ASSOCIATION OF REINTEGRATION
OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001
Ukraine, Kyiv, 56 Kharkivske highroad, 02175
arcconstructionofcrimea@gmail.com
14.12.2024 № 813/2024

UN Working Group on Enforced or Involuntary Disappearances

Russian Aggression, Enforced Disappearances and Environment

Prof. Borys Babin, PhD. Anna Prikhodko, PhD. Andrii Chvaliuk, PhD. Olexiy Plotnikov

Our Association of Reintegration of Crimea (ARC)[1], is non-governmental expert and human rights organisation[2], our expert researches are related with human rights and humanitarian issues, including their fundamental rights, informational and environmental rights, right to development, also as with issues of the transitional justice for Crimean peninsula, with relevant humanitarian, informational, economic, social and ecologic impacts.

Since 2020 we sent more than 150 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 humanitarian and environmental consequenses the Russian aggression against Ukraine, including enforced disappearances on the Russia-occupied territories[3][4][5][6][7].

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 and other occupied territories of Ukraine the demands of the Convention on the Protection of All Persons from Enforced Disappearances, but Russia refuses to do is.

Since the beginning of the occupation of the Crimea in 2014 by Russia and till 2021 OHCHR has documented 43 cases of enforced disappearances in Crimea; these mostly took the form of abductions and kidnappings and the victims consist of 39 men and 4 women;

Alleged perpetrators comprised militia groups, such as the Crimean self-defense and Cossack groups; agents of the Russian Federal Security Service; and other "law enforcement authorities", including the Crimean "police". Perpetrators have used torture and ill-treatment to force victims to self-incriminate or testify against others, as well as retaliation for their

[1] https://arcrimea.org/en/what_we_do//
[2] https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348
[3] https://www.ohchr.org/Documents/Issues/ToxicWaste/RightToScience/Submissions/NGOs/arc-crimea.pdf
[4] https://www.ohchr.org/sites/default/files/2022-01/Association-of-Reintegration-of-Crimea.pdf
[5] https://www.ohchr.org/sites/default/files/documents/hrbodies/ced/cfis/general-comment-1/csos/2022-07-20/Association%20of%20Reintegration%20of%20Crimea_GCMigration_English.pdf
[6] https://www.ohchr.org/sites/default/files/documents/issues/climatechange/cfis/cfi-loss-damage-study/submissions/subm-impact-loss-damage-cso-association-reintegration-crimea.pdf
[7] https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/cfis/cfi-ga-79/subm-overview-implementation-cso-association-reintegration-ofcrime-imea.doc

political affiliation or position; no individual has been prosecuted in relation to any of the enforced disappearances, as well as torture and ill-treatment, documented by OHCHR[8].

As it is well-known, since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory. Due last thirty four months of fights Russia occupied some territories of Donetzk, Kharkiv, Kherson, Luhansk, Zaporizhzhya regions. Such Russia's illegal activities cause non-precedent flows of migration of millions of Ukrainian; our Association informed UN bodies on relevant risks and challenges to such persons[9][10][11][12][13]. Also, as we informed UN Committee on Enforced Disappearances, this situation caused the mass enforced disappearances in Russia-occupied territories on Ukraine, as near frontline so in the Crimea[14].

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 forests, dams, national parks, riparian and maritime ecosystems, that violate as individual rights so collective rights of groups such as indigenous peoples, minorities and territorial collectives[15][16][17][18][19][20][21].

All war crimes, committed by Russian invaders during ongoing hostilities, including enforced disappearances, are connected with absolutely clear Russia's war targets in maximal destruction the population and civil infrastructure, including nature and agricultural objects, essential for all Ukrainian ethnic and social groups[22]. Those issues now are the subject of the investigation the International Criminal Court[23] Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights also[24]. 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 Rights[26] that guarantees rights to life, freedom. 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[27].

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 crimes[28]. In other UN experts' statements the negative impact of Russia's aggression on persons with disabilities and older persons was

[8] https://ukraine.un.org/en/123652-enforced-disappearances-autonomous-republic-crimea-and-city-sevastopol-ukraine-temporarily
[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://www.ohchr.org/sites/default/files/documents/issues/disappearances/cfi/draft-stm/submissions/2022-09-05/association-of-reintegration-of-crimea-draft-stm.pdf
[15] https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/
[16] https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf
[17] https://www.bbc.com/ukrainian/features-60888528
[18] https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine
[19] https://www.bbc.com/news/world-europe-60547807
[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
[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

condemned[29], and relevant risks for women's right to life were pointed[3031]. 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 Ukraine[3233].

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[34]. Also 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[35].

On 7 April 2022 the UN General Assembly adopted a resolution ES-11/3[36] calling for Russia to be suspended from the Human Rights Council[37]. 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, and provide international human rights and humanitarian institutions with unhindered, immediate and safe access to persons transferred from conflict-affected areas[38].

Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy or terror and repressions over the Russia-occupied territories of Ukraine. 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 zones[3940].

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 aggressor[41]. 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.

Those Russia's illegal activities on Russia-occupied territories of Ukraine's mainland an 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 receive and impart information. 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"[42].

Some thousand 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 mainland[43]. In the Russia-occupied

[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://www.ohchr.org/en/press-releases/2022/05/ukraine-millions-displaced-traumatised-and-urgently-need-help-say-experts
[34] https://digitallibrary.un.org/record/3959039?ln=ru
[35] https://digitallibrary.un.org/record/3966630?ln=en
[36] https://digitallibrary.un.org/record/3967950?ln=ru
[37] https://news.un.org/en/story/2022/04/1115782
[38] https://web.archive.org/web/20220612122520/https://arc.construction/31039
[39] https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine
[40] https://www.bbc.com/news/world-europe-60547807
[41] https://web.archive.org/web/20220326172440/https://arc.construction/26918
[42] https://web.archive.org/web/20220331074756/https://arc.construction/28224
[43] https://web.archive.org/web/20220608175342/https://arc.construction/30144

Crimea a lot of children, transferred from Ukraine's mainland, disappeared in April-May, 2022[444546].

Since the outbreak of the war in 2014 and especially after the full-scale invasion in 2022, the practice of enforced disappearances has become one of the most common methods of intimidation of citizens in the temporarily occupied territories of Ukraine. The exact number of people who have disappeared since the beginning of the occupation in Crimea has not yet been established, but we can talk about 60 people. The largest wave of disappearances occurred in the first month of the occupation of Crimea when about 20 cases were recorded[47].

Till October 2024 more new was crimes were committed by the Russian troops, including destruction objects of civil infrastructure, energetics, forests, dams and other melioration systems by mines explosions, missiles and artillery. Russian forces destroy and loot the technical equipment of Ukrainian forestry and melioration management and of national parks in Kherson and Zaporizhzhya regions en masse.

Corresponding negative impacts of Russian aggression against sustainable development that make impossible its reinvigorating include atmospheric pollution due to mass extensive emissions of combustion products, the destruction of thousands of square kilometers of forests and plantations near frontline, as well as natural soils in the combat zone close to the Crimea, the intervention of the Russian occupiers in the melioration management and natural watercourses in Southern Ukraine. All this illegal Russia's activities give strong negative impact on the rights of population of Russia-occupied areas, including the indigenous peoples, minorities and territorial collectives.

Since the level of hostilities in Ukraine is unprecedented for modern humanity and has no clear prospect of minimization in the coming months, the above risks and challenges have a strong and direct impact on the issue of sustainable development, essential for indigenous peoples, minorities and territorial collectives, including the issues on international development cooperation. New challenges for the issue of sustainable development and international development cooperation were caused by destruction the dam of Kakhovka Hydroelectric Power Plant (HPP) on Dnipro River in Ukraine by Russian military units, that happened on 6 June, 2023[484950515253].

Also the above-pointed issues were discussed during the side-events on Sharm el-Sheikh Climate Change Conference (COP 27), Dubai Climate Change Conference (COP 28) and Baku Climate Change Conference (COP 29) held by our experts together with Crimean Tatar Resource Center and Mission of Ukraine in 2022, 2024, and 2023[545556575859], also as at World Law Congress, 2023[6061] where the aspects of lessons learned and practices of transitional

[44] https://web.archive.org/web/20220929173744/https://arc.construction/29005
[45] https://web.archive.org/web/20220609151253/https://arc.construction/32309
[46] https://web.archive.org/web/20220608191202/https://arc.construction/28407
[47] https://ppu.gov.ua/en/press-center/30-serpnia-mizhnarodnyy-den-pam-iati-zhertv-nasylnytskykh-znyknen/частина 2
[48] https://www.pravda.com.ua/eng/news/2023/06/6/7405479/
[49] https://www.nytimes.com/2023/06/09/world/europe/ukraine-dam-collapse-explosion.html
[50] https://www.jordskjelv.no/meldinger/seismic-signals-recorded-from-an-explosion-at-the-kakhovka-dam-in-ukraine
[51] https://www.president.gov.ua/en/news/stvorena-rosijskimi-teroristami-katastrofa-na-kahovskij-ges-83449
[52] https://en.ecoaction.org.ua/destruction-of-the-kakhovka-hpp-preliminary-conclusions.html
[53] https://web.archive.org/web/20230605173116/https://www.parismou.org/system/files/195%20-%20ARC_Submission_IMO_ILO_FAO_04_06_2023.pdf
[54] https://arcrimea.org/en/analytics/2023/07/08/qualification-of-russian-aggression-ecologic-challenges/
[55] https://arcrimea.org/en/analytics/2023/03/24/world-law-congress-occupied-crimea-and-russian-aggression/
[56] https://arcrimea.org/en/activity/2022/11/20/crimea-indigenous-peoples-international-crimes-and-global-warming/
[57] https://arcrimea.org/en/activity/2023/12/04/deoccupation-of-crimea-was-discussed-in-ukrainian-pavilion-of-un-climate-conference/
[58] https://arcrimea.org/en/activity/2023/12/03/un-climate-change-conference-and-de-occupation-of-crimea/
[59] https://arcrimea.org/en/activity/2024/11/22/climate-change-and-russian-aggression-view-from-baku/
[60] https://arcrimea.org/en/activity/2023/07/21/world-law-congress-russian-aggression-energy-markets-and-maritime-safety/
[61] https://arcrimea.org/en/news/2023/07/23/crimean-issues-on-the-world-law-congress/

justice, including countering enforced disappearances, were discussed by our Association's experts.

Some Crimean Tatar activists in Crimea, who were victims of enforced disappearances discussed ecologic challenges of Russian aggression before their kidnapping by Russian punitive structures, Head of Crimean Resource Center Eskender Bariiev had to cancel own visit to Baku COP 29 taking into account relevant threats for him from Russian agents in Azerbaijan and our Association's representative Borys Babin faced such threats personally in Baku after COP 29 during his attempts to return to Ukraine via European countries by plane.

European Court of Human Rights, ECtHR established in its Decision June 25, 2024 on applications 20958/14 and 38334/18 of Ukraine against Russia regarding Crimea, the existence of Russia's systemic practice regarding human rights violations, including enforced disappearances, but as Russia's membership in Council of Europe was banned[62][63], next ECtHR decisions in that case regarding compensation issues for victims will not be executed by Russia voluntarily.

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' rigths to life, freedom, movement, health, environment and not to become a victim of enforced disappearance.

Next urgent, immediate steps of the UN Working Group 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' 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. UN Committee on Enforced Disappearances may communicate with ITU, FAO, ILO, IMO, IAEA authorized structures on this issue.

UN Working Group 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.

14th of December, 2024



[62] https://hudoc.echr.coe.int/#{%22itemid%22:[%22001-234982%22]}

[63] https://arcrimea.org/en/news/2024/06/26/historical-victory-for-ukraine-in-european-courts-crimean-case/