

16 July 2019

**The Mejlis of the Crimean Tatar People**

**Item 8**

1. Dear Brothers and Sisters, distinguished participants of the EMRIP session.
2. As we are following up to the EMRIP thematic studies, we'd like to comment on the study "Efforts to implement the UNDRIP: recognition, reparation and reconciliation", as well as previous studies issued by the EMRIP.
3. Each study of this kind may serve its purpose as the advising source only if it is objective, applicable, and relevant, which, in turn, requires the analysis of real cases.
4. Speaking about real cases, there are many around the globe, especially in Central Africa, Eastern Europe and Latin America and we thank the EMRIP for including part of them to the study.
5. However, all studies both issued and upcoming, do not cover some significant cases forming a substantial gap that can undermine their objectivity and neutrality.
6. We'd like to focus on our native land Crimea to show you that the reality we face for the last five years has nexus to the subject of the EMRIP studies, as well as crucial importance for their objectivity due to the scale and impact of the developments.
7. As you may know, in 2014 Crimea was occupied and annexed by Russia.
8. Immediately after the occupation started, Russia launched massive repressive policies against indigenous Crimean Tatar people and those who openly expressed their disagreement with the annexation.
9. Report on access to justice ignored the situation in the occupied Crimea, while tortures, killings, abductions, searches, illegal detentions and other forms of persecution came to our lives. No information is provided by the de facto authorities in Crimea in respect to the grounds of allegations.
10. According to international humanitarian law, the occupying power shall not apply its laws within the territory it seized. In fact, in the occupied Crimea, Russia applies its laws even retroactively. In some criminal proceedings, opened against representatives of indigenous Crimean Tatar People, so-called judges refer to the events that happened several years before the start of the temporary occupation.
11. Draft report on IPs' rights in the context of borders, migration and displacement has no reference to the fact that about 20 000 Crimean Tatars displaced to non-occupied part of Ukraine.
12. If you asked me to list all violations committed by Russia in occupied Crimea, I would need 3 days instead of 3 minutes. The majority of them are documented by OHCHR and reflected in quarter and thematic reports prepared by the UN Human Rights Monitoring Mission in Ukraine.
13. OCHA and UNHCR regularly provide data with regard to internal displacement in Ukraine, which was fuelled by the Russian aggression.
14. The temporary occupation of Crimea is illegal due to the violation of territorial integrity of Ukraine and respective principles of international law.

15. With respect to free, prior and informed consent and respective study, the occupation became a tremendous example of how the State can violate the right of indigenous people to self-determination. The highest, elected representative bodies of Crimean Tatar people expressly stated that the occupation contravenes our political, social, economic and cultural priorities.
16. Speaking about recognition, the respective draft report did not mention developments in Eastern Europe and the fact that in 2014 the Parliament of Ukraine recognized Crimean Tatar People as indigenous as well as our highest representative bodies and right to the self determination within the sovereign and indivisible Ukrainian State.
17. Our system of highest representative, elected bodies was damaged, as one of its organs - the Mejlis was banned in 2016. Russia did not reverse this decision despite the relevant Order of ICJ. We are surprised and deeply concerned that distinguished Expert Mechanism in its report overlooked the case of ICJ that considers issues related to recognition, discrimination against indigenous people and prohibition of its representative institution.
18. In May 2019, the Parliament of Ukraine addressed the UN, PACE, NATO, OSCE and Parliaments condemning violation of the rights of indigenous peoples by Russia.
19. ICC qualified the occupation of Crimea as international armed conflict. Unfortunately, the draft report does not pay attention to the situation of IPs' living in the circumstances of international armed conflict. In this regard, we ask the EMRIP:
  - to include to its studies the analysis of situation in Eastern Europe, in particular in Ukraine and its temporarily occupied territories.
  - to provide HRC as well as indigenous peoples with advice on application of the Declaration in situations of international armed conflicts (*and its correlation with IHL*).