



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

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Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)

The Court finds that it has jurisdiction to entertain Ukraine's request for a declaration that it did not breach its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and that this request is admissible

THE HAGUE, 2 February 2024. The International Court of Justice today handed down its Judgment on the preliminary objections raised by the Russian Federation in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*.

It is recalled that, on 26 February 2022, Ukraine filed an [Application instituting proceedings](#) against the Russian Federation with respect to “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 sought to found the Court’s jurisdiction on Article IX of the Genocide Convention (see press release No. [2022/4](#)). On 3 October 2022, the Russian Federation raised preliminary objections to the jurisdiction of the Court and the admissibility of the Application. Public hearings on these preliminary objections were held between 18 and 27 September 2023.

In the Judgment rendered today, the Court concludes that it has jurisdiction, on the basis of Article IX of the Genocide Convention, to entertain submission (b) in paragraph 178 of the [Memorial of Ukraine](#), whereby Ukraine requests the Court to “[a]djudge and declare that there is no credible evidence that Ukraine is responsible for committing genocide in violation of the Genocide Convention in the Donetsk and Luhansk oblasts of Ukraine”, and that this submission is admissible. However, the Court finds that it does not have jurisdiction to entertain submissions (c) and (d) in paragraph 178 of Ukraine’s Memorial, whereby Ukraine requests the Court to “(c) [a]djudge and declare that the Russian Federation’s use of force in and against Ukraine beginning on 24 February 2022 violates Articles I and IV of the Genocide Convention” and “(d) [a]djudge and declare that the Russian Federation’s recognition of the independence of the so-called ‘Donetsk People’s Republic’ and ‘Luhansk People’s Republic’ on 21 February 2022 violates Articles I and IV of the Genocide Convention”.

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

(1) By fifteen votes to one,

Rejects the first preliminary objection raised by the Russian Federation;

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

AGAINST: *Vice-President* Gevorgian;

(2) By twelve votes to four,

Upholds the second preliminary objection raised by the Russian Federation, which relates to submissions (c) and (d) in paragraph 178 of the Memorial of Ukraine;

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

AGAINST: *President* Donoghue; *Judges* Sebutinde, Robinson, Charlesworth;

(3) By fifteen votes to one,

Rejects the third preliminary objection raised by the Russian Federation relating to submission (b) in paragraph 178 of the Memorial of Ukraine;

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

AGAINST: *Vice-President* Gevorgian;

(4) By fourteen votes to two,

Rejects the third preliminary objection raised by the Russian Federation relating to submissions (c) and (d) in paragraph 178 of the Memorial of Ukraine;

IN FAVOUR: *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judge ad hoc* Daudet;

AGAINST: *President* Donoghue; *Vice-President* Gevorgian;

(5) By fourteen votes to two,

Rejects the fourth preliminary objection raised by the Russian Federation;

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

AGAINST: *Vice-President* Gevorgian; *Judge* Bennouna;

(6) By thirteen votes to three,

Rejects the fifth preliminary objection raised by the Russian Federation;

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

AGAINST: *Vice-President* Gevorgian; *Judges* Abraham, Bennouna;

(7) By fifteen votes to one,

Rejects the sixth preliminary objection raised by the Russian Federation;

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

AGAINST: *Vice-President* Gevorgian;

(8) By fifteen votes to one,

Finds that it has jurisdiction, on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, to entertain submission (b) in paragraph 178 of the Memorial of Ukraine;

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

AGAINST: *Vice-President* Gevorgian;

(9) By thirteen votes to three,

Finds that submission (b) in paragraph 178 of the Memorial of Ukraine is admissible.

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

AGAINST: *Vice-President* Gevorgian; *Judges* Abraham, Bennouna.

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President DONOGHUE appends a separate opinion to the Judgment of the Court; Vice-President GEVORGIAN appends a dissenting opinion to the Judgment of the Court; Judge TOMKA appends a declaration to the Judgment of the Court; Judge ABRAHAM appends a partially dissenting opinion to the Judgment of the Court; Judge BENNOUNA appends a declaration to the Judgment of the Court; Judges SEBUTINDE and ROBINSON append a joint dissenting opinion to the Judgment of the Court; Judges 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* DAUDET appends a separate opinion to the Judgment of the Court

A summary of the Judgment appears in the document entitled "[Summary 2024/3](#)", 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.

History of the proceedings

Earlier [press releases](#) relating to this case, including the history of the proceedings, 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.

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