

Annex to the press release

On 22 July 2021, the Prosecutor's General Office of the Russian Federation, on behalf of the Russian Federation within the authority delegated to it by the Ministry of Justice in July 2021 to represent and defend the interests of the Russian Federation in the European Court of Human Rights (hereinafter, the European Court), submitted a complaint Russia vs. Ukraine under Article 33 of the European Convention on Human Rights and Fundamental Freedoms of 4 November 1950 (hereinafter, the Convention).

This is the first inter-State complaint in the history of Russia submitted by the Russian authorities to the European Court.

It refers to the events that followed the violent coup in Ukraine in February 2014. The seizure of power in Kiev, which resulted in more than a hundred victims, subsequently expanded into nationalist terror in Ukraine, war in Donetsk and Lugansk regions of Ukraine with thousands of casualties, including children, as well as tens of thousands destroyed houses, administrative buildings and critical infrastructure facilities.

People were killed, some citizens are still missing after the events that took place on the Independence Square in Kiev in February-March 2014, and in Odessa in May 2014, after an arson attack on the Trade Unions House. Inhumane and unpunished mass killings turned out to be possible in the twenty-first century.

The Ukrainian authorities not only failed to stop the actions of nationalists but also consented and acquiesced in criminal acts for more than seven years, they have not conducted any independent or effective investigation of the indicated crimes, as documented in numerous reports of international organizations and their authorized representatives (for example, the reports of the Office of the UN High Commissioner for Human Rights) (hereinafter, the OHCHR) based on the outcomes of the UN Human Rights Monitoring Mission in Ukraine (hereinafter, the HRMU), the International Advisory Panel on

Ukraine constituted by the Secretary General of the Council of Europe, the Amnesty International NGO and many others).

Neither the organizers, nor the direct perpetrators have ever been held criminally responsible.

These facts show the systemic administrative practice of violation of Article 2 (right to life), substantive and procedural aspects, and Article 3 (prohibition of torture), procedural aspect, of the Convention, established in Ukraine.

The complaint refers to a gross violation of the rights of Russian citizen E. I. Mefedov, guaranteed by Article 2 (right to life), Article 3 (prohibition of torture), Article 5 (right to liberty and security), Article 10 (freedom of expression) of the Convention, read alone and in conjunction with Article 14 of the Convention (prohibition of discrimination), during the events in the Trade Unions House in Odessa.

A civil war has been going on for seven years in Donetsk and Lugansk regions under the guise of a counter-terrorist operation. Indiscriminate attacks on settlements, public roads and civil infrastructure facilities, including those that supply water, electricity and gas, as well as medical and children's educational institutions in Donetsk and Lugansk regions of Ukraine by Ukrainian Armed Forces (hereinafter, Armed Forces of Ukraine), members of the Pravyi Sektor and other Ukrainian military formations continue to affect the lives of the civil population.

The administrative practice of killing civilians, including children, causing harm to their health, using intelligence agencies to persecute and intimidate citizens, destroying peaceful civilian homes and critical infrastructure facilities through deliberate and indiscriminate shootings (in terms of the European Court, use of excessive and lethal force) used by the Ukrainian servicemen since 2014 and to the present day is a serious violation of Article 2 (right to life), substantive and procedural aspects, Article 3 (prohibition of

torture), substantive and procedural aspect, Article 8 (right to respect for private and family life) of the Convention and Article 1 of Protocol 1 to the Convention (protection of property) by Ukraine.

The fact that the Ukrainian servicemen have been deliberately and regularly disabling the Donetsk Filtration Station that supplies drinking water to about 350 thousand people also show that they commit deliberate actions aimed at causing particular torment to the local population.

The Ukrainian side has constantly been violating the ceasefire regime, civilians and critical infrastructure facilities in eastern Ukraine have been shelled to the present day.

Since April 2014, a mass systemic administrative practice of kidnapping the citizens of Donetsk and Lugansk regions (including torture and inhuman and degrading treatment) by representatives of the Security Service of Ukraine and other military divisions of the Armed Forces of Ukraine that is complicated by the total absence of independent and effective investigation of such crimes, as well as domestic remedies, has been established in Ukraine. Families of victims of enforced disappearances, whom the Ukrainian investigative authorities do not provide with any investigative information, also suffer from such crimes.

In addition, many Russian citizens are abducted by servicemen of the Armed Forces of Ukraine and other military divisions, there are also cases of their forced disappearance. The complaint refers, among other things, to the kidnapping of the citizen of the Russian Federation who was traveling in Ukraine as a member of the Russian civil humanitarian convoy shelled by fighters of Aydar, the Ukrainian military battalion, a part of the National Guard of Ukraine. The whereabouts of this citizen remains unknown to the present day. The Ukrainian investigative authorities have not carried out any independent and effective investigation. The request submitted by the Prosecutor's General Office of the Russian Federation to the Prosecutor's

General Office of Ukraine for legal assistance on this criminal case initiated by the Russian investigative authorities has not been executed.

This criminal practice of forced disappearances of Russian and Ukrainian citizens is a violation of Article 2 (right to life), substantive and procedural aspects, Article 3 (prohibition of torture), substantive and procedural aspect, including in relation to sufferings caused to families of the dead and missing persons, Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) of the Convention, by Ukraine.

The ongoing civil war has made living conditions for the people in the Donetsk and Lugansk regions of Ukraine unbearable and resulted in the wave of refugees. The reasons for the forced displacement of people and their abandonment of their homes were shelling, threats to life and health, and complete disruption of livelihoods in populated areas – lack of electricity and gas, food, closed stores, the atrocities of the Armed Forces of Ukraine, the members of the National Guard of Ukraine, the Right Sector and representatives of other military units of Ukraine, and houses destroyed in the military action.

More than 2.5 million refugees from the territory of Ukraine, mostly from the Donetsk and Lugansk regions of Ukraine have been hosted by Russia. The Russian government has allocated substantial funds to settle the refugees and provide them with medical and social support.

The Ukrainian authorities are responsible for the forced displacement of the refugees – Ukrainian citizens from the Donetsk and Lugansk regions of Ukraine who had to leave their homes together with their families to build a new life, including abroad. These actions of the Ukrainian government seriously violate Article 8 of the Convention (the right to respect for private and family life, and home) and Article 1 of Protocol 1 to the Convention (the right to peaceful enjoyment of one's possessions).

The state border between Russia and Ukraine does not hinder the spread of dire consequences of civil war to the territory of the Russian Federation. In

the significant number of cases, Russian civilians who were not in any way involved in the hostilities and lived in the towns in the Rostov region of the Russian Federation near the Ukrainian border (Novoshakhtinsk, Donetsk (the town of the same name in the Rostov region of the Russian Federation), Kuybyshevo and other localities) as well as checkpoints personnel at the border on the territory of Russia, for instance, personnel of the Gukovo checkpoint, suffered from the shelling by the Ukrainian military who used indiscriminate weapons and excessive lethal force.

Since June 2014, there has been a significant number of fatalities among the Russian citizens – local residents and checkpoints personnel (customs officers and border guards) – and the property on the territory of the Russian Federation has been destroyed or damaged. In this regard, the complaint raises the issue of the systemic administrative practice of the Ukrainian authorities to violate the rights of the Russian citizens guaranteed by Article 2 of the Convention (the right to life), Article 3 of the Convention (prohibition of torture), Article 8 of the Convention (the right to respect for private and family life, and home) and Article 1 of Protocol 1 (the right to peaceful enjoyment of one's possessions).

Ukraine is fully responsible for the deaths of the passengers and the crew of the Malaysia Airlines Boeing 777 flight MH17 on 17 July 2014 as well as for causing suffering to the relatives of those killed as it seriously violated Article 2 of the Convention (the right to life) in the substantive and procedural aspects, Article 3 of the Convention (prohibition of torture) in the procedural aspect as it failed to take any measures to close its airspace. The respondent State failed to conduct an independent and effective investigation of the circumstances that prevented the responsible officials from closing the airspace. Ukraine has been presenting fabricated evidence in order to shift its blame for the air crash onto Russia.

Since 2014, the Ukrainian government has been carrying out physical elimination of opposition politicians and journalists. They have been killed, brutally beaten, illegally kidnapped, taken hostage, persecuted and intimidated on political grounds if they disseminate true information on the political situation in the country, criticise the Ukrainian discriminating laws, cover killings and wounding of civilians, including the wounding of children in the indiscriminate shelling on the territory of the Donetsk and Lugansk regions, as well as other information unfavourable to Ukraine.

Today, it is still dangerous to work as a journalist in Ukraine as there have been no positive developments in this area with the number of attacks on journalists not decreasing, according to the regular monitoring conducted by international organisations.

Russian journalists have suffered in their professional activities in Ukraine – Anatoly Klyan, a cameraman with Channel One, Anton Voloshin, a sound engineer, and Igor Kornelyuk, a correspondent with the All-Russia State Television and Radio Broadcasting Company (VGTRK) were killed; Andrey Stenin, a photojournalist with the Rossiya Segodnya International Information Agency was kidnapped and killed; an attempted murder of a Russian citizen Fyodor Zavaleykov, a cameraman with the RTRUPTLY video agency (as part of Russia Today TV-channel); Yevgeny Davydov and Nikita Konashenkov, journalists with the television and radio broadcasting company Zvezda were seized by the Ukrainian military, members of the National Guard of Ukraine and the Right Sector with subsequent ransom demands for their release in the amount of 200,000 USD.

The Kiev regime has gone way too far – journalists from other foreign states have been experiencing the same mass persecution (for instance, in May 2014, an Italian journalist Andrea Rocchelli was killed), and the same goes for the Ukrainian journalists whose position is unfavourable for the ruling elite.

Independent and effective investigations of these crimes against journalists have not been conducted so far. International community has long been concerned about Ukraine's inaction in this regard and has expressed its concerns in numerous reports by international organisations (e.g. UN OHCHR reports based on the work of the HRMMU, etc.).

Such an ongoing systemic administrative practice of the Ukrainian government of outright stifling of the freedom of expression by force, including by means of physical elimination of political opponents and journalists, seriously violates Article 2 of the Convention (the right to life), Article 3 of the Convention (prohibition of torture), Article 5 of the Convention (the right to liberty and security), Article 8 of the Convention (the right to respect for private and family life) and Article 10 of the Convention (freedom of expression) taken separately and in conjunction with Article 14 of the Convention (prohibition of discrimination).

The Ukrainian media have never seen such an attack before. In 2017, 2018 and 2021, a number of Decrees of the President of Ukraine have restricted or suspended access to many opposition or Russian-language information resources, for instance, to the Ukrainian opposition channels 112 Ukraine, NewsOne and ZiK, as well as to the Russian-language broadcasting channels – Channel One, VGTRK, Zvezda, TNT, Ren-TV, TV-Centre, NTV+, RT, news agency RIA Novosti (including to its Ukrainian branch), Internet platforms VKontakte, Odnoklassniki, RBC and Yandex, such media web-sites as ria.ru, sputniknews.com, 1prime.ru, rsport.ria.ru, realty.ria.ru, rian.com.ua, rtr-planeta.com, russia.tv, vesti.ru, tvkultura.ru, digitalrussia.tv.

These restrictions had no legal basis and caused a wave of disapproval from the representatives of international organisations and associations of journalists. In particular, the HRMMU in its Report on the human rights situation in Ukraine for the period from 1 February 2021 to 30 April 2021, expressed its concern about the non-compliance of the decision to close three

information TV-channels that are considered pro-Russian ones with international human rights standards.

The cut-off of opposition and Russian-language TV channels and the blocking of other information resources whose opinions differ from the position of government officials constitutes a violation by Ukrainian authorities of article 10 of the Convention (freedom of expression).

Ukraine is a multinational State, the Russian language is the native language for about one third (29.6 per cent) of its population. At the same time, the nationalistic government that took office in Ukraine in 2014 has been carrying out an administrative policy aimed at broad discrimination of the Russian-speaking population, intentional and constant suppression of such people in Ukraine, and the expulsion of the Russian language from the public sphere, primarily from secondary and higher education.

The adoption of Laws No. 2145-VIII of Ukraine of 5 September 2017 on Education and No. 2704-VIII of 25 April 2019 on Ensuring the Functioning of the Ukrainian Language as the State Language that, among other things, govern the use of languages in education (articles 7 and 21 respectively), has led to the establishment of different modes for the teaching of languages of indigenous peoples of Ukraine, the official languages of the European Union (hereinafter referred to as the EU) and the languages of national minorities that are not official EU languages.

Resolution 2189 (2017) of the Parliamentary Assembly of the Council of Europe of 12 October 2017 states, among other things, that the new law on education entails a strong reduction in the rights of national minorities, who were previously entitled to have monolingual schools and fully fledged curricula in their own language, but now find themselves in a situation where education in their own languages can be provided (along with education in Ukrainian) only until the end of primary education. PACE believes that this approach is not conducive to the concept of “living together”.



In its Opinion No. 902/2017 of 11 December 2017 on the Provisions of the Law of Ukraine on Education of 5 September 2017, the Venice Commission concluded that the less favourable treatment of the Russian language and other languages which are not official languages of the EU is difficult to justify.

The Ukrainian authorities provoked more social confrontation on 16 January 2021, when certain provisions of the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language” entered into force, providing for the full transition of customer service and public institutions to the Ukrainian language. According to article 57 of the law, the use of the Russian language in customer service will lead to financial penalties.

Since 2014, the Ukrainian authorities have been firing teachers of humanities (the Russian language, literature, philosophy, etc.) from educational institutions, including for the use of the Russian language or criticizing the Ukrainian authorities, leaving them without work or income, forcing them to emigrate to Russia.

These circumstances show that the Ukrainian authorities have been implementing a systemic administrative practice to undermine the rights of Russian-speaking residents of Ukraine to use the Russian language in public or other institutions, in education, customer service, etc., in grave violation of article 8 of the Convention (right to respect for private and family life) regarding cultural identity and integrity, article 10 of the Convention (freedom of expression), article 2 of Protocol No. 1 to the Convention (right to education) alone and read in conjunction with article 14 of the Convention (prohibition of discrimination), as well as article 1 of Protocol No. 12 to the Convention (general prohibition of discrimination).

The Dnieper is a transboundary river that flows through three States: Russia, Belarus, and Ukraine. This transboundary river is not owned exclusively by Ukraine. The Dnieper rises in Smolensk Oblast of the Russian Federation on the southern slope of the Valdai Hills.

In violation of treaty obligations under the provisions of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 17 March 1992, in April 2014, after the reunification of the Crimea with Russia, Ukraine unilaterally blocked this source of fresh water for the peninsula via the North Crimean Canal. Ukraine made no warning, Crimean residents just had to face this fact.

The decision of the Ukrainian authorities to block the main source of fresh water for the Crimean peninsula had very negative humanitarian, environmental, and economic consequences for residents of Crimea.

When the supply of fresh water was cut, the living conditions in Crimea worsened for the entire Crimean population, in particular the most vulnerable groups – persons with disabilities, older persons, children, pregnant women.

The purpose of blocking this canal that was essential for the Crimean peninsula was to put moral pressure on its residents and force them, out of concern for their own or their loved ones' life and health, to change the political position of the majority of population that had been expressed during the March 2014 referendum. Basically, it is revenge for the expression by hundreds of thousands of residents of their political position.

The Working Group of the State Council of the Republic of Crimea has assessed the damage to the budget of the Republic of Crimea and local budgets caused by Ukraine's blocking of the North Crimean Canal in May 2014 at 819.52 billion rubles, including 420 billion rubles in the area of public utilities, 104.58 billion rubles in water resources, 277.6 billion rubles in agriculture and fisheries, 17.34 billion rubles in the replenishment of the mineral and raw materials base and forestry. Furthermore, the damage to the tourism and health resort sector of the Republic of Crimea amounts to 586.5 billion rubles.

The systemic administrative practice adopted in April 2014, the so-called "water blockade" of Crimea by Ukraine, is a large-scale violation of rights of 2.5 million permanent residents of Crimea and several million citizens of

Russia and other countries, including Ukraine, who visit it on vacation and for medical treatment, enshrined in articles 3, 8, 14 of the Convention (in conjunction with articles 3, 8 of the Convention), article 1 of Protocol No. 1, Protocol No. 12 to the Convention.

As early as on 3 March 2016, the Office of the United Nations High Commissioner for Human Rights requested Ukraine to investigate statements regarding human rights violations during the blockade of Crimea.

For more effective crackdown on opposition politicians and journalists, in August 2014, extremist web-site Mirotvorets was launched with support from Ukrainian authorities, it is still operating and expanding. As of 14 March 2021, this database included information about over 240,000 persons, as well as 3.5 million photographs received illegally (by hacking or phishing) and by means of intelligence, published without consent of persons whose personal data has been shared.

Not only was information about Russian and Ukrainian individuals entered into the Mirotvorets database, but on 10 May 2016, for example, personal data of journalists, including reporters from foreign media was published there, such as AFP, Al Jazeera, Le Monde, BBC, Reuters and Forbes. A high-profile scandal broke and hit the headlines outside Ukraine; the global community supported a ban on the publication of personal data. Nevertheless, the site continued to operate.

The authorities of the Russian Federation stress the unacceptability of publishing, with the approval and connivance of the official Ukrainian authorities, lists of "enemies of Ukraine" with their photographs, which, in addition to Russian nationals, also include, for example, members of the European Parliament, Peter Szijjarto, Chair of the Committee of Ministers of the Council of Europe and Hungarian Minister of Foreign Affairs, , and other high-ranking representatives of international organizations.

The systematic administrative practice of violating the rights of citizens and officials related to the disclosure by the Internet resource Mirotvorets of their personal data, without their consent, constitutes a gross violation on the part of the Ukrainian authorities of Article 2 of the Convention, Article 3 of the Convention, Articles 8 and 10 of the Convention, taken separately and together with Article 14 of the Convention, Article 18 of the Convention, as well as Article 33 of the Convention, taken together with the provisions of the last sentence of Article 34 of the Convention.

Since 2014, Kiev has repeatedly seen carefully planned and orchestrated nationalist attacks against the Embassy of the Russian Federation in Ukraine, Consulates General of the Russian Federation in Lvov and Kharkov, the Trade Mission of the Russian Federation in Ukraine, the Russian Centre for Science and Culture in Ukraine, as well as Russian nationals, i.e. employees of these missions (including with the involvement of certain members of the Verkhovna Rada of Ukraine, members of C-14, right-wing radical organization, activists of such Ukrainian associations, as All-Ukrainian Association Svoboda, Automaidan, Euromaidan, Maidan Self-Defence, Crimean Diaspora, and football fan clubs of Ultras, etc.).

The lives and health of Russian diplomats are under constant threat. Aggressive assailants break into buildings armed with axes, sticks, crowbars and other objects used as weapons; there have been cases where Russian diplomatic officials were beaten, threatened and insulted, buildings of Russian foreign missions attacked by people throwing paving stones, Molotov cocktails, smoke bombs and bottles containing liquid that is difficult to remove, CCTV cameras disabled, and diplomatic vehicles destroyed or damaged.

Between 2015 and 2020, the Prosecutor General's Office of the Russian Federation sent 33 requests for legal assistance regarding the above cases to the Office of the Prosecutor General of Ukraine (formerly the Prosecutor General's Office of Ukraine), none of which has so far been properly granted.

When denying all Russia's requests for legal assistance in terrorist criminal cases, the Ukrainian side referred to the fact that the relevant crimes were the subject of its own general criminal investigations in Ukraine.

However, Ukraine has so far failed to conduct independent and effective investigations into these cases, and the masterminds and perpetrators of the crimes have not been identified or prosecuted.

As can be seen from the above, in violation of Article 2 of the Convention, Article 3 of the Convention, Articles 8, 18 of the Convention and Article 1 of Protocol No. 1 to the Convention, taken together with Article 14 of the Convention, a systematic administrative practice has been established since 2014 in Ukraine of committing "terrorist crimes" against Russian nationals with international protection status, as well as of refusing to investigate such cases and to engage in international cooperation on extradition of suspects (accused persons), and to provide legal assistance in criminal cases.

In violation of Article 3 of Protocol No. 1 to the Convention (right to free elections), residents of Donetsk and Lugansk oblasts of Ukraine are deprived of the opportunity to vote in elections for the President of Ukraine, as well as members of the Verkhovna Rada of Ukraine. The choice of these regions' population, which, according to the 2001 census, stood at more than 7 million people, is not taken into account. They are deprived of the opportunity to vote for candidates and elect representatives for their districts.

As a result of political persecution and sanctions imposed by the Ukrainian authorities, a number of major Russian companies in the energy, banking and telecommunications sectors and/or their subsidiaries (for example, PAO Lukoil, PAO Sberbank, VSBank, Prominvestbank, VTB Bank, BM Bank, social network VKontakte which is a part of Mail.ru Group holding company, the Russian information holding company Yandex and many other entities) had to cease operations on the Ukrainian market, which caused them significant material damage.

In addition, the Ukrainian law "On sanctions" was adopted in August 2014, paving the way for Ukraine's subsequent arbitrary adoption of any restrictive measures against business activities of Russian companies and individuals.

The Ukrainian authorities' systematic administrative practice of politically motivated prosecution and imposition of sanctions on Russian businesses, causing them material damage, violates Article 1 of Protocol No. 1 to the Convention (protection of property) taken together with Article 14 of the Convention (prohibition of discrimination), as well as Article 1 of Protocol No. 12 to the Convention (general prohibition of discrimination).

The European Court has earlier recognized the role of States Parties to the Convention in drawing attention to violations of the Convention by others and ensuring compliance therewith, particularly given the violations committed to the detriment of certain groups, including but not limited to political and/or ethnic groups (see, for example, *Austria v. Italy*, *Ireland v. UK*, *Cyprus v. Turkey* (third case), and *Denmark, France, the Netherlands, Norway and Sweden v. Turkey*).

International organizations and foreign states allocate funds to Ukraine for the establishment of democracy and the adoption of laws that meet the Council of Europe's standards, but there is no improvement. Years pass, efforts and funds are expended, but UN bodies (for example, the UN OHCHR), the Council of Europe, the Venice Commission for Democracy through Law and other international organizations do not see any positive changes in the human rights situation in Ukraine.

The Russian Federation is committed to the ideals of democracy, respect for human rights and freedoms, and is therefore forced to lodge an interstate complaint with the European Court of Human Rights in order to halt the administrative practices of Ukraine's mass violations of the rights guaranteed by the Convention and its protocols.