

HUMAN RIGHTS COUNCIL - 47th SESSION

Interactive dialogue on the oral update of the High Commissioner on Ukraine and interim report of Secretary-General on the situation of human rights in Crimea – 9 July 2021

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OHCHR thematic report [A/HRC/47/CRP.2](#) on “Arbitrary detention, torture and ill-treatment in the context of armed conflict in eastern Ukraine from 2014 to 2021”:

This report is based on the analysis of over **1,300 conflict-related individual cases documented** by the Mission since **2014**. Around **4,000 conflict-related detainees** have been subjected to **torture** or ill-treatment in Ukraine since 2014 - in both **Government** and **armed group-controlled territories**.

In Government-controlled territory, in the early stages of the conflict, cases of **arbitrary detention** included **enforced disappearances**, **detentions without court warrants**, and **confinement** in unofficial places of detention, often secret and incommunicado.

In armed group-controlled territory, detention during the initial stages of the conflict lacked any semblance of **legal process** and often amounted to **enforced disappearance**. Such detentions were formalized with the introduction of so-called “**administrative arrest**” in self-proclaimed ‘**Donetsk people’s republic**’, and “**preventive detention**” in self-proclaimed ‘**Luhansk people’s republic**’.

We are gravely concerned that violations of **torture** and **ill-treatment** documented in the ‘**Izoliatsiia**’ facility in Donetsk, as well as in other places of detention in territory controlled by the **self-proclaimed ‘republics**’, continue on a daily basis, and are carried out systematically. These violations must stop.

A **confidential and unimpeded access of OHCHR** and other **international monitors** to places of detention in territory controlled by the self-proclaimed ‘republics’ must be granted as a **priority**.

There has **been little accountability for violations** committed on either side of the contact line. While we can count **victims in thousands**, **perpetrators** brought to account only number in **dozens**.

Secretary-General interim report [A/HRC/47/58](#) on “**Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine**”:

The OHCHR has not been able to find appropriate modalities to **conduct a mission to Crimea**, therefore, the report is based on information collected through **remote monitoring**. The report highlights the continuing **failure of the Russian Federation** to uphold its **obligations** as the **occupying Power in Crimea** under international human rights law and international humanitarian law.

The Office documented cases of **harassment of lawyers** who defended the rights of their clients in cases investigated by the Federal Security Service of **Russian Federation in Crimea**. Courts continued to deliver **guilty verdicts** in proceedings during which **fair trial** guarantees were not fully respected.

Our Office received new **allegations of torture and ill-treatment** committed by members of the **Russian Federal Security Service** and other law enforcement entities. Detainees from Crimea complained about **poor conditions of detention** in penitentiary institutions in Crimea.

Our Office recorded the **arbitrary arrests of 19 persons in Crimea**, including **11 Crimean Tatars**. The majority of these individuals were suspected of **terrorism**. Congregations of **Jehovah’s Witnesses** and the **Orthodox Church** of Ukraine have been put under increasing **pressure and harassment**.

OHCHR’s ongoing monitoring since the end of the reporting period indicates that the **human rights situation in Crimea has not improved**.



Ukraine – Speaking as the country concerned:

The OHCHR and the UN Secretary General reports show us the **terrible consequences of the Russian aggression and occupation of Ukraine’s territories**. According to UN, the victims: “described beatings, threats of **physical and sexual violence**, and **deprivation of sleep and food**. The pattern of **impunity for torture** committed by the **occupation authorities** persisted”. These are the methods used by the **Russian Federation**, a member the UN Human Rights Council and the Council of Europe.

The Russian Federation persistently tries to **distort the truth and impose its own narratives** of the origins of developments in Donbas and Crimea. Moscow unleashed a wide **disinformation campaign**, including within this Council, to **legitimize its proxies** as well as to vilify Ukraine. Over 100 citizens of Ukraine, mostly **Crimean Tatars**, remain **illegally detained** under politically motivated charges.

Ukraine has submitted to the Council an **updated resolution “Cooperation with and assistance to Ukraine in the field of human rights”**. We are grateful to all States who already cosponsored it and call upon others to **join the list of cosponsors**. Furthermore, increasing political, economic and sanction remains a proper tool to encourage **Russia to end its aggression and human rights violations**.

INTERACTIVE DIALOGUE (Access the full recording of the meeting: [PART 1](#); [PART 2](#))

The vast majority of delegations were concerned by the **human rights violations** committed in self-proclaimed territories in **Eastern Ukraine** and in **illegally annexed in Crimea** by **Russia**. Violations include: **arbitrary detentions, enforced disappearances, sexual violence, attacks against journalists** and members of the **LGBTI community, hate speech**, suppressions of the **rights to freedom of expression, assembly and religion, civilian casualties, torture** and **ill-treatment**. States were concerned that these violations were committed in **total impunity**.

A high number of delegations stated that the **annexation of Crimea by the Russia Federation was illegal** and thereby **refused to recognize it**. Delegations showed their **support for Ukraine’s territorial integrity and its sovereignty** over its recognized borders.

Among other **ethnic and religious minorities**, the situation of the **Crimean Tatars**, victims of **discrimination**, arbitrary arrests and **hill treatment**, was regularly raised by member States.

Several delegations mentioned the **Minsk agreement** as the way forward. The Agreement, if implemented, would be the key to **respect a cease fire** and strengthen sustainable **peace in Ukraine**.

The majority of delegations were concerned over the **denial of access for international human rights monitoring mechanisms**, including the **OHCHR**, in certain parts of Ukraine non-controlled by the government, especially in **Crimea** and **Eastern Donbass**. They urged the authorities in control of these territories to allow **unhindered access to the human rights monitors**.

The **Russian Federation** stated that Ukraine was **neglecting human rights** on its own territory and that the **situation of ethnic and linguistic communities** in Ukraine was concerning.

Delegations that took the floor during the Interactive Dialogue (38 delegations)

Iceland (on behalf of Nordic-Baltic countries), European Union, Slovenia, Canada, Germany, Lithuania, Finland, Czech Republic, Australia, France, Switzerland, Japan, Estonia, Montenegro, Norway, Moldova, USA, Slovakia, Denmark, Romania, Latvia, Austria, Ireland, Belgium, Georgia, United Kingdom, Turkey, Croatia, North Macedonia, Russia, Hungary, Poland, Bulgaria, Albania, Belarus, Netherlands, European Union (on behalf of a group of countries), Azerbaijan.



National human rights institutions and NGOs:

Ukraine Parliament – Commission of human rights, International Fellowship of Reconciliation, Baptist World Alliance, International Child Catholic Bureau, Human Rights House, Advocates for Human Rights, International Commission of Jurists, International Council of Russian Compatriots.

- **Russia's illegal aggression and annexation of Crimea**, and gross **human rights violations** committed on **Ukrainians in Crimea**, which remain not investigated.
- Situation of **minority ethnic and religious groups**, including the **Crimean Tatars** and the **Jehovah's witnesses**.
- **Attacks on lawyers** and **threats against judiciary independence** in Ukraine.
- Ukraine to adopt measure to **strengthen protection of children against sexual exploitation**.

*It is worth noting that, out of the **38 States who took the floor**, only one (Japan) was not a member of either the Western European and Others Group (WEOG) or the Eastern European Group of countries. It means that **this interactive dialogue was very specific to the European geographic region** and that no country from Africa, Asia Pacific (except Japan), or Latin America participated in the debate.*

Right of reply:

Ukraine used its right of reply to interrupt several times the statement made by the Russian delegation. Ukraine made reference to the United Nations General Assembly [Resolution 68/262](#) about the territorial integrity of Ukraine. The resolution defines Crimea as an inalienable part of Ukraine. Ukraine demanded that the Russian delegate was denied the opportunity to deliver its statement.

Ukraine also reminded of the importance of using appropriate language and correct UN terminology when delivering statements. This should also apply to Crimea, whose designation is defined by the UNGA as “the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine” Crimea must be designed as such and not by the terminology invented by Russia.

The Human Rights Council Bureau responded that the Russian delegate was duly accredited as a representative of the Russian Federation and was allowed to speak during this meeting of the Council.

The Bureau also reminded the speakers to uphold the UN standards when delivering their statements.