



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [X](#) [YouTube](#) [LinkedIn](#)

Press Release

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Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)

The Court delivers its Judgment in the case

THE HAGUE, 31 January 2024. The International Court of Justice today handed down its Judgment in the case concerning *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*.

It is recalled that, on 16 January 2017, Ukraine filed an [Application instituting proceedings](#) against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 (ICSFT) and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (CERD). As basis for the jurisdiction of the Court, the Applicant invoked Article 24 of the ICSFT and Article 22 of CERD.

It is further recalled that the proceedings were instituted by Ukraine following events which occurred from early 2014 in eastern Ukraine and in the Crimean peninsula, and that the case before the Court is limited in scope and brought only under the provisions of the ICSFT and CERD. The Court is not called upon to rule in this case on any other issue currently in dispute between the Parties.

With regard to the ICSFT, the Applicant alleged that the Russian Federation failed to take measures to prevent and suppress the commission of offences of terrorism financing. In particular, the Applicant referred to acts and armed activities in eastern Ukraine allegedly perpetrated by armed groups linked to two entities that refer to themselves as the “Donetsk People’s Republic” (DPR) and the “Luhansk People’s Republic” (LPR). Other acts to which the Applicant referred were allegedly perpetrated by armed groups and individuals in other parts of Ukraine. With regard to CERD, the Applicant referred to events which took place in Crimea from early 2014, after the Russian Federation took control of the territory of the Crimean peninsula, alleging that the Russian Federation engaged in a campaign of racial discrimination depriving Crimean Tatars and ethnic Ukrainians in Crimea of their political, civil, economic, social and cultural rights, in violation of its obligations under CERD.

On 19 April 2017, the Court delivered its Order on the [Request for the indication of provisional measures](#) filed by Ukraine together with its Application. It found, *inter alia*, that, with regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under CERD,

(a) refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*; and (b) ensure the availability of education in the Ukrainian language.

The written proceedings in the case concluded on 19 January 2023. Public hearings on the merits were held from 6 to 14 June 2023. The final submissions of the Parties can be found on the website of the Court in verbatim records [2023/9](#) and [2023/10](#), respectively.

Ukraine requested the Court to adjudge and declare that the Russian Federation has violated its obligations under the ICSFT and CERD, and that it must comply with those obligations and make reparation for the harm caused to Ukraine. Ukraine also contended that the Russian Federation has failed to comply with the Court's Order on provisional measures of 19 April 2017.

In the operative clause of today's [Judgment](#), which is final, without appeal and binding on the Parties, the Court:

“(1) By thirteen votes to two,

Finds that the Russian Federation, by failing to take measures to investigate facts contained in information received from Ukraine regarding persons who have allegedly committed an offence set forth in Article 2 of the International Convention for the Suppression of the Financing of Terrorism, has violated its obligation under Article 9, paragraph 1, of the said Convention;

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judge ad hoc* Pocar;

AGAINST: *Judge* Xue; *Judge ad hoc* Tuzmukhamedov;

(2) By ten votes to five,

Rejects all other submissions made by Ukraine with respect to the International Convention for the Suppression of the Financing of Terrorism;

IN FAVOUR: *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Salam, Iwasawa, Nolte, Brant; *Judge ad hoc* Tuzmukhamedov;

AGAINST: *President* Donoghue; *Judges* Sebutinde, Bhandari, Charlesworth; *Judge ad hoc* Pocar;

(3) By thirteen votes to two,

Finds that the Russian Federation, by the way in which it has implemented its educational system in Crimea after 2014 with regard to school education in the Ukrainian language, has violated its obligations under Articles 2, paragraph 1 (a), and 5 (e) (v) of the International Convention on the Elimination of Racial Discrimination;

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Abraham, Bennouna, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judge ad hoc* Pocar;

AGAINST: *Judge* Yusuf; *Judge ad hoc* Tuzmukhamedov;

(4) By ten votes to five,

Rejects all other submissions made by Ukraine with respect to the International Convention on the Elimination of Racial Discrimination;

IN FAVOUR: *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Salam, Iwasawa, Nolte, Brant; *Judge ad hoc* Tuzmukhamedov;

AGAINST: *President* Donoghue; *Judges* Sebutinde, Bhandari, Charlesworth; *Judge ad hoc* Pocar;

(5) By eleven votes to four,

Finds that the Russian Federation, by maintaining limitations on the *Mejlis*, has violated its obligation under paragraph 106 (1) (a) of the Order of 19 April 2017 indicating provisional measures;

IN FAVOUR: *President* Donoghue; *Judges* Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth; *Judge ad hoc* Pocar;

AGAINST: *Judges* Tomka, Xue, Brant; *Judge ad hoc* Tuzmukhamedov;

(6) By ten votes to five,

Finds that the Russian Federation has violated its obligation under paragraph 106 (2) of the Order of 19 April 2017 indicating provisional measures to refrain from any action which might aggravate or extend the dispute between the Parties, or make it more difficult to resolve;

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judge ad hoc* Pocar;

AGAINST: *Judges* Abraham, Bennouna, Yusuf, Xue; *Judge ad hoc* Tuzmukhamedov;

(7) By eleven votes to four,

Rejects all other submissions made by Ukraine with respect to the Order of the Court of 19 April 2017 indicating provisional measures.

IN FAVOUR: *President* Donoghue; *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Salam, Iwasawa, Brant; *Judge ad hoc* Tuzmukhamedov;

AGAINST: *Judges* Sebutinde, Nolte, Charlesworth; *Judge ad hoc* Pocar.”

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President DONOGHUE appends a separate opinion to the Judgment of the Court; Judges TOMKA, ABRAHAM, BENNOUNA and YUSUF append declarations to the Judgment of the Court; Judge SEBUTINDE appends a dissenting opinion to the Judgment of the Court; Judges BHANDARI, IWASAWA and CHARLESWORTH append separate opinions to the Judgment of the

Court; Judge BRANT appends a declaration to the Judgment of the Court; Judge *ad hoc* POCAR appends a separate opinion to the Judgment of the Court; Judge *ad hoc* TUZMUKHAMEDOV appends a separate opinion, partly concurring and partly dissenting, to the Judgment of the Court.

A summary of the Judgment appears in the document entitled “[Summary 2024/2](#)”, to which summaries of the declarations and opinions are annexed. This summary and the full text of the Judgment are available on the [case page](#) on the Court’s website.

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

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

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, 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.

Information Department:

Ms Monique Legerman, First Secretary of the Court, Head of Department: +31 (0)70 302 2336
Ms Joanne Moore, Information Officer: +31 (0)70 302 2337
Mr Avo Sevag Garabet, Associate Information Officer: +31 (0)70 302 2394
Email: info@icj-cij.org