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**The situation in the temporarily occupied territories
of Ukraine**

**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs
and representatives**

Letter dated 14 January 2021 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to reiterate our profound gratitude for your continued close attention to the situation in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol of Ukraine, as well as for your firm and uncompromised position regarding the upholding of human rights and international humanitarian law by the occupying Power on the mentioned territories of Ukraine.

In this regard, I would like to draw your attention to the decision, dated 14 January 2021, of the Grand Chamber of the European Court of Human Rights in Strasbourg, which ruled on the admissibility of inter-State claims in Ukraine's case against the Russian Federation (application No. 20958/14).¹ The case concerns human rights violations in the territory of the Autonomous Republic of Crimea and the city of Sevastopol since 27 February 2014, when the Russian Federation established effective control over this territory.

In this regard, I would like to transmit herewith the text of the comment by the Ministry of Foreign Affairs of Ukraine on the ruling of the European Court of Human Rights in favour of Ukraine (see annex).

It is important to note that the Court considered as part of the relevant legal framework General Assembly resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, resolution 71/205 of 19 December 2019 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), and subsequent resolutions on the situation of human rights in the temporarily occupied Crimea.

¹ Available at [https://hudoc.echr.coe.int/eng/#{%22itemid%22:\[%22001-207622%22\]}](https://hudoc.echr.coe.int/eng/#{%22itemid%22:[%22001-207622%22]}).



The Court declared admissible, without prejudging the merits, Ukraine's Government complaints regarding the period under consideration concerning, inter alia:

- The alleged existence of an administrative practice of enforced disappearances and of a lack of effective investigations into the alleged existence of such an administrative practice, in violation of article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms
- The alleged existence of an administrative practice of ill-treatment, in violation of article 3 of the Convention
- The alleged existence of an administrative practice of unlawful detention, in violation of article 5 of the Convention
- The alleged existence of an administrative practice of extending the Russian Federation's laws to Crimea and the resulting effect that, as of 27 February 2014, the courts in Crimea could not be considered to have been "established by law" within the meaning of article 6 of the Convention
- The alleged existence of an administrative practice of unlawful automatic imposition of Russian citizenship, in violation of article 8 of the Convention
- The alleged existence of an administrative practice of arbitrary raids of private dwellings, in violation of article 8 of the Convention
- The alleged existence of an administrative practice of harassment and intimidation of religious leaders not conforming to the Russian Orthodox faith, arbitrary raids of places of worship and confiscation of religious property, in violation of article 9 of the Convention
- The alleged existence of an administrative practice of the suppression of non-Russian media, in violation of article 10 of the Convention
- The alleged existence of an administrative practice of prohibiting public gatherings and manifestations of support, as well as intimidation and arbitrary detention of organizers of demonstrations, in violation of article 11 of the Convention
- The alleged existence of an administrative practice of expropriation of property from civilians and private enterprises without compensation, in violation of article 1 of Protocol No. 1 to the Convention
- The alleged existence of an administrative practice of suppression of the Ukrainian language in schools and harassing Ukrainian-speaking children at school, in violation of article 2 of Protocol No. 1 to the Convention
- The alleged existence of an administrative practice of targeting Crimean Tatars, in violation of article 14 of the Convention, in conjunction with articles 8, 9, 10 and 11 of the Convention
- The alleged existence of an administrative practice of targeting Crimean Tatars, in violation of article 14 of the Convention, in conjunction with article 2 of Protocol No. 4 to the Convention

I would like to underline that all violations by the Russian Federation, as occupying Power in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as considered in the decision of the Grand Chamber of the European Court of Human Rights, were addressed in Assembly resolution [75/192](#) of 16 December 2020 and were highlighted in your report on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine ([A/75/334](#)) and

in Human Rights Council resolution [44/21](#), as submitted in 2020 in accordance with Assembly resolution [74/168](#) of 18 December 2019.

In particular, I would like to refer to preambular paragraphs 7, 8, 9, 11, 12, 13, 14, 24, 26, 27, 29, 30, 32, 35, 37, 38, 41, 44, 48 and 49 and paragraphs 1, 3, 4, 5, 6 (b), 6 (c), 6 (e), 6 (m), 6 (o), 6 (s), 6 (t) and 7 of resolution [75/192](#).

I would be grateful if the considerations of the European Court of Human Rights in Ukraine's case against the Russian Federation (application No. 20958/14) would be given due attention and taken into account, along with other grave violations of international law by the Russian Federation, in your next reports to be submitted in accordance with Assembly resolution [75/192](#).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda items 65 and 72 (c), and of the Security Council.

(Signed) Sergiy Kyslytsya
Ambassador
Permanent Representative

Annex to the letter dated 14 January 2021 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Comment by the Ministry of Foreign Affairs of Ukraine on the ruling of the European Court of Human Rights in favour of Ukraine

14 January 2021

Today, the Grand Chamber of the European Court of Human Rights in Strasbourg ruled on the admissibility of an interstate claims in Ukraine's case against the Russian Federation № 20958/14 (concerning Crimea).

The case concerns human rights violations in the territory of the Autonomous Republic of Crimea and the city of Sevastopol since 27 February 2014, when the Russian Federation established effective control over this territory. Ukraine's claims cover the systematic violations of human rights guaranteed by the Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols, including the prohibition of torture, the right to liberty and security, the right to a fair trial, the right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, private property rights, etc.

Following the exchange of a number of arguments by the parties and an oral hearing held on 11 September 2019, the court concluded that Ukraine's application was admissible.

The court rejected the Russian Federation's objection and recognized its jurisdiction to hear the case of Ukraine, as the events described in the application fall under the jurisdiction of the Government of the Russian Federation and must be examined on the merits.

The court thus reaffirmed its position on the application of the principle of effective control, repeatedly established in the cases of both individual applicants (Ilyashko and Others v. Moldova and Russia, Louise v. Turkey) and in interstate cases (Cyprus v. Turkey).

Now the European Court will proceed to considering the merits of the case and the Government of Ukraine will provide its position on the direct violations of human rights by the Russian Federation in the temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol.

The court also joined the Crimean case with another Ukrainian application filed in 2018. It concerns violations of the rights of 71 Ukrainian citizens who were illegally detained or continue to be detained in the temporarily occupied territory of the Autonomous Republic of Crimea and in the territory of the Russian Federation (persecution of Crimean Tatars, members of the Muslim organization Hizbut-Tahrir, persecution and imprisonment of Euromaidan activists, conviction of Ukrainian citizens for publications and comments on the Internet and others).

This case is one of numerous cases against the Russian Federation filed by Ukraine in the European Court of Human Rights in connection with Russian aggression. Two of them (concerning eastern Ukraine and the abducted orphans) were joined in November last year by the European Court with the case of the Kingdom of the Netherlands v. Russia concerning the downing of the MH-17 flight in July 2014.

Three other cases against the Russian Federation are supervised by the Ministry of Foreign Affairs of Ukraine: they are bringing before the International Court of Justice Russia's violations of the conventions for the suppression of the financing of terrorism and elimination of all forms of racial discrimination in Crimea. Arbitral tribunals are considering violations of the rights of Ukraine as a coastal state in the Black and Azov Seas and in the Kerch Strait, as well as illegal detention of 3 Ukrainian naval vessels and 24 members of their crews.

All these cases form a whole legal strategy to protect the interests of our state. We are convinced that Russia will not avoid responsibility for violations of human rights and fundamental norms and principles of international law.
