**Research Report**

 **International Court of Justice**

***Addressing the dispute over Russia’s allegations of financing terrorism and racial discrimination in Ukraine***

*Student Officers:*

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**Introduction**

Early March 2014, the Russian Federation annexed Crimea by invading the Crimean Peninsula. Soon a public referendum was held, according to the Russian officials the majority voted to be part of the Russian Federation, however, this is not recognized internationally. To this day, Crimea is controlled by the Russian Federation with armed pro-Russian forces (Britannica, n.d.).

On 13 January 2017, Ukraine requested the International Court of Justice (ICJ) provides measures of protection against the Russian Federation stressing the constant threat of the fundamental rights of the civilians in Ukraine (International Court of Justice, n.d.).

Ukraine took the case to the ICJ on grounds of the Russian Federation committing violations of the International Convention for the Suppression of the Financing of Terrorism (ICSFT) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Describing a multifaceted attack on the people of Ukraine by the Russian Federation, as they allegedly supplied heavy weaponry and other support to illegal armed groups within eastern Ukraine, which have engaged in acts of terrorism. Moreover, Ukraine argues that the Russian Federation used its control of Crimea to apply Russian ethnic dominance, erasing the culture of non-Russian communities through constant campaigning of discrimination (International Court of Justice, n.d.).

**The Committee**

​​The International Court of Justice (ICJ) is the United Nation’s principal judicial organ. The ICJ consists of the President of the ICJ, the Vice-President and the Head of Judges. These roles will be assigned to the student officers. The ICJ has jurisdiction over two types of cases: contentious (settling international legal disputes between states) and advisory (providing advisory opinions on inquiries of international law to certain UN organs and specialised agencies). The ICJ consists of 16 delegates, divided into eight judges and eight advocatess. A case consists of a dispute between two countries. Each country who is in conflict has an ally country, totalling to four advocates representing each side. The other eight delegates act as judges. Bear in mind that the judges should act impartially. Each delegate will take the role of a judge and an advocate twice. During the conference, the ICJ will discuss two cases per day totalling up to four cases. For each case, there is a followed process consisting of four stages:

1. All countries have to merge the charges they prepared into one and write an **opening statement**. At the start of each case, both parties involved in the dispute have to give their opening statement. In the opening statement the advocate will read their charge to the judges and explain their charge.
2. After the opening statements, the first part of the debate will commence. This starts as an **open debate** and has a time limit. Both countries can attack the others’ charge and support their own. The judges can also ask each country to clarify clauses in their charges, or the charge as a whole.
3. Proceeding the open debate, the debate will continue as a **closed debate**, which also has a time limit. For both charges, there will be time in favour and time against. It is required for each country to speak at least once in favour of their charge, and at least once against the other charge.
4. After the closed debate, the ICJ will move into **voting procedures**, the charge of the accusing country will be voted on.

**Keywords**

Provisional Measures = Temporary actions taken by a court to preserve the rights of parties involved in a dispute until a final judgment is rendered.

Crimean Tatars = also referred to as Kirimli or Qirimli are one of Ukraine’s indigenous peoples. Although not all Crimean Tatars are practicing Muslims, their culture is rooted in Islamic tradition. Their mother tongue is Crimean Tatar, a Turkic language, although nowadays the Tatars speak mostly Russian and Ukrainian (The Kyiv Independent, n.d.)

CERD = also known as the International Convention on the Elimination of All Forms of Racial Discrimination, which is a United Nations convention. The Convention requires its parties to criminalize hate speech and criminalize membership in racist organizations (Wikipedia contributors, n.d.)

ICSFT = also known as the International for the Suppression of the Financing of Terrorism, which is also a united nations convention. The convention is meant to enable UN bodies to condemn nations for the financing or participation in terrorism (United Nations, 1999)

ICJ = the International Court of Justice, an organ of the United Nations which is the only international court that adjudicates general disputes between nations, and gives advisory opinions on legal issues. The ICJ is located in The Hague, the Netherlands (United Nations, 1999)

Peninsula = an area of land mostly surrounded by water but connected to a larger piece of land. Crimea is an example of such a peninsula (Cambridge Dictionary, n.d.)

Terrorism = Violent, criminal acts committed by individuals and/or groups who are inspired by, or associated with, designated foreign terrorist organizations or nations. (FBI, n.d.)

Mejlis = the only higher authorized representative and executive body of the Crimean Tatar people. The Mejlis of the Crimean Tatar people in its current form was founded in 1991 to represent the interests of the Crimean Tatars before the Ukrainian and Crimean authorities, as well as in international organizations (QTMM, n.d.)

Political prisoner = A person deprived of his or her personal liberty solely because of political reasons, not due to the committing of an offence (Council of Europe, 2006)

Racial discrimination = Any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition of human rights and fundamental freedoms (European Migration Network, n.d.)

Indoctrination = the process of repeating an idea or belief to someone until they accept it without criticism or question (Cambridge Dictionary, n.d.)

Authoritarianism = the belief that people must obey completely and not be allowed freedom to act as they wish (Cambridge Dictionary, n.d.)

EU = abbreviation for the European Union: the organization, since 1993, through which European governments who choose to be members make decisions and agree on shared action in social and economic matters (Cambridge Dictionary, n.d.)

NATO = North Atlantic Treaty Organization, created in 1949 by the United States, Canada, and several western European nations to provide collective security against the Soviet Union (Office of the Historian, U.S. Department of State, n.d.)

**Overview**

Ukraine has made allegations against Russia based on violations of the ICSFT and CERD. Below is an explanation of the CERD and ICSFT allegations.

CERD

According to Ukraine, Russia violated the convention on the elimination of all forms of racial discrimination because of their unfair treatment of the native peoples of Crimea; the Crimean Tatar people. ‘Statements that defame Crimean Tatars were made by high-level Russian officials and broadcasted by Russian state media. Among them, for example, is the statement by the Secretary of the Security Council of the Russian Federation Nikolay Patrushev (July 9, 2018) that the political, social, and economic situation remains unstable due to the government of Ukraine, Ukrainian nationalists and the Mejlis of the Crimean Tatar people.’ (ACD memorial, 2022). Moreover, some head figures in the Mejli community were banned after the annexation of Crimea under the guise of them being a ‘terrorist group’. Ukrainian language was said to be banned in schools, there was an impossibility to opt out of Russian citizenship, and Ukrainian media was suppressed. (HUDOC)

ICSFT

Moreover, Ukraine also alleged that Russia violated the international convention for the suppression and financing of terrorism. The Russian government had cleared out certain funds for Russian organizations operating in Crimea. Ukraine asserted that this money was used to carry out terrorist attacks against the Ukrainian people in the region, and that Russia should have to pay reparations for the damage done to the region. The ICJ concluded that it was impossible to prove whether Russia had intent of terrorism when funding the groups, but does state that Russia was in the wrong due to its failure to investigate whether their funds were being used for terrorist purposes

**Arguments**

There are a few key organizations involved in the Crimean conflict. Below they are listed and their role in the struggle is explained

Ukraine:

* The ICJ case did not work in favor of the Ukrainian government at all. Not only did they not receive damages for the allegations made, they had also invested a lot of money into the defense for the ICJ, which caused huge losses for the country. It was in the Ukrainian interest to win this case. Although the ICJ is only an advisory body, a condemnation of Russia based on the CERD and ICSFT would be ‘a huge help because a strong judgement on the merits in favor of Ukraine had the potential of being used by the Ukrainian government when lobbying to confiscate frozen Russian assets.’ (EJIL talk!, 2024). The Ukrainian stance is that Russia did indeed finance terrorism in the regions of Crimea and that the Crimean Tatar people were and are still discriminated against. A win the case would put some pressure on Russia from the international community, which would be favorable for Ukraine’s goals of liberating the area

Russia:

* The ruling made by the ICJ has been positive towards the Russians, who have maintained from the beginning that the claims made by Ukraine were not supported by sufficient evidence. Currently, the Russian government still occupies the Crimean Peninsula after they annexed it from Ukraine in 2014. It is in their interest to remain in power in order to reduce the threat of takeover of Russian infrastructure by extremists. With extremists the Crimean Tatar people are indicated.

The EU countries:

* The International Court of Justice is an advisory body of the United Nations. In the case Ukraine v Russia, the court had to carefully weigh the arguments made by both sides. The EU’s interests mainly revolve around peace in the region. A condemnation of Russia by the ICJ could have been advantageous for the EU, as it would provide cause to further impose sanctions on Russia, which could help in ending the current conflict going on in Eastern Ukraine. The EU is in support of Ukraine on the current issue, but it is also in its interest to end any adversities between the two countries as soon as possible. The conflicts have had a negative effect on the European economy, seeing as a lot of funds have to be provided to Ukraine.

Other nations with CERD/ICSFT issues

* ‘The court’s very narrow interpretation of ICSFT and CERD has not only been discouraging to Ukrainians, but also to the wider international law community.’ The ICSFT had never been tested in the ICJ before, and other CERD cases (Georgia v Russia, Qatar v United Arab Emirates) also did not have a satisfactory result to the charging party. Countries such as Georgia, Qatar, and Ukraine were limited by the narrow ruling of the ICJ, and therefore it is in their best interest for the interpretation of such treaties to become wider

**Timeline of events**

* *February, 2014:* Revolution of Dignity (Britannica, n.d.).
	+ End of Euromaidan protests, where there were deadly clashes between protesters and state forces in Kyiv
* *Early March, 2014*: Annexation of Crimea (Britannica, n.d.).
	+ Sergey Aksyonov became Crimea’s prime minister.
	+ Voice and data links between Crimea and Ukraine were severed.
	+ The Russian Federation had moved its troops in the region.
* *March 6, 2014*: Crimean parliamentary vote to join the Russian federation.
* *March 16, 2014*: public referendum
	+ The voting process contained irregularities, including the presence of armed men at polling stations and a 97% vote in favor of joining the Russian Federation (Britannica, n.d.).
* *March 18, 2014*: signing of the treaty by President Vladimir Putin, Sergei Aksyonov, Vladimir Konstantinov and Alexei Chaly, which incorporates Crimea into the Russian Federation (Britannica, n.d.).
* *March 21, 2014*: agreement signed by Putin ratifying the integration of Crimea into Russia (Britannica, n.d.).
* *13 January 2017*: Ukraine has requested provisional measures of protection against the Russian Federation (Britannica, n.d.).
* *February 1, 2017:* Ukraine submitted an application of International Convention for Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (International Court of Justice, n.d.).
* *April 19, 2017*: Court finds that Russia must refrain from imposing limitations of the Crimean Tatar community to conserve their representative institutions and ensure availability education in Ukrainian (International Court of Justice, n.d.).
* *January 31, 2024*: application of International Convention for Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (International Court of Justice, n.d.).

**Resolution**

To address this issue, it is essential to draft a solution that aims to resolve the dispute between Russia and Ukraine. Bear in mind that as a delegate, you represent your country’s official stance on this issue. Consider your countries norms and interests rather than your personal ideas and values. The resolution should reflect your country’s perspective based on economic, political, cultural, and ethical factors. If your country is not immediately affected by this issue, research the perspectives of your allied nations to understand their stance on the dispute, so you know which resolutions to help with and vote on. Furthermore, your resolution must also include possible solutions which are clearly elaborated and when needed examples are used. For extra information on resolution-writing and the guidelines, visit the MUNA website and read the ‘MUNA Instruction Booklet’

<https://munalfrink.nl/conference/downloads/>

**Links and sources**

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