



UKRAINIAN AMERICAN BAR ASSOCIATION

Асоціація Українських Правників Америки

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The Ukrainian American Bar Association Denounces the Upcoming Crimean Referendum

The upcoming referendum in Crimea as well as the circumstances surrounding the referendum as created by Russia and its local agents are an outrageous violation of the civilized norms of international behavior developed and adopted after World War II. More specifically, such conduct is illegal, illegitimate and immoral.

The referendum is illegal most fundamentally because under the Ukrainian constitution no portion of Ukraine has the right on its own and by itself to conduct a referendum regarding secession. Then, the antecedent invasion and occupation of Crimea by Russia was itself illegal. Pursuant to the 1994 Budapest Memorandum on Security Assurances to Ukraine, Ukraine agreed to surrender its nuclear arsenal in return for written assurances by Russia, the United States and Britain that, among other things, Ukraine's territorial integrity would be inviolate. Russia now has not only failed to perform under its pledged assurance but has *itself* carried out an invasion and occupation of a portion of Ukrainian territory. This invasion and occupation also violates the Charter of the United Nations, to which Russia and Ukraine are signatories, which requires all member states to refrain from the threat or use of force against the territorial integrity or political independence of any other state.

The referendum is illegitimate because it will be carried out under circumstances that are laughably prejudicial. To begin, the choices posed by the referendum have been rigged so that a voter cannot vote against secession and in favor of continued integration within Ukraine; instead, the voter will only be able to choose unification with Russia or an option that would result in purported Crimean independence. Second, occupying Russian forces have prevented any outside international observers from entering Crimea. Third, the referendum will be conducted while Crimea is filled with Russian tanks and troops, and, fourth, the referendum will be conducted while Russian-supported thugs have been terrorizing pro-Ukrainian segments of the Crimean population with beatings and kidnappings.

The referendum, invasion and occupation are also immoral, this because of who the perpetrator is and who the victim is here. Today's Russia is the proud successor state of the Soviet Union, the very same Soviet Union whose leaders committed mass murder and other crimes against Ukrainian humanity by, for example, deliberately starving millions of Ukrainian peasants during the Holodomor of 1932-33, executing hundreds of thousands of Ukraine's elites, destroying the Ukrainian Orthodox Church and then the Ukrainian Catholic Church, and committing numerous other predations. The same Soviet Union in whose concentration camp Vasyl Stus died as recently as 1985 after spending 23 years in Soviet detention for the crime of writing patriotic Ukrainian poetry and standing up for Ukrainian cultural and linguistic rights.

Lastly, it is also ironic in a perverse sort of way that Russia and its local agents have posted referendum billboards in Crimea juxtaposing a purported "Nazi" Ukraine with a Russian Ukraine given that in 1939-1941, it was none other than the Soviet Union that was Hitler's close partner in perpetrating what Yale historian Timothy Snyder has termed the "Bloodlands" and its full partner in starting World War II by jointly and in full coordination attacking and dismembering Poland.

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