

ICJ: UKRAINE v. RUSSIAN FEDERATION (Order of 16 March 2022 in the Case Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide) / Lukáš Mareček

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Abstract: *The author of the paper writes about the order of the International Court of Justice indicating provisional measures on a basis of Ukraine's request. The request was to a larger degree granted. In the paper, the author points out that the fact that the order was issued does not resolve the issue of jurisdiction, which remains to be decided and could be crucial for Ukraine to maintain in its argumentation as the link between the case and the Genocide Convention (1948) seems to be rather weak. Secondly, the author thinks about the consequences of the "not to aggravate the situation" measure which was imposed also on Ukraine.*

Key words: *Provisional Measures; Jurisdiction; Ukraine; Russian Federation; International Court of Justice*

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1. INTRODUCTION

International armed conflict between the Russian Federation and Ukraine, which started in the year 2014 resulted in the military occupation of the Crimean Peninsula and in the rise of separatist movements in eastern regions of Ukraine. This armed conflict even further escalated on 24 February 2022 when the Russian armed forces invaded further into Ukrainian state territory.

One of the motives why the Russian government decided to undertake full-scale aggression against Ukraine was the claim that the Russian minority in Ukraine is a victim of the anti-Russian genocide perpetrated by Ukrainian authorities.¹ Thus, the Russian

¹ „As I [that is Vladimir Putin] said in my previous address, one cannot look at what is happening there without compassion. It is simply not possible to stand all this anymore. It is necessary to immediately stop this nightmare – the genocide against the millions of people living there, who rely only on Russia, only on us. These aspirations, feelings, pain of people are the main motivation for us to take the decision to recognise the people's republics of Donbas... Its [that is special military operation] goal is to protect people who have been subjected to abuse and genocide by the regime in Kyiv for eight years. And for this we will pursue the demilitarisation and denazification of Ukraine, as well as bringing to justice those who committed numerous bloody crimes against civilians, including citizens of the Russian Federation.” (e.g., Al Jazeera Staff, 2022; Gotev, 2022).

requested or even indicate provisional measures that were not requested as it follows from its power to indicate provisional measures also *proprio motu*, although the Court never used its power to indicate measures without any prior request.

The Court granted the request of Ukraine in the first point, though slightly modified.² It indicated the duty of the Russian Federation to immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine, as well as in the second point which is to ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations.³

The first point of the operational part of the order is theoretically the clearest as it directs to the action of Russian armed forces that commenced on 24 February 2022. This point does not address the situation in Crimea, where the armed forces of the Russian Federation were present and thus operating even before the above-mentioned date. The second point⁴ could be interpreted as including actions in armed conflict of separatists or private military contractors/mercenaries, also only after the date 24 February 2022.

Against these provisional measures were Russian judge Gevorgian and Chinese judge Xue.

The reasons for voting against were based on a lack of jurisdiction of the Court. Judge Gevorgian argued⁵ that the jurisdiction of the Court must be based on the consent of parties as it follows from the consensual character of the international judiciary.

The consensual character of the international judiciary follows from the principle of sovereign equality of states where one state cannot force another state to accept the jurisdiction of a selected court. Consent to the jurisdiction of the International Court of Justice could be given in three ways:

- a) Consent given by a declaration per art. 36 of the Court's Statute (optional clause), which Russia never gave.
- b) Consent given by a special agreement made by parties concerning an existing dispute, which was not concluded.
- c) Consent given by a judicial clause in an international treaty – this is claimed by Ukraine to be the basis for jurisdiction, as the Genocide Convention (1948) contains such a provision in article nine.

That is why Ukraine filled an application against Russian Federation not on a basis of aggression, which would be *prima facie* out of the scope of the Court's jurisdiction, but on a basis of genocide, as Russia is a party to the Genocide Convention (1948), being a successor to the Soviet Union, which did not make a reservation to this

² The Court excluded second half of the request which worded „The Russian Federation shall immediately suspend the military operations commenced on 24 February 2022 that have as their stated purpose and objective the prevention and punishment of a claimed genocide in the Luhansk and Donetsk oblasts of Ukraine” and imposed only “The Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine.” Request for Indication of Provisional Measures Submitted by Ukraine, § 20 (a). Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220227-WRI-01-00-EN.pdf> (accessed on 30.09.2022); Order of 16 March 2022 in the case Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), § 86 (1).

³ Order of 16 March 2022 in the case Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), § 86.

⁴ Similarly, as first point, the second point was also granted in a modified way.

⁵ Declaration of Vice-President Gevorgian, § 1, 7. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-01-EN.pdf> (accessed on 30.09.2022).

provision. Basically, Ukraine's claim is that the allegation of genocide does not justify the use of armed force.

Judge Gevorgian however argues, that "it is evident that the dispute that Ukraine seeks to bring before the Court, in reality, relates to the use of force by the Russian Federation on Ukrainian territory."⁶

This is confirmed also by the Court's case-law:⁷ "The threat or use of force against a State cannot in itself constitute an act of genocide within the meaning of Article II of the Genocide Convention."⁸

And thus, according to judge Gevorgian, the Court, in this case, lacks *prima facie* the jurisdiction *ratione materiae* and in such a case the Court cannot indicate provisional measures. A Court may issue provisional measures only in cases where there is at least a possibility, that the jurisdiction of the Court is given.

However, what distinguishes this case from the previous (Yugoslavia's applications in 1999) is that in this case, Ukraine does not claim that the Russian invasion is an act of genocide, but that the aggression cannot be justified by an allegation of genocide.

The indication of provisional measures in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the application or the merits themselves,⁹ therefore the case could be declared inadmissible at a later stage.

We may agree with the arguments of judge Gevorgian as the case is indeed rather connected to the rules of *ius ad bellum* than with rule prohibiting the genocide. It is possible that the motive for aggression were claims of genocide, but there is a violation of a *ius ad bellum*, not a commission of genocide by the Russian side. In other words, the subject-matter of the dispute must relate to the interpretation, application or fulfilment of the disputed international treaty. In this case it is quite evident that the case is about the interpretation, application or fulfilment of *ius ad bellum* rules and principles – namely about the principle on the prohibition on the use of force against the territorial integrity or political independence of another state in any manner inconsistent with the purposes of the United Nations, as enshrined in article 2 of the United Nations Charter. Not about the interpretation, application or fulfilment of Genocide Convention (1948), which deals with genocide as a crime under international law, thus dealing with the criminal responsibility of an individual and with the duty of the state to prevent it and to punish perpetrators. The dispute is not about the prevention of genocide or about the responsibility of individuals, but the question is if a state can use force against another state on the basis of the commission of genocide. Therefore, the question relates to a different set of rules and principles. Shortly - genocide here is not the core issue, it is rather a question if genocide justifies the use of force, and use of force is the core issue here.

Ukraine claims that the Genocide Convention (1948) embodies a right "not to be subjected to another State's military operations on its territory based on a brazen abuse of Article I of the Genocide Convention"¹⁰ which does not seem like a strong argument,

⁶ Declaration of Vice-President Gevorgian, § 5. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-01-EN.pdf> (accessed on 30.09.2022).

⁷ Term used not in the precedential meaning.

⁸ Legality of Use of Force (Yugoslavia v. Belgium), Provisional Measures, Order of 2 June 1999, I.C.J. Reports 1999, § 40-41, p. 138.

⁹ Order of 16 March 2022 in the case Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), § 85.

¹⁰ Ukraine's Request for the indication of provisional measures, § 12. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220227-WRI-01-00-EN.pdf> (accessed on 30.09.2022).

as the purpose of the Genocide Convention (1948) indeed is not to protect the states from aggression, but to protect individuals (the humankind to be concrete according to the preamble) from genocide. The consent given by the Soviet Union, and thus by Russia, was therefore given in relation to the prevention and suppression of genocide, not concerning the prevention and suppression of aggression where thus the Court lack jurisdiction.

Similarly, judge Xue stated that "Ukraine's contention that the Russian Federation's allegation of genocide against Ukraine is just "an excuse for Russia's unlawful aggression" raises doubt that this is a genuine case about genocide... the issues they have raised are concerned with the questions of recognition [that is of separatist entities as states] and use of force in international law. They do not appear to be capable of falling within the scope of the Genocide Convention."¹¹

Aside from the political declarations of Vladimir Putin, which itself could be binding on the state,¹² Russia in a document delivered to the Court on 7 March 2022¹³ argued that the justification for the "military operation" is self-defence. Article 51 of the United Nations' Charter (1945) allows the use of force in (individual or collective) self-defence *vis-à-vis* attacking state only when an armed attack *occurs*. It is evident, that in February 2022 armed attack against Russia by Ukraine was not occurring. What is discussed in field of self-defence is the right to pre-emptive self-defence when the armed attack is not occurring, but is *imminent*. In short, we can say that the doctrine does not see universal recognition of this broader right to *pre-emptive* self-defence,¹⁴ nevertheless, the situation in February would fall neither under the condition of imminent attack. The situation was quite the opposite as the Russian armed forces were gathering around the frontiers of Ukraine and the USA spoke publicly that they have intelligence that they are planning to attack. In spite of how weak this Russian argument for self-defence is, it is true that self-defence does not fall under the scope of the Genocide Convention (1948).

Therefore, even if the Court did not see *prima facie* lack of jurisdiction in the case, the judges may eventually come to this opinion at a later stage of the proceedings.

Even at this stage, Judge Bennouna, who voted for the provisional measures, described the link between unlawful use of force and the Genocide Convention (1948) as "artificial," and that "the Convention does not cover, in any of its provisions, either allegations of genocide or the use of force allegedly based on such allegations."¹⁵ Therefore it is possible that at a later stage he will change its voting.

¹¹ Declaration of Judge Xue. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-03-EN.pdf> (accessed on 30.09.2022).

¹² Nuclear Tests (Australia v. France), Judgement, I.C.J. Reports 1974, § 49, p. 253.

¹³ Document (with annexes) from the Russian Federation setting out its position regarding the alleged "lack of jurisdiction" of the Court in the case, available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220307-OTH-01-00-EN.pdf> (accessed on 30.09.2022).

¹⁴ E.g., „The conclusion is thus clear: 'armed attack' in the sense of Article 51 is an actual armed attack, which happens ('occurs'), not one which is only threatened... Many authors acknowledge that a threat may be so direct and overwhelming that it is just not feasible to require the victim to wait to act in self-defence until the attack has actually started... A formula expressing this idea and its limits, which is not uncontroversial s in the Caroline case in 1841: There must be 'a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation'... It is thus at least defensible that the principle of necessity and immediacy, as expressed in the Caroline formula, be considered as part of customary international law, even under the United Nations Charter... this is as far as pre-emptive self-defence possibly goes under current international law." (Bothe, 2003, pp. 229, 231). Or „the language of Article 51, whether wise or not, was not designed to accommodate the Caroline principle." (Reisman and Armstrong, 2006, p. 532).

¹⁵ Declaration of Judge Bennouna, § 5, 11. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-02-EN.pdf> (accessed on 30.09.2022).

On the other hand, judge Robinson developed an argument in favour of *prima facie* jurisdiction on eight pages of his separate opinion. He distinguishes two elements of the dispute. The first element is whether, based on Russia's allegations, Ukraine has breached its obligations under the Genocide Convention (1948). In its second element, Ukraine sees the dispute as the question of whether Russia has the right under the Genocide Convention (1948) to engage in the military action initiated against Ukraine. Concerning the second one, the judge Robinson said that the Court has jurisdiction *ratione materiae*, but he emphasised that his opinion was made in the "view of the relatively low evidentiary threshold applicable at this stage of the proceedings."¹⁶ Hence it is also possible that in later stages of the proceedings, where a higher evidentiary threshold is applicable, he will change his mind about the Court's jurisdiction.

The case is not fully lost, but the harder task stays before Ukraine. Ukraine will have to argue why there is a link between the military operations of the Russian armed forces and the Genocide Convention (1948). Probably we will see an argumentation that the responsibility to protect doctrine does not follow from current international law or argumentation that such doctrine, if not to be rejected in this case, at least does not follow from the Genocide Convention (1948).¹⁷

Article 1 of the Genocide Convention (1948) confirms, that the contracting parties have obligation to undertake steps to prevent the crime of genocide. Responsibility to protect doctrine, in its second pillar (responsibility to react) speaks about the right of another state to use armed force to protect victims of genocide¹⁸ in another state – in older terminology about so-called humanitarian intervention.¹⁹ The discussion on this doctrine is still ongoing. However, "military intervention for human protection purposes is only considered when the Security Council gives its authorization... From a legal point of view... nothing has changed, because military intervention for human protection purposes without the authorization of the Security Council is still illegal." (Molier, 2006, p. 52; see also Pattison, 2010, pp. 43-51). In other words, the international community concluded that states have the responsibility to protect human rights in other states, but it has to be done within the limits set by the United Nations Charter (1945) – humanitarian intervention has to be on a basis of the collective security. This is already broader concept than the one anticipated by the drafters of the United Nations Charter (1945) that gave the power to authorise the use of force to the UN Security Council only in cases when the international peace and security (not human rights *per se*) requires such an action. The Court already previously said, that all states have a responsibility to prevent genocide, thus taking appropriate measures even against other states,²⁰ but also that "the use of

¹⁶ Separate Opinion of the Judge Robinson, § 30. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-04-EN.pdf> (accessed on 30.09.2022).

¹⁷ "...it seems clear that there are two facets of the dispute between the two States. The first is factual: do acts perpetrated by Ukraine amount to the crime of genocide, as Russia seems to have alleged? Ukraine contends that the charges are frivolous. The second is legal: does the Genocide Convention authorise Russia to use force in order to prevent genocide outside its territory?" (Schabas, 2022).

¹⁸ For explanation of the crime of genocide and protected groups see e.g., Ozoráková (2022).

¹⁹ There are three pillars of responsibility to protect – responsibility to prevent, responsibility to react and responsibility to rebuild. The responsibility to react arises "if preventive measures fail to resolve the situation and the State is unable or unwilling to deal with the situation, the measures of intervention by other states of the international community may be necessary. These coercive measures may include political, economic and legal measures, and just in exceptional cases they may also include military actions." (Trnovská, 2016, p. 45).

²⁰ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, § 443, p. 43.

force could not be the appropriate method.²¹ Maybe we will have further points of reference on this question in the judgment delivered in this case. At this point, however, the unauthorised use of force is impermissible.

3. OBLIGATION NOT TO AGGRAVATE

The Court did not grant Ukraine's fourth request to provide a report on a regular basis by Russian Federation to the Court on the measures taken to implement the order. It is unclear why the Court decided not to indicate such a measure, as it is seen as one of the possible methods how to rise the compliance rate of its decisions, (Lando, 2015, pp. 27-33) even though in the current highly escalated dispute we may presume, that no real measures would be there to report by the Russian side. The reasons are two – firstly the political reasons to continue in military operation are simply too high and the reporting obligation in this situation would be futile; and secondly, Russia boycott the preceding as it maintains that the Court lack *prima facie* jurisdiction and thus it does not have any power to indicate a such a provisional measure. The Court remained in constation that "in the circumstances of the present case, however, the Court declines to indicate this measure."²²

And finally, the Court partially granted third Ukraine's request to impose an obligation to refrain from any action and to provide assurances that no action is taken that may aggravate or extend the dispute or render this dispute more difficult to resolve.²³

The Court granted it in the sense that the requested measure was indicated, but it was not indicated only towards Russian Federation, as was requested, but went *ultra petitem* and indicted it also towards Ukraine, which makes this provisional measure controversial.

It is unclear what actions of Ukraine would be aggravating the situation. Could alleged, not confirmed, action of Ukraine's armed forces inside of Russian territory (e.g., Al Jazeera and News Agencies, 2022), for the sake of the argument, be understood as being against this provisional measure? We should keep in mind that some military actions during self-defence might be directed also outside of defending state if that is necessary and proportional. Or could the relatively successful counteroffensive that liberates territories that were not under the effective control of Ukraine before 24 February be aggravating the situation? Perhaps the political and diplomatic efforts towards other states to impose further sanction measures or retorsions against the aggressor are contrary to the Court's order?

An argument against this provisional measure was, understandably, provided namely in the declaration of judge Daudes nominated *ad hoc* by Ukraine.²⁴

The third provisional measure was indicated unanimously, thus including the votes of judges Gevorgian and Xue. Even though the Russian and Chinese judges respectively voted against the suspension of Russian military operations on Ukraine's territory, it is hard to see how continuing military operations would not aggravate the situation. Thus, in this sense even these two judges ordered the suspension of military

²¹ § 268, see also Military and Paramilitary Activities in und against Nicaragua (Nicaragua v. United States of America). Merits, Judgment. I.C.J. Reports 1986, § 430, p. 14.

²² Order of 16 March 2022 in the case Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), § 83.

²³ Ukraine's Request for the indication of provisional measures, § 20 (c). Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220227-WRI-01-00-EN.pdf> (accessed on 30.09.2022).

²⁴ Declaration of Judge *Ad Hoc* Daudet. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-06-EN.pdf> (accessed on 30.09.2022).

operations, even though not explicitly by voting for the first point, but by implication from the third point of the Order's operative part.

4. CONCLUSION

The International Court of Justice partially granted the request of Ukraine to indicate provisional measures in a surprisingly short time. This itself shows that the Court can be flexible if the situation needs it.

However, the dispute is far from being resolved. Even if the Court found that it does not lack *prima facie* jurisdiction Ukraine will have to develop an argument connecting the case with the Genocide Convention (1948).

The weak point is in fact that the case is somehow connected to Genocide Convention (1948) because of allegations of genocide, but it is hard to identify which particular provisions of this convention were, in fact, violated by Russia. The dispute is rather about the prohibition on the use of force against the territorial integrity or political independence of another state than about the interpretation, application and fulfilment of the Genocide Convention (1948).

The order indicating provisional measures might seem to be controversial also in the fact that the Court indicated measures not to aggravate the situation also towards Ukraine. It seems to be unclear if some of the actions taken in the exercise of the inherent right to self-defence might constitute an act aggravating the situation.

This obligation was adopted unanimously. Thus, even the judges that did not vote for the obligation on suspension of military activities of Russian armed forces in Ukraine, by consequence voted for such an obligation by reasons of the third point of the operational part of the Court's order as it is hard to see how ongoing military operations are not aggravating the situation.

BIBLIOGRAPHY:

- Al Jazeera and News Agencies (2022). Russia alleges Ukrainian helicopters struck Belgorod fuel depot. *Al Jazeera*, published on 1 April 2022. Available at: <https://www.aljazeera.com/news/2022/4/1/russia-alleges-ukrainian-helicopters-struck-belgorod-fuel-depot/> (accessed on 30.09.2022).
- Al Jazeera Staff (2022). 'No other option': Excerpts of Putin's speech declaring war. *Al Jazeera*, published on 24 February 2022. Available at: <https://www.aljazeera.com/news/2022/2/24/putins-speech-declaring-war-on-ukraine-translated-excerpts/> (accessed on 30.09.2022).
- Bothe, M. (2003). Terrorism and the Legality of Pre-emptive Force. *European Journal of International Law*, volume 14(2), 227-240. DOI: <https://doi.org/10.1093/ejil/14.2.227>
- Gotev, G. (2022). In Putin's words: Why Russia invaded Ukraine. *Euractiv*, published on 24 February 2022. Available at: <https://www.euractiv.com/section/global-europe/news/in-putins-words-why-russia-invaded-ukraine/> (accessed on 30.09.2022).
- Lando, M. (2015). Compliance with Provisional Measures Indicated by the International Court of Justice. *Journal of International Dispute Settlement*, 8(1), 22-55. DOI: <https://doi.org/10.1093/jnlids/idv029>
- Mareček, L. (2022). Dočasné opatrenia [Provisional Measures]. *Bratislava Legal Forum 2022*, Not published yet.

- Molier, G. (2006). Humanitarian Intervention and The Responsibility to Protect After 9/11. *Netherlands International Law Review*, 53(1), 37-62. DOI: <https://doi.org/10.1017/S0165070X06000374>
- Ozoráková, L. (2022). The Road to Finding a Definition for the Crime of Genocide – the Importance of the Genocide Convention. *The Law & Practice of International Courts and Tribunals*, 21(2), 278-301. DOI: <https://doi.org/10.1163/15718034-12341475>
- Pattison, J. (2010). *Humanitarian Intervention and the Responsibility To Protect*. New York: Oxford University Press.
- Reisman, W. and Armstrong, A. (2006). The Past and Future of the Claim of Preemptive Self-Defense. *American Journal of International Law*, 100(3), 525–550. DOI: <https://doi.org/10.1017/S0002930000031043>
- Schabas, W. (2022). Preventing Genocide and the Ukraine/Russia case. *EJIL Talk!*, published on 10 March 2022. Available at: <https://www.ejiltalk.org/preventing-genocide-and-the-ukraine-russia-case/> (accessed on 30.09.2022).
- Trnovszká, L. (2016). Responsibility to Protect Doctrine – step forward to a more secure world?. *Bratislava Legal Forum 2016: Trends in development and creativity in the area of international law at the beginning of the 21st century*. Bratislava, Comenius University, Faculty of Law, pp. 41-48.
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007, 43.
- Declaration of Judge *Ad Hoc* Daudet. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-06-EN.pdf> (accessed on 30.09.2022).
- Declaration of Judge Bennouna. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-02-EN.pdf> (accessed on 30.09.2022).
- Declaration of Judge Xue. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-03-EN.pdf> (accessed on 30.09.2022).
- Declaration of Vice-President Gevorgian. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-01-EN.pdf> (accessed on 30.09.2022).
- Legality of Use of Force (Yugoslavia v. Belgium), Provisional Measures, Order of 2 June 1999, I.C.J. Reports 1999, 138.
- Military and Paramilitary Activities in und against Nicaragua (Nicaragua v. United States of America). Merits, Judgment. I.C.J. Reports 1986, p. 14.
- Nuclear Tests (Australia v. France), Judgment, I.C.J. Reports 1974, p. 253.
- Order of 16 March 2022 in the case Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation).
- Request for Indication of Provisional Measures Submitted by Ukraine. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220227-WRI-01-00-EN.pdf> (accessed on 30.09.2022).
- Separate Opinion of the Judge Robinson. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-04-EN.pdf> (accessed on 30.09.2022).
- Ukraine's Request for the indication of provisional measures. Available at: <https://www.icj-cij.org/public/files/case-related/182/182-20220227-WRI-01-00-EN.pdf> (accessed on 30.09.2022).

