2017; it has Dzgoev Oleh “appointed” as “head of bank’s governing body”⁵⁴⁵⁵.

Our Association has no information about sanctions, criminal proceedings of other legal administrative, fiscal, procedural forms of Georgian authorized authorities’ reacting to the “International Settlement Bank” and its “stuff and personnel” illegal activities. Anyway, regarding the demands of international criminal, international humanitarian and international human rights law, Georgia as a State is as minimum partially responsible, together with Russia, for the activities of the “International Settlement Bank”, “re-registered” by its owners and beneficiaries exactly on Georgian territory.

Georgia ratified the Roma Statute of the International Criminal Court in 2003⁵⁶ and Georgia has obligations regarding the Geneva Conventions, 1949, to respect and to ensure respect for those Conventions, including occupied territories’ issues, in all circumstances⁵⁷

Georgia is member of Council of Europe and regarding the sustainable position of the European Court of Human Rights, absence of Georgia’s control over Tskhinvali Region do not exclude Georgia’s responsibility for respect and ensuring respect to basic human rights, directly violated by the “International Settlement Bank” in Ukraine.

⁴⁷ <https://arc.construction/32258>

⁴⁸ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

⁴⁹ <https://digitallibrary.un.org/record/3959039?ln=ru>

⁵⁰ <https://digitallibrary.un.org/record/3966630?ln=en>

⁵¹ <https://www.itu.int/council/pd/council-res-dec-e.docx>

⁵² https://www.cbr.ru/banking_sector/credit/coinfo/?id=450000883

⁵³ <https://gosobzor.ru/2021/02/09/soobshhenie-o-likvidacii-ooo-kb-mezhdunarodnyj-raschetnyj-bank/>

⁵⁴ https://www.bank-ossetia.org/bank_system/credit_documents.php

⁵⁵ <https://www.rusprofile.ru/foreign/59585>

⁵⁶ <https://asp.icc-cpi.int/states-parties/eastern-european-states/georgia>

⁵⁷ <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380>

It is established by European Court of Human Rights in case “Ilaşcu and others v. Moldova and Russia” 48787/99⁵⁸ and it is pointed preliminary by Court, exactly regarding Tskhinvali issues, in case “Khadizat Sergeevna Dzhioyeva v. Georgia” 24964/09⁵⁹.

Illegal activities of the so-called “International Settlement Bank” in the Kherson and Zaporizhzhya regions also violate brutally the rights of Ukrainians to respect for private and family life and correspondence, to receive and impart information – as all data, collected by this “bank” on-line, is available for Russian militaries and special services.

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 right to health.

Above-pointed issues of Russian aggression against Ukraine are now the main challenge to maintaining and strengthening international peace and security at the global level, and they must be reflected in the structural reforms of United Nations organs.

2. 3. Our Association believes that next urgent, immediate steps of the UN OHCHR in Ukraine, in condition of ongoing interstate conflict and hostilities, of ongoing Russia’s discriminative and racist policy against Ukrainians’ rights must be done, including all observation procedures and visits to Ukraine.

We hope that above-pointed special statements of the UN experts and rapporteurs regarding situation in 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 procedure, mentioned in UN HRC resolution 49/1, must be enforced immediately. UN OHCHR may communicate with ITU, FAO, ILO, IMO, IAEA authorized structures on this issue.

Such UN OHCHR steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such 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.

Also, reforming the UN system the issue of the Russia’s participation in the United Nations must be researched, as Russian Federation as a state never joined the United Nations in compliance with UN Statute; Russia is not the U.S.S.R. and Russia is not the only U.S.S.R’s successor state; so there is no legal grounds for the Russia’s participation in the UN Security Council as allegedly “U.S.S.R.”

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Representative of the ARC

Dr. Borys Babin



⁵⁸ <https://hudoc.echr.coe.int/eng?i=001-61886>

⁵⁹ <https://hudoc.echr.coe.int/eng?i=001-188714>