



ASSOCIATION OF REINTEGRATION
OF CRIMEA

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Office of the United Nations High Commissioner for Human Rights

Russian Aggression, Local Government and Human Rights¹

Our Association of Reintegration of Crimea (ARC)², is non-governmental expert and human rights organisation³, 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 a hundred of submissions and proposals to UN, CoE, OSCE and EU human rights' strictures, major part of them were published in the official web-sources. Our experts researched the issues of the Russian aggression against Ukraine, including activities of local authorities defending human rights⁴⁵⁶⁷⁸.

Here are Association's proposals for the Human Rights Council resolution 51/12 on local government and human rights regarding enhancing capacity-building for local governments to incorporate human rights into all their work

6. As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory. Due last eight 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 more than 4 millions persons near the frontline⁹¹⁰¹¹¹²¹³

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 human rights, attacks on medics, teachers, and journalists, social, medical, educational and informational infrastructure, and destroyed system of legal local administrations on occupied territories¹⁴¹⁵¹⁶¹⁷¹⁸¹⁹²⁰²¹.

All war crimes, committed by Russian invaders, including actions of the so-called Russia-controlled terroristic structures and "local authorities" during ongoing hostilities, are connected with absolutely clear Russia's war targets in maximal destruction the population and civil infrastructure,

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² <https://arcrimea.org/>

³ https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

⁴ <https://www.ohchr.org/sites/default/files/2022-06/DP-HRC51-ARC.pdf>

⁵ <https://www.ohchr.org/sites/default/files/2022-05/ARC-HRC50.pdf>

⁶ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

⁷ <https://www.ohchr.org/en/calls-for-input/calls-input/2021/report-human-rights-dimensions-technical-assistance-and-capacity>

⁸ <https://www.ohchr.org/sites/default/files/2022-06/transformativ-actions-sdg-states-Association-of-reintegration-of-Crimea.pdf>

⁹ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

¹⁰ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

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

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

¹³ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

¹⁴ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹⁵ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁶ <https://www.bbc.com/ukrainian/features-60888528>

¹⁷ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁸ <https://www.bbc.com/news/world-europe-60547807>

¹⁹ <https://web.archive.org/web/20220604120141/https://arc.construction/26892>

²⁰ <https://news.un.org/en/story/2022/03/1113652>

²¹ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

including objects, essential for all Ukrainian ethnic and social groups and their right to health, that is a clear terroristic activities²².

Those issues now are the subject of the investigation the International Criminal Court²³ Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also²⁴. 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 2022.²⁵

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights²⁶ that guarantees rights to life. 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 Russia²⁷.

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 crimes²⁸, which are terroristic by their nature. In other UN experts' statements the negative impact of Russia's aggression on persons was condemned²⁹, and relevant risks for right to life were pointed³⁰.

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 Ukraine³² that is directly connected with activities of Russia-controlled fake terroristic structures and illegal "local authorities". 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 war³³.

UN General Assembly in its resolution ES-11/2 on 24 March 2022, demanded again that Russia immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders³⁴.

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3³⁵ calling for Russia to be suspended from the Human Rights Council³⁶. 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 Ukraine³⁷.

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, including AR Crimea and Sevastopol, including illegal activities of "local administrations".

Such illegal "local administrations" are participants of war crimes committed in Ukrainian territory including deportations, enforced disappearances, tortures, illegal mass seizure of property and they are also tools of hate speech and racial discrimination also

Special attention must be aid to article 6 "Genocide" of Rome Statute regarding issue of deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and to article 7 "Crimes against humanity" of Roma Statute regarding "Extermination" that includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.

²² <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

²³ <https://www.icc-cpi.int/ukraine>

²⁴ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

²⁵ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

²⁶ <https://web.archive.org/web/20220701231239/https://arc.construction/26897>

²⁷ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

³⁰ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

³¹ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

³² <https://web.archive.org/web/20220326100354/https://arc.construction/26902>

³³ <https://digitallibrary.un.org/record/3959039?ln=ru>

³⁴ <https://digitallibrary.un.org/record/3966630?ln=en>

³⁵ <https://digitallibrary.un.org/record/3967950?ln=ru>

³⁶ <https://news.un.org/en/story/2022/04/1115782>

³⁷ <https://web.archive.org/web/20220612122520/https://arc.construction/31039>

7. Ukrainian authorities continue planning of reestablishment the local administrations and local self government on de-occupied territories during reintegration processes.

On March 3-6, the Crimean Tatar Resource Center together with our Association's participation held a strategic forum "Future of Crimea", in which key experts on the subject of the peninsula took part.

The subject of discussion at the forum was the Ukrainian re-integration of the Crimea within the framework of administrative, humanitarian, criminal, property, cultural and international policy including the role of local authorities in human rights and indigenous rights issues. The main emphasis of the expert analysis was on the realism of the assessment of challenges and the rationality of the proposed solutions in the conditions of re-integration of the peninsula.

While developing specific proposals for state power and civil society, the forum participants proceeded both from the normative, material and personnel base available in Ukraine and from the de-occupation mechanisms and priorities declared by the country's leadership. In particular, the concepts regarding the accounting of persons, property, facts and the creation of temporary registers, as well as the announcement of moratoriums, and role of local authorities in this issue were voiced³⁸.

Since in the future the relevant recommendations were sent by the organizing committee of the forum to the authorized state bodies of Ukraine, in order to establish further cooperation, on the initiative of the Deputy Prime Minister of Ukraine Iryna Vereshchuk, on May 3, a meeting of the expert group of the forum was held with the leadership of the Ministry of Reintegration to present the developed position.

During the report at the meeting, our Association's experts reported on the position of the forum's experts regarding the necessary changes, including issues of amnesty and termination of responsibility for minor general criminal offenses in the occupied Crimea that do not encroach on the interests of the state, personality and international law, as well as – to measure the improvement of the legislation on collaboration and role of local authorities in those issues.

Experts also outlined the general issues of international human rights and humanitarian nature that Ukraine will solve after the deoccupation of the Crimea on local level, including aspects of treatment with illegal Russian colonizers and captive combatants of the aggressor with local authorities' participation, and pointed to the need for appropriate preparation now.

The meeting participants also indicated the need to introduce a moratorium on transactions with Crimean real estate for the initial period of reintegration and the need to create a separate temporary record of all individuals who will be found in occupied Crimea. According to the Ministry of Reintegration, based on the results of the meeting, Iryna Vereshchuk proposed to work out in detail certain directions³⁹.

Our Association believes that next urgent, immediate steps of the UN officials and working groups in Ukraine, in condition of ongoing interstate conflict and hostilities, must be done, including all observation procedures and visit to Ukraine; monitoring procedure, mentioned in UN HRC resolution 49/1, must be enforced immediately.

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³⁸ <https://arcrimea.org/en/activity/2023/03/06/results-of-strategic-forum-future-of-crimea/>

³⁹ <https://arcrimea.org/en/activity/2023/05/04/ministry-of-reintegration-held-meeting-with-experts-from-future-of-crimea-forum/>