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UN Committee on Enforced Disappearances

Committee's Visit to Ukraine and Russian Aggression

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 migration consequences the Russian aggression against Ukraine, including internal displacement and relevant situation on the Russia-occupied territories³⁴⁵.

Association pointed in its submissions that Russia-controlled so called "courts" in the Crimea use Russian criminal law illegally where there is no special responsibility for the enforced disappearances at all. Association mentioned in its submission that, as Ukraine ratified the International Convention, 2006, by Law № 525-VIII (and Russia did not), regarding to demands of IV Geneva Convention Russia has to use in the Crimea Ukrainian laws but not own legislation. As according to the article 9 of Constitution of Ukraine International Convention, 2006 is a part of the national legislation of Ukraine, so Russia has to execute in the occupied Crimea the demands of the Convention on the Protection of All Persons from Enforced Disappearances, but Russia refuses to do is.

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. Such Russia's illegal activities cause non-precedent flows of internal displacement and other migration of millions of Ukrainian in space of all Europe; our Association informed UN bodies on relevant risks and challenges to such persons⁶⁷⁸⁹¹⁰

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 aggression¹¹. 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

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/Documents/Issues/Slavery/SR/ReportHRC48/CSOs/ARC.pdf>

⁴ <https://www.ohchr.org/sites/default/files/Documents/Issues/Children/SR/GA76/Association-of-reintegration-of-crimer.pdf>

⁵ <https://arc.construction/25679>

⁶ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea-ukraine-minnesota-protocol.pdf>

⁷ <https://www.ohchr.org/sites/default/files/2022-04/AssociationReintegrationCrimeaSubmission.pdf>

⁸ <https://www.ohchr.org/sites/default/files/2022-04/association-reintegration-crimea.pdf>

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

¹⁰ https://www.ohchr.org/sites/default/files/2022-05/arc_replies-dp.pdf

¹¹ <https://www.icj-cij.org/en/case/182>

against property, social and cultural rights and environment, attacks on medics, teachers, and journalists, social, medical, educational and informational infrastructure¹²¹³¹⁴¹⁵¹⁶¹⁷¹⁸¹⁹.

All war crimes, committed by Russian invaders during ongoing hostilities, including crimea against displaced persons, are connected with absolutely clear Russia's war targets in maximal destruction the population and civil infrastructure, including objects, essential for all Ukrainian ethnic and social groups²⁰. Those issues now are the subject of the investigation the International Criminal Court²¹ Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also²². 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 2022.²³

On March 16 2022, Russia was excluded from the Council of Europe and refused officially to execute the demands of European Convention on Human Rights²⁴ that guarantees rights to life, freedom and safe migration. 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 Russia²⁵.

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 crimes²⁶. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was condemned²⁷, and relevant risks for women's right to life were pointed²⁸²⁹. 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 Ukraine³⁰.

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 insecurity³¹.

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 situations³².

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 sieges³³.

¹² <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

¹³ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

¹⁴ <https://www.bbc.com/ukrainian/features-60888528>

¹⁵ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁶ <https://www.bbc.com/news/world-europe-60547807>

¹⁷ <https://arc.construction/26892>

¹⁸ <https://news.un.org/en/story/2022/03/1113652>

¹⁹ <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

²⁰ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

²¹ <https://www.icc-cpi.int/ukraine>

²² <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

²³ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

²⁴ <https://arc.construction/26897>

²⁵ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

²⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28231&LangID=E>

²⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28200&LangID=E>

²⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28201&LangID=E>

²⁹ <https://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts>

³⁰ <https://arc.construction/26902>

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

³² <https://digitallibrary.un.org/record/3959039?ln=ru>

³³ <https://digitallibrary.un.org/record/3966630?ln=en>

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3³⁴ calling for Russia to be suspended from the Human Rights Council³⁵.

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 areas³⁶.

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 executions of local civil population, including persons who tried to evacuate themselves from hostilities zones³⁷³⁸. 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 that 2000 civil citizens were wounded. Now more than 300 Ukrainian children are killed by Russian invaders during hostilities and in the Russia-occupied areas, many of them were killed during their evacuation from the hostilities zones.

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, including them who tried to evacuate themselves from conflict zone, 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 aggressor³⁹. 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 Kherson⁴⁰ and Zaporizhzhya⁴¹ 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 inhabitants⁴² and the involvement of the relevant districts in the so-called “ruble zone” and “Russian informational space”.

Russia blocked the possibility for Ukrainians, residing in the Russia-occupied territories, to get the information about the ways of evacuation and the destiny of persons kidnapped by Russian militaries and Russia-controlled proxies, 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 the shutdown and accompanied it with allegations of so-called “negative actions by Ukraine”, which were refuted, in particular, by Ukrainian mobile operators⁴³.

Those Russia’s illegal activities on Russia-occupied territories of Ukraine’s mainland and in the Russia-occupied Crimea, including killing and kidnapping the displaced persons brutally violate Ukrainians’ right to freedom, security, their respect for private and family life and correspondence, to

³⁴ <https://digitallibrary.un.org/record/3967950?ln=ru>

³⁵ <https://news.un.org/en/story/2022/04/1115782>

³⁶ <https://arc.construction/31039>

³⁷ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

³⁸ <https://www.bbc.com/news/world-europe-60547807>

³⁹ <https://arc.construction/26918>

⁴⁰ <https://arc.construction/27771>

⁴¹ <https://arc.construction/28052>

⁴² <https://arc.construction/29020>

⁴³ <https://arc.construction/32258>

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 2022⁴⁴, UN General Assembly resolutions ES-11/1⁴⁵ and ES-11/2⁴⁶.

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"⁴⁷. More than 600 persons were kidnapped by Russian militaries and punitive structures in occupied part of Kherson Region only. A lot of persons were kidnapped by Russian invaders in the "checkpoints" between the Crimea and Ukraine's mainland⁴⁸. In the Russia-occupied Crimea a lot of children, transferred from Ukraine's mainland, disappeared in April-May, 2022⁴⁹⁵⁰⁵¹.

According to our sources in the Crimea, all Ukrainian minors taken in this way from the war zone to the peninsula are subject to criminal "sorting". Children with serious injuries must be referred exclusively to the Black Sea Fleet Military Hospital in Sevastopol, which by definition is not intended for the treatment of children. It is likely that Ukrainian children will not be treated there, but used as posthumous donors of organs, spinal cord, plasma and blood to "treat" wounded Russia's soldiers in the "best traditions" of Nazis of World War II.

And our Association knows for sure from a number of sources that all Ukrainian children that were deported from the mainland and dead in hospitals in Crimea and Sevastopol, are not subject to any registration as patients there at all; according to the documentation of the hospitals controlled by the aggressor, "they have never been there"⁵². A lot of displacing persons, including children, disappeared after they were captured by Russians to the so-called "filtration camps".⁵³

This approach is accompanied by the attitude of the occupiers, Russian colonizers and collaborators to "Ukrainian refugees" as "third-class people" because of "their long residence in nationalist Ukraine"⁵⁴.

On April, 2022 the aggressor-controlled local newspaper "Yevpatoriyska Zdravnitza" published a de facto instruction for similar scheme of criminal "re-registration", under the cynical name "there are no other people's children". The publication quotes the so-called "head of the department of guardianship and custody of the department for minors and protection of their rights", acting in Russia-controlled "administration of Yevpatoria" Irina Cherletskaia. She claims that children taken from the Ukraine's mainland who were deprived of their parents or whose parents were killed by Russian invaders are "registered" in Crimea by occupiers in form of so-called "temporary tutelage"⁵⁵.

Thus, the "charitable services" controlled by the occupiers, which massively take children out of the war zone in Donetsk, Zaporizhzhia and Kherson oblasts, can act as such "temporary tutelages" and freely issue "tutelage documents" with any fictitious personal documents of such stolen children. For such Ukraine's kidnapped children, criminal "tutelage" can then obtain fake "Russian citizenship" and transfer child to Russia for "adoption".

On May 31, the aggressor-controlled so-called "Commissioner for the protection of children's rights" of Sevastopol, Marina Peschanskaya, stated during a "report" that displaced persons who arrived in the city from the war zone in mainland Ukraine were "massively hiding from registration". In particular, she states that the "refugees" massively hide their children from the occupational "administration".

⁴⁴ <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session49/Pages/ResDecStat.aspx>

⁴⁵ <https://digitallibrary.un.org/record/3959039?ln=ru>

⁴⁶ <https://digitallibrary.un.org/record/3966630?ln=en>

⁴⁷ <https://www.itu.int/council/pd/council-res-dec-e.docx>

⁴⁸ <https://arc.construction/30144>

⁴⁹ <https://arc.construction/29005>

⁵⁰ <https://arc.construction/32309>

⁵¹ <https://arc.construction/28407>

⁵² <https://arc.construction/29005>

⁵³ <https://arc.construction/33269>

⁵⁴ <https://arc.construction/28224>

⁵⁵ <https://arc.construction/29119>

This can be explained by the Ukrainian citizens' understanding the corresponding risks for their own children, which have developed in the occupied Crimea, where "Ukrainian children" disappear en masse in hospitals and are taken out to Russia by "philanthropists" controlled by Russian special services, where they are criminally "adopted" as allegedly "Russian citizens", especially with other names⁵⁶.

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 the Ukrainians' rights to life, freedom, movement, health and not to become a victim of enforced disappearance.

Our Association believes that UN Committee on Enforced Disappearances should take into account the above-pointed issues regarding Russian aggression during preparation the List of Issues devoted to Ukraine's first report to the Committee and during Committee's visit to Ukraine.

Next urgent, immediate steps of the UN Committee on Enforced Disappearances must be done in Ukraine, in condition of ongoing interstate conflict and hostilities, of ongoing Russia's criminal, discriminative and racist policy against Ukrainians displaced persons' 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 Committee on Enforced Disappearances may communicate with ITU, FAO, ILO, IMO, IAEA authorized structures on this issue.

Such UN Committee on Enforced Disappearances steps must counteract the gross human rights violations committed by the Russian troops in Ukraine; such steps must be in compliance with the activities of the Human Rights Council and in the framework of High Commissioner for Human Rights' and Human Rights Council's mandates.

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⁵⁶ <https://arc.construction/32274>