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**To UN Special Procedures**

*(Independent Expert on debt, other international financial obligations and human rights)*

**Russian Aggression against Ukraine, Financial Crisis and Human Rights**

Our Association of Reintegration of Crimea (ARC), is non-governmental expert and human rights organisation<sup>1</sup>, 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 100 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 financial obligations and relevant activities on the Russia-occupied territories and reported UN Independent Expert<sup>23</sup>.

As it is well-known, since 24<sup>th</sup> of February 2022 Russia committed broad and open military aggression against Ukraine from own territory, from occupied Crimea, Belarus, Black and Azov seas. Due last fourteen months of fights Russia occupied some territories of Donetsk, Kherson, Luhansk, Zaporizhzhya regions and strong fights are ongoing near cities with total population of some millions persons near the frontline.

Russia refused to execute the ICJ order in case regarding the UN Convention on the Prevention and Punishment of the Crime of Genocide. to stop the aggression<sup>4</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>567891011</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, including objects, essential for Ukrainian economic, including bank sector, mobile, Internet, energetic networks<sup>12</sup>. Those issues now are the subject of the investigation the International Criminal Court<sup>13</sup> Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also<sup>14</sup>. Russian government refused to execute the demand

<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/documents/issues/iedebt/digital-systems/2022-12-15/ARC\\_Submission.pdf](https://www.ohchr.org/sites/default/files/documents/issues/iedebt/digital-systems/2022-12-15/ARC_Submission.pdf)

<sup>3</sup> <https://www.ohchr.org/Documents/Issues/IEDebt/Int-debt-architecture-reform/ARC-input-IDAreform-EN.pdf>

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

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

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

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

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

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

<sup>10</sup> <https://news.un.org/en/story/2022/03/1113652>

<sup>11</sup> <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

<sup>12</sup> <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

<sup>13</sup> <https://www.icc-cpi.int/ukraine>

<sup>14</sup> <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

of the ECtHR and the order of ICJ to immediately suspend the military operations that it commenced on 24 February 2022.<sup>15</sup>

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights<sup>16</sup>, which guarantee the right to privacy, property and information.

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 Russia<sup>17</sup>.

On 8 March 2022 and on 6 May 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 crimes<sup>18</sup>. In other UN experts' statements the negative impact of Russia's aggression on vulnerable persons<sup>19</sup><sup>20</sup><sup>21</sup><sup>22</sup>.

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<sup>23</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 and that urgent action is needed to save this generation from the scourge of war<sup>24</sup>.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3<sup>25</sup> calling for Russia to be suspended from the Human Rights Council<sup>26</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, especially in the Crimea, Donetsk, Luhansk, Kherson, and Zaporizhzhya regions<sup>27</sup>.

Since March 2022 Russia makes sustainable illegal steps to prepare crime of attempted annexation the territories of Donetsk, Kherson, Luhansk and Zaporizhzhya regions of Ukraine. Russian criminal illegal "administrations" in those areas pursues tasks that are mostly related to the suppression of pro-Ukrainian resistance, the subjugation of the will of the local inhabitants and the *involvement of the relevant districts in the so-called "ruble zone"*.

As Ukrainian self-government, governmental agencies and bank institutions refused to co-operate with the Russian invaders in their illegal activities, Russia transfer 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 areas in digital and financial issues.

Our Association informed the International Telecommunication Union (ITU)' plenipotentiary bodies on 4<sup>th</sup> May 2022 in letter № 121/2022 and on 9<sup>th</sup> May 2022 № 132/2022 on relevant challenges for digital issues<sup>28</sup><sup>29</sup><sup>30</sup>.

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<sup>15</sup> <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

<sup>16</sup> <https://arc.construction/26897>

<sup>17</sup> <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

<sup>18</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

<sup>19</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

<sup>20</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

<sup>21</sup> <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatized-and-urgently-need-help-say-experts>

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

<sup>23</sup> <https://digitallibrary.un.org/record/3966630?ln=en>

<sup>24</sup> <https://digitallibrary.un.org/record/3959039?ln=ru>

<sup>25</sup> <https://digitallibrary.un.org/record/3967950?ln=ru>

<sup>26</sup> <https://news.un.org/en/story/2022/04/1115782>

<sup>27</sup> <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

<sup>28</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/Ukraine%20Flash%20Appeal%202022.pdf>

Those Russia's illegal activities on Russia-occupied territories of Ukraine's mainland brutally violate Ukrainians' right and Ukraine's informational and financial sovereignty.

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 2021<sup>3132</sup>

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"<sup>3334</sup>.

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 2003<sup>35</sup> and Georgia has obligations regarding the Geneva Conventions, 1949, to respect and to ensure respect for those Conventions, including occupied territories' issues, in all circumstances<sup>36</sup>

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.

It is established by European Court of Human Rights in case "Ilaşcu and others v. Moldova and Russia" 48787/99<sup>37</sup> and it is pointed preliminary by Court, exactly regarding Tskhinvali issues, in case "Khadizat Sergeyevna Dzhiyoyeva v. Georgia" 24964/09<sup>38</sup>.

Also Russian invaders started illegally the activities of Russian state "Promsvyazbank" in the Russia-occupied territories of Ukraine's mainland.

Illegal activities of the so-called "International Settlement Bank" and "Promsvyazbank" in the Crimea, Donetsk, Kherson, Luhansk and Zaporizhzhya regions also violate brutally the rights of Ukrainian citizens and legal persons to respect for private and family life, property

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<sup>29</sup> <https://www.unian.net/techno/communications/internet-v-herson-zahvachen-okkupantami-ob-etom-govoryat-dannye-nablyudeni-11810127.html>

<sup>30</sup> <https://twitter.com/netblocks/status/1520874432046239745>

<sup>31</sup> [https://www.cbr.ru/banking\\_sector/credit/coinfo/?id=450000883](https://www.cbr.ru/banking_sector/credit/coinfo/?id=450000883)

<sup>32</sup> <https://gosobzor.ru/2021/02/09/soobshhenie-o-likvidacii-ooo-kb-mezhdunarodnyj-raschetnyj-bank/>

<sup>33</sup> [https://www.bank-ossetia.org/bank\\_system/credit\\_documents.php](https://www.bank-ossetia.org/bank_system/credit_documents.php)

<sup>34</sup> <https://www.rusprofile.ru/foreign/59585>

<sup>35</sup> <https://asp.icc-cpi.int/states-parties/eastern-european-states/georgia>

<sup>36</sup> <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/380>

<sup>37</sup> <https://hudoc.echr.coe.int/eng?i=001-61886>

<sup>38</sup> <https://hudoc.echr.coe.int/eng?i=001-188714>

and correspondence, to receive and impart information – as all data, collected by this “bank” on-line, is available for Russian militaries and special services.

Russian invaders use for their financial machinations the structures of illegal “Post of Crimea” in Russia-occupied Crimea, parts of Kherson and Zaporizhzhya regions, illegal “Post of Donbas” and “Post of LNR” in East of Ukraine, as de-facto structure units of “Post of Russia”. Russian “Sberbank” opened its illegal units in Crimea, especially in its Southern part where its bosses like German Gref have own criminal “commercial interest”<sup>39</sup>

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.

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 to property and privacy in conditions of illegal financial operations must be done, including all observation procedures and visits to Ukraine.

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.

Above-pointed issues of negative influence on the international financial obligations, done by the interstate conflict, aggression, occupation and attempted annexation, and human rights must be included to the relevant report “Multiple crisis, fiscal systems and human rights” to the 78th session of the United Nations General Assembly.

7<sup>th</sup> of May, 2023

Representative of the ARC  
Dr. Borys Babin



<sup>39</sup> <https://arcrimea.org/en/news/2023/05/06/russian-sberbank-and-yalta-process-of-century/>