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Верховного комиссара и Генерального секретаря

Письменное представление Украины: Уполномоченный Верховной Рады Украины по правам человека*

Записка секретариата

Секретариат Совета по правам человека настоящим препровождает сообщение, представленное Украиной: Уполномоченный Верховной Рады Украины по правам человека** и воспроизводимое ниже в соответствии с правилом 7 b) правил процедуры, содержащихся в приложении к резолюции 5/1 Совета, согласно которому участие национальных правозащитных учреждений основывается на процедурах и практике, согласованных Комиссией по правам человека, включая резолюцию 2005/74 от 20 апреля 2005 года.

* Национальное правозащитное учреждение с аккредитационным статусом категории «А», присвоенным Глобальным альянсом национальных учреждений, занимающихся поощрением и защитой прав человека.

** Воспроизводится в приложении в полученном виде только на том языке, на котором оно было представлено.

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Просьба отправить на вторичную переработку



Annex

Submission by Ukraine: Ukrainian Parliament Commissioner for Human Rights

Written statement on Interim report of the Secretary-General on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, pursuant to General Assembly resolution 74/168 (A/HRC/44/21)

Since the annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, a wide range of human rights violations, both civil and political rights, and social and economic rights, have been noted on the peninsula.

Despite the large number of violations recorded by human rights defenders, due to the difficulties in documenting and reporting events in Crimea, numerous violations remain unknown.

The victims of enforced disappearances are persons who disagree with the Russian occupation and who maintain and express their identity, Muslims of Crimea, Christians other than the Russian Orthodox Church - Catholics, Protestants, members of other religious organizations, Jews and people supporting the territorial integrity of Ukraine. In some cases, ordinary citizens, who do not actively show their political position or ethnic / religious affiliation become victims of repression.

There is complete inaction of the investigation and disinterest of the Crimean occupation authorities in the investigation of the killings and disappearances of the Crimean Tatars, but investigations are being carried out against the Crimean Tatars for obviously far-fetched grounds, which creates an atmosphere of impunity for illegal actions against the indigenous people of the Autonomous Republic of Crimea and lead to incitement of ethnic hatred.

From the beginning of March 2014, the Russian Federation automatically extended its citizenship to all citizens of Ukraine and stateless persons permanently residing in Crimea.

Residents of Crimea, whose renunciation of citizenship of the Russian Federation was accepted by the authorities, as well as persons who do not meet the established criteria for granting citizenship (registered in other regions of Ukraine), were considered by the Russian Federation as persons who received the status of foreigners in accordance with the legislation of the occupying country. This meant that they could no longer reside permanently in Crimea, and that they were facing deportation.

About 5 000 civilians were deported from Crimea, 9 000 convicted Ukrainian citizens were subjected to forced displacement to the Russian Federation, 140 000 Russian citizens were displaced to the Crimea. Such actions by the Russian authorities constitute war crimes and violate the Fourth Geneva Convention.

According to the Register of Court Decisions of the Russian Federation, during 2019 Crimean courts issued orders for deportation and forced displacement of at least 191 people who are considered to be foreigners under Russian law, including 109 Ukrainian citizens (95 men and 14 women), whom the Russian Federation does not consider persons entitled to live in Crimea.

According to the decisions of the courts of the Russian Federation, the majority of victims of deportation or forced displacement “illegally” worked, did not have family and social ties on the peninsula, lost identification documents, or were previously brought to criminal or administrative responsibility. After deportation, victims are often barred from entering the Russian Federation, which effectively prevents them from returning to Crimea, with periods of bans of up to 10 years.

In the context of the fight against COVID-19 the occupation administration of the Russian Federation in Crimea has significantly limited the right to freedom of movement.

According to order of the Government of the Russian Federation of March 27, 2020, movement through Russian checkpoints of entry / exit is prohibited even for those who have a passport of citizens of the Russian Federation. Exceptions are, in particular, "citizens of the Russian Federation permanently residing in the territories of certain regions of the Donetsk and Lugansk regions of Ukraine" or those who need to cross the checkpoints of entry / exit from the temporarily occupied territory in case of the death of a close relative. Thus, citizens of Ukraine with the registration of residence on the peninsula are not able to travel to the territory controlled by the Government of Ukraine.

On April 17, at the Dzhankoy checkpoint, Russian border guards refused to cross the checkpoint to Oleg Sofyanik, a citizen of Ukraine. Since he was forced to receive a passport of the Russian Federation, he was not allowed to cross the checkpoint as a "citizen of the Russian Federation," referring to a decree of the Government of the Russian Federation on the ban on the departure of citizens of the Russian Federation. Oleg Sofyanik intended to move for permanent residence to the territory controlled by the Government of Ukraine.

During the period of occupation, according to various sources, over 500 state-owned enterprises and trade unions, about 300 private enterprises were "nationalized" on the peninsula. The occupation authorities have approved lists of property that is recognized as unauthorized and subject to demolition, including residential buildings.

Due to the decree of the President of the Russian Federation on the prohibition of people without Russian citizenship owning land in the coastal areas of the occupied Crimea, more than 11 thousand foreigners will lose their lands. The number of property owners included citizens of 55 countries. The first five are residents of Ukraine (12,146), Belarus (570), Germany (355), Kazakhstan (334) and Uzbekistan (215).

This list did not include the territories of Simferopol, Dzhankoy and Kranoperekopsk, as well as Belogorsk, Krasnogvardeisk and Pervomaisk regions. It is noteworthy that such a large figure is only those territories that are currently already documented in accordance with law of the Russian Federation.

The Unified State Register of Real Estate contains information on 11,572 plots owned by foreign nationals on the peninsula.

One of the main violations of rights and freedoms in Crimea is the violation of the right to a fair trial, the right to peaceful assembly.

Trials in political cases are characterized by a clear fabrication and violation of any procedural norms and guarantees: forensic examinations data are falsified, the procedural rights of the accused are grossly violated, the trial is accusatory.

The accusations are mainly based on the testimony received as a result of torture or on the basis of denunciations and testimonies of some participants in the case against others. Sentences are marked by cruelty. Some citizens were forced to leave the peninsula due to persecution.

The most common allegations under "political" articles are organizing or participating in unauthorized mass events, disseminating / demonstrating extremist material, including online, missionary work, participation in banned organizations.

As of June 25, 2020, 125 cases of criminal prosecution for political reasons were recorded, 89 of them are cases of prosecution of Crimean Tatars.

None of the human rights violations have been properly investigated by the occupying authorities, nor has any case of effective judicial appeal of such inaction been recorded.

The situation is complicated by the lack of independent observers and monitoring mechanisms in the Crimea.

The authorities of the Russian Federation refuse access to Crimea to independent international observation missions. The Russian authorities continue to block access to the Crimea for monitoring by the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross. Independent lawyers, human rights defenders, and journalists working in Crimea are subject to intimidation, threats, and harassment.

Since 2014, there has been a growing tendency for the Russian language to become dominant in the field of education in the Crimea. This is largely a consequence of the predominance of the Russian cultural environment and the decrease in the availability of education in the Ukrainian and Crimean Tatar languages. According to Russian statistics, in the 2018/19 school year, the share of students studying in Russian increased from 90.7% in the 2013-2014 school year to 96.7% of the total number of students, and the share of students studying in Ukrainian decreased respectively from 12,694 to 249 (0.2% of the total number of Crimean students).

As an example, only one school with the study of the Ukrainian language was officially registered in the annexed by the Russian Federation Crimea in Feodosia. However, the Ukrainian language is not taught in this school.

In 2019, the closure of Crimean Tatar schools continued. According to official data from 16 schools: the Crimean Tatar language is studied in 7 schools; 5 schools were transferred to bilingual education, and the remaining 4 schools became the schools with general education.

In addition, according to the analysis of the Institute of Religious Freedoms (hereinafter - the IRS), it was established that the occupying authority uses the concept of the "Russian World" to strengthen its power. An example of this was the terror against pro-Ukrainian religious organizations to destroy any opposition and oppositional opinion in society.

According to the IRS, most churches and religious communities in the Crimea, with the exception of the Orthodox communities of the Ukrainian Orthodox Church of the Moscow Patriarchate, have ceased their activities or carry them out underground. In particular, it has become impossible for most denominations to worship in their own churches or houses of worship. The main reason is the seizure of church buildings by the occupying power or due to the threat of identification of parishioners of a particular religious community and their further persecution.

The Russian-controlled occupying authorities of Crimea confiscated from the representatives of the Ukrainian Orthodox Church (Kyiv Patriarchate) the Church of the Intercession of the Holy Virgin in the village of Perevalny, Simferopol district, the Church of the Holy Martyr Clement of Rome in Sevastopol.

Despite the difficult epidemiological situation in general, more than 30 military exercises of various occupying forces took place in Crimea in April this year - from the mine search service and marine units, units of ships, aviation and S-400 anti-aircraft missile systems.

On April 14 this year, a unit of the Army Corps of the Russian Black Sea Fleet held military exercises.

On April 17, the Russian Federation announced the transfer of units of the Russian Black Sea Fleet from the temporarily occupied Crimea to Abkhazia (Russian-occupied territory of Georgia). This fact was presented as a continuation of the "humanitarian mission" of the Russian Armed Forces in the context of the fight against the coronavirus epidemic. The forces of the Black Sea Fleet of the Russian Federation also demonstratively disinfected military and some civilian facilities in the Crimea and Sevastopol.

Neglecting security, a military parade was held on the peninsula on June 24 this year, the participants of which violated social distance and did not use personal protective equipment.

Moreover, a hospital was organized in Crimea for military personnel with coronavirus infection. To do this, they used the hospital ship "Yenisei" of the Black Sea Fleet of the Russian Federation, which for more than two decades has not gone to sea and in evacuation mode can take on board up to 450 patients.

The ship does not meet the international requirements established for such purposes, and was previously used by the Russian Armed Forces as a free military hotel for command.

On April 28, 2020, the "head" of the Russian occupying administration in Sevastopol M. Razvozhayev said that according to the analysis of water and bread consumption, 700 thousand people live in Sevastopol. As of January 1, 2014, the population in Sevastopol was 393 thousand people.

According to the “Russian statistics”, as of January 1, 2020, 450 thousand people officially resided in the city.

A significant part of the new residents is the military personnel of the occupying contingent, employees of the security forces of the Russian Federation and members of their families. Considering the departure from Sevastopol of the citizens of Ukraine, who did not accept the occupation, we are talking about the deliberate replacement of the population by the occupying state, which is a violation of international humanitarian law and equates to a war crime.

Since 2015, the occupation authorities conducted 11 illegal conscriptions into their armed forces.

A significant number of the conscripts are sending to the military bases of the Russian Federation, which directly contradicts the Geneva Conventions.

Crimean residents received 29 convictions for draft evasion, for which the criminal legislation of the Russian Federation provides for a sentence of imprisonment of up to two years: four sentences were pronounced in the first half of 2019, twenty-two in 2018, and three in 2017. With the exception of one case where the accused was sentenced to a suspended term of imprisonment, the accused were fined criminally in the amount of 5 thousand to 60 thousand Russian rubles.

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According to the law of the Russian Federation, draft evasion does not exempt from the obligation to perform military service.

In conclusion, I want to thank the UN Secretary General Antonio Guterres, who in his latest report clearly indicated and confirmed once again that the Autonomous Republic of Crimea and the city of Sevastopol are the territory of Ukraine. This report will become a supplementary instrument of international pressure on the Russian Federation with the purpose to de-occupy Crimea and bringing it to international legal responsibility.

I am also grateful to the Council of the European Union, which on June 18, 2020 on its meeting decided to extend until June 23, 2021 the European Union sanctions imposed on the Russian Federation in response to the illegal annexation of Crimea and Sevastopol.

Condemning the illegal actions of the Russian Federation, I urge the international community to continue further pressure on the Russian Federation to force the leadership of the Russian Federation to return the Ukrainian Crimea and Ukrainian political prisoners to their home as soon as possible.
