

Presentation of the periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine

Geneva (Switzerland)
12 December 2016

Human Rights House Foundation statement

**Endorsed by Crimean Human Rights Group, Human Rights Information Centre (Ukraine),
Ukrainian Helsinki Human Rights Union**

Check against delivery (delivered by Florian Irminger)

Thank you, Mr Chairperson,

On 8 December, Volodymyr Balukh living in Serebryanka village in Crimea was arrested, solely because he did not conceal his pro-Ukrainian views. As he raised a Ukrainian flag on the roof of his home, he was arrested and now faces 4 years imprisonment. This arrest is an illustration of the clearing of Crimea of what, in the eyes of the *de facto* authorities, are undesired people.

This goes along with the policy of the Russian Federation of transfer of nationality of those living in Crimea, and an encouragement to people from Russia to relocate themselves to Crimea.

We are appalled by the human rights situation in the Autonomous Republic of Crimea. As reported by the Mission, fair trial rights, lawful arrest and detentions, freedom of movement, and rights of detainees are ignored and swept aside by the *de facto* authorities. These human rights violations also include a crackdown against civil society and the media, hate speech.¹

The constant harassment and persecution of journalists and human rights defenders in the region also continues:

- We call for the release of Emir-Usein Kuku, a Crimean Tatar human rights defender, arrested on charges of terrorism and placed in detention in February 2016. His family faces threats, harassment and intimidation;
- We also call for the release Mykola Semena, a Crimean Tatar journalist working for Radio Free Europe / Radio Liberty RFE/RL, accused of “separatism” for undermining Russia’s territorial integrity.

¹ See “Crimea: Distressing Human Rights Situation in Need of International Attention,” Briefing Note for the United Nations General Assembly, November 2016, available at <http://humanrightshouse.org/Articles/21985.html>.

Authorities in Crimea and Russia have also violated the right to defence and the presumption of innocence of multiple presumed members of the so-called “Ukrainian sabotage group,” which constitutes a new waves of politically motivated criminal prosecution in Crimea. As reported by the Mission, “the accused do not enjoy regular access to their lawyers, they are pressured by the investigators to renounce their right to legal counsel, and in some cases, defence lawyers have advised their clients to confess and ‘cooperate’ with the prosecution.”²

We also draw your attention on the illegal forced transfer of population from Crimea to the Russian Federation. More than 2000 imprisoned Ukrainian citizens have been transferred to the territory of Russia. As reported by the Mission, a Ukrainian, Valeriy Kerimov, died on 8 September 2016 in the colony number 1 of the Republic of Adygea (Russia).³ He was transferred to the Russian colony from the detention facility of Crimea. He was sick with hepatitis and tuberculosis; he was not provided with medical assistance in time as a result of what he died. **Further to this case, Sergey Glinyanik from Sevastopol also died in detention, on 30 August 2016, in Simferopol pre-detention centre number 1, due to lack of medical care.**

In this context:

- We call upon Ukraine to ensure a facilitated legal access to Crimea for journalists, lawyers and human rights defenders. We urge the government to do everything it can to support and administratively facilitate the situation of internally displaced people (IDPs) in Ukraine, and to condemn any attempts to stigmatise them, as reported by the Mission;⁴
- We call upon the *de facto* authorities in Crimea to immediately cease all forms of harassment and persecution of journalists and human rights defenders, and allow peaceful dissent, especially the expression of minority or pro-Ukrainian views;
- We call upon the international community to further scrutinise the human rights situation in Crimea and support the work of the Office of the High Commissioner for Human Rights (OHCHR) in this regard. **All measures should be taken to ensure that the *de facto* authorities in Crimea are made aware of the international community’s attention to their actions, in order to hold them accountable, and hold their supporters accountable.**

Mr Chairperson,

As reported by OHCHR, the inflow of ammunition, weaponry and fighters from the Russian Federation continues to fuel the conflict and it facilitates human rights abuses and violations of international humanitarian law, as reported by the Working Group on the use of mercenaries in its report on its visit to Ukraine. **Civilians living in conflict-affected areas continue to be deprived of much needed protection, access to basic services, and humanitarian aid, and this is aggravated by restrictions on freedom of movement. They are subject to arbitrary rule and**

² Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the human rights situation in Ukraine 16 August to 15 November 2016, para. 163, available at <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/UARports.aspx>.

³ *Op. cit.*, para. 175.

⁴ See *inter alia* OHCHR’s reporting on the assessment of the Minister of Internal Affairs of Ukraine, accusing IDPs for the increase in the crime rate in Ukraine, para. 103, *op cit.*

various human rights abuses including violations of their basic rights to freedom of peaceful assembly, association, and expression.

As stated by the Working Group on the use of mercenaries in its report on its visit to Ukraine, “the continued presence of foreign fighters with large numbers of heavy weapons and ammunition, facilitated by the ease of passage through the borders between Ukraine and the Russian Federation, continues to pose threats to any peaceful resolution to the conflict.” We call upon all parties to the conflict to fulfil their obligations under international human rights law and to implement the recommendations of the Working Group on the use of mercenaries⁵.

Mr Chairperson,

The Human Rights House Foundation warmly welcomes the work of the United Nations Human Rights Monitoring **Mission in Ukraine.** The Mission has continuously highlighted the severe human rights violations in Ukraine, which remain in many aspects unaddressed.

Whilst we welcome the present opportunity here in Geneva, we call upon the Security Council to remain seized by the situation in Ukraine. As 70 States indeed underlined in a statement delivered in this very room, “peace, security and human rights go hand in hand.”⁶

Thank you.

⁵ See also the Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination on its mission to Ukraine” which is available at: <https://daccess-ods.un.org/TMP/17972.094938159.html>.

⁶ Switzerland launches the appeal of June 13th to put Human Rights at the Heart of Conflict Prevention: “Security and human rights make a perfect match,” Address by Federal Councillor Didier Burkhalter at the opening of the Human Rights Council’s 33rd session, available at <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-62152.html>.