



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

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### **Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)**

#### **The Court decides on the admissibility of the declarations of intervention filed by 33 States**

THE HAGUE, 8 June 2023. By an Order dated 5 June 2023, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, has decided on the admissibility of the declarations of intervention filed by 33 States in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*.

In its [Order](#) the Court,

(1) By fourteen votes to one,

*Decides* that the declarations of intervention under Article 63 of the Statute submitted by Australia, the Republic of Austria, the Kingdom of Belgium, the Republic of Bulgaria, Canada and the Kingdom of the Netherlands, the Republic of Croatia, the Republic of Cyprus, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Republic of Latvia, the Principality of Liechtenstein, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, New Zealand, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Slovak Republic, the Republic of Slovenia, the Kingdom of Spain, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland are admissible at the preliminary objections stage of the proceedings in so far as they concern the construction of Article IX and other provisions of the Convention on the Prevention and Punishment of the Crime of Genocide that are relevant for the determination of the jurisdiction of the Court;

IN FAVOUR: *Acting President* Bennouna; *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judge ad hoc* Daudet;

AGAINST: *Judge* Xue;

(2) Unanimously,

*Decides* that the declaration of intervention under Article 63 of the Statute submitted by the United States of America is inadmissible in so far as it concerns the preliminary objections stage of the proceedings;

(3) By fourteen votes to one,

*Fixes* 5 July 2023 as the time-limit for the filing, by the States whose declarations of intervention have been deemed admissible at the preliminary objections stage of the proceedings, of the written observations referred to in Article 86, paragraph 1, of the Rules of Court.

IN FAVOUR: *Acting President* Bennouna; *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judge ad hoc* Daudet;

AGAINST: *Judge* Xue.

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Vice-President GEVORGIAN appends a declaration to the Order of the Court; Judge ABRAHAM appends a declaration to the Order of the Court; Judge XUE appends a dissenting opinion to the Order of the Court; Judge BHANDARI appends a declaration to the Order of the Court.

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## History of the proceedings

On 26 February 2022, Ukraine filed in the Registry of the Court an Application instituting proceedings against the Russian Federation concerning “a dispute . . . relating to the interpretation, application and fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide” (the “Genocide Convention”).

In its Application, Ukraine seeks to base the Court’s jurisdiction on Article 36, paragraph 1, of the Statute of the Court and on Article IX of the Genocide Convention. A summary of the Application instituting proceedings can be found in [press release 2022/4](#) on the Court’s website.

Together with the Application, Ukraine submitted a Request for the indication of provisional measures with reference to Article 41 of the Statute of the Court and to Articles 73, 74 and 75 of the Rules of Court.

A public hearing on that Request for the indication of provisional measures, in which the Russian Federation did not participate, was held on 7 March 2022. By a letter dated 7 March 2022, received in the Registry shortly after the closure of the hearing, the Ambassador of the Russian Federation to the Kingdom of the Netherlands transmitted a document setting out “the position of the Russian Federation regarding the lack of jurisdiction of the Court in th[e] case”.

By an Order dated 16 March 2022, the Court indicated the following provisional measures:

“(1) The Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine;

(2) The Russian Federation shall 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 referred to in point (1) above;

(3) Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

By an Order dated 23 March 2022, the Court fixed 23 September 2022 and 23 March 2023 as the respective time-limits for the filing of the Memorial of Ukraine and the Counter-Memorial of the Russian Federation. The Memorial of Ukraine was filed on 1 July 2022.

On 3 October 2022, the Russian Federation raised preliminary objections to the jurisdiction of the Court and to the admissibility of the Application. Consequently, in accordance with Article 79*bis*, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended. By an Order dated 7 October 2022, the Court fixed 3 February 2023 as the time-limit within which Ukraine could present a written statement of its observations and submissions on the preliminary objections raised by the Russian Federation. Ukraine filed its written statement within the time-limit thus fixed.

Between 21 July and 15 December 2022, the following 33 States (in order of chronology) filed in the Registry of the Court declarations of intervention in the case, pursuant to Article 63, paragraph 2, of the Statute of the Court: Latvia (press release 2022/25), Lithuania (press release 2022/26), New Zealand (press release 2022/27), the United Kingdom (press release 2022/28), Germany (press release 2022/31), the United States of America (press release 2022/33), Sweden (press release 2022/34), Romania (press release 2022/35), France (press release 2022/36), Poland (press release 2022/37), Italy (press release 2022/38), Denmark (press release 2022/ 39), Ireland (press release 2022/41), Finland (press release 2022/42), Estonia (press release 2022/43), Spain (press release 2022/45), Australia (press release 2022/46), Portugal (press release 2022/48), Austria (press release 2022/50), Luxembourg (press release 2022/51), Greece (press release 2022/52), Croatia (press release 2022/54), the Czech Republic (press release 2022/60), Bulgaria (press release 2022/64), Malta (press release 2022/66), Norway (press release 2022/67), Belgium (press release 2022/69), Canada and the Netherlands (joint declaration; press release 2022/70), Slovakia (press release 2022/71), Slovenia (press release 2022/72), Cyprus (press release 2022/74) and Liechtenstein (press release 2022/75).

The subsequent procedure has been reserved for further decision.

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Earlier [press releases](#) relating to this case are available on the Court's website.

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A summary of the Order appears in the document entitled "[Summary 2023/5](#)". Summaries of declarations and opinions drafted by Members of the Court in English are annexed to the English-language summary of the Order, while summaries of declarations and opinions drafted in French are appended to the French-language summary of the Order. This press release, the summary and the full text of the Order are available on the Court's website under the heading [Cases](#).

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*Note:* The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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