

INTERNATIONAL COURT OF JUSTICE

ALLEGATIONS OF GENOCIDE UNDER THE CONVENTION  
ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF  
GENOCIDE (UKRAINE V. RUSSIAN FEDERATION)

DECLARATION OF INTERVENTION OF THE  
REPUBLIC OF BULGARIA

PURSUANT TO ARTICLE 63 OF THE STATUTE OF THE  
INTERNATIONAL COURT OF JUSTICE

2 August 2024

**I. LETTER FROM THE AMBASSADOR OF THE REPUBLIC OF BULGARIA TO THE KINGDOM OF THE NETHERLANDS TO THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE, H.E. MR. PHILIPPE GAUTIER**

**Excellency,**

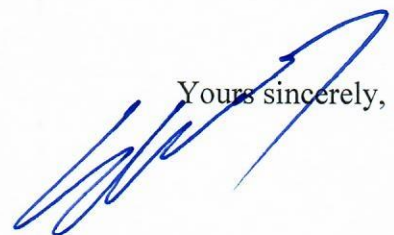
I have the honour to attach a Declaration by the Republic of Bulgaria of its intervention pursuant to Article 63, paragraph 2, of the Statute of the Court in the merits phase of the case concerning Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation).

I also attach an instrument signed by the Minister for Foreign Affairs appointing the Agent and Co-Agents of the Republic of Bulgaria for the purposes of these proceedings. I certify that the signature on the Declaration is that of the appointed Agent, Mr. Danail Chakarov.

Please be informed that the Republic of Bulgaria is prepared to take a common approach with other intervening States, which have deposited an identical or essentially comparable statement of intervention, for the next phases of the proceedings, should the Court deem such common approach useful for the good and expedient administration of justice.

Finally, I have the further honour to advise that the address for service to which all communications concerning these proceedings should be sent is that of this Embassy.

Yours sincerely,



**Emil Kishmerov**  
**Chargé d'affaires ad interim of the Embassy of the Republic of Bulgaria**  
**to the Kingdom of the Netherlands**

## II. APPOINTMENT OF AGENT AND CO-AGENTS

THE MINISTER OF FOREIGN AFFAIRS

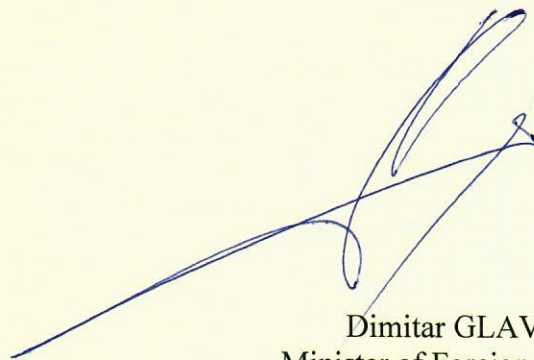
OF

THE REPUBLIC OF BULGARIA

For the purposes of intervention pursuant to Article 63 of the Statute of the Court at the merits stage in the present case before the International Court of Justice, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v. Russian Federation), I hereby appoint **Mr. Danail Chakarov**, Director of the International Law Directorate, Ministry of Foreign Affairs, as Agent for the Republic of Bulgaria and **His Excellency Konstantin Dimitrov**, Ambassador Extraordinary and Plenipotentiary of the Republic of Bulgaria to the Kingdom of the Netherlands, and **Ms. Tzvety Romanska**, Counsellor, International Law Directorate, Ministry of Foreign Affairs as Co-Agents for the Republic of Bulgaria.

With the present letter, the appointment of agent and co-agent with letter, dated 10 November 2022, is withdrawn.

Sofia, ~~26~~ July 2024

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the left.

Dimitar GLAVCHEV  
Minister of Foreign Affairs

### III. DECLARATION OF INTERVENTION OF THE REPUBLIC OF BULGARIA

To the Registrar of the International Court of Justice, the undersigned being duly authorized by the Republic of Bulgaria:

1. On behalf of the Republic of Bulgaria, I have the honour to submit to the Court a Declaration of Intervention pursuant to Article 63, paragraph 2 of the Statute of the International Court of Justice (“Statute”) in the merits stage of the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*.
  
2. Article 82, paragraph 5 of the Rules of the Court provides that a declaration of a State’s desire to avail itself of the right of intervention conferred upon it by Article 63 of the Statute  
  
“shall specify the case and the convention to which it relates and shall contain:  
  
(a) particulars of the basis on which the declarant State considers itself a party to the convention;  
  
(b) identification of the particular provisions of the convention the construction of which it considers to be in question;  
  
(c) a statement of the construction of those provisions for which it contends;  
  
(d) a list of documents in support, which documents shall be attached.”
  
3. All those requirements are addressed in sequence below, after some preliminary observations.

## PRELIMINARY OBSERVATIONS

4. On 26 February 2022, Ukraine instituted proceedings against the Russian Federation in a dispute concerning the interpretation, application or fulfilment of the Convention on the Prevention and Punishment of Genocide (the “Genocide Convention” or “Convention”).
5. In paras. 4-12 of its Application instituting proceedings, Ukraine contends that there is a dispute between Ukraine and the Russian Federation within the meaning of Article IX relating to the interpretation, application or fulfilment of the Genocide Convention.
6. On substance, Ukraine claims that the use of force by the Russian Federation in or against Ukraine since 24 February 2022 on the basis of alleged genocide, as well as the recognition that preceded the military operation, is incompatible with the Convention, quoting Articles I-III thereof (paras. 26-29 of the Application).
7. Following a request for provisional measures from Ukraine, the Court ordered on 16 March 2022 that:
  - (1) the Russian Federation shall immediately suspend the military operation 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; and
  - (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.
8. As of the date of this Declaration, Russia has failed to comply with that Order, has intensified and expanded its military operations on the territory of Ukraine and has thus aggravated the dispute pending before the Court.
9. On 30 March 2022, as contemplated by Article 63, paragraph 1, of the Statute of the Court, the Registrar duly notified the Republic of Bulgaria as a party to the Genocide Convention that by Ukraine’s application the Genocide Convention “is invoked both as a basis for the Court’s jurisdiction and the substantive basis of [Ukraine’s] claims on the merits”. The registrar also noted that:

“[Ukraine] seeks to found the Court’s jurisdiction on the compromissory clause contained in Article IX of the Genocide Convention, asks the Court to declare that it has not committed a genocide as defined in Articles II and III of the Convention, and raises questions concerning the scope of the duty to prevent and punish genocide under Article

I of the Convention. It therefore appears that the construction of [the Genocide Convention] will be in question in this case”<sup>1</sup>.

10. Between 21 July 2022 and 15 December 2022, 33 States (including the Republic of Bulgaria) filed declarations of intervention under Article 63, paragraph 2, of the Statute of the Court. By an Order dated 5 June 2023, the Court decided that the declarations of intervention under Article 63 of the Statute submitted by 32 States were admissible at the preliminary objections stage of the proceedings in so far as they concerned the construction of Article IX and other provisions of the Genocide Convention that are relevant for the determination of the jurisdiction of the Court.
11. In the Judgment rendered on 2 February 2024, the Court concluded 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]judge 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.<sup>2</sup>
12. By the present Declaration, the Republic of Bulgaria avails itself of the right to intervene in the merits stage conferred upon it by Article 63, paragraph 2, of the Statute. This Court has recognized that Article 63 confers a “right” of intervention<sup>3</sup>. The Court has also underlined that an intervention “is limited to submitting observations on the construction of the convention in question and does not allow the intervener, which does not become a party to the proceedings, to deal with any other aspect of the case before the Court; and whereas such intervention cannot affect the equality of the Parties to the dispute”.<sup>4</sup>
13. It is the understanding of the Republic of Bulgaria that the Genocide Convention is of utmost importance to prevent and punish genocide. The prohibition against genocide is a *jus cogens* norm in international law<sup>5</sup>. The rights and obligations enshrined by the Convention are owed to the international community as a whole (rights and obligations *erga omnes partes*)<sup>6</sup>. As a Contracting Party, the Republic of Bulgaria has an interest in the construction that might be placed by the Court on the relevant provisions of the

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<sup>1</sup> Letter from the Registrar of the Court of 30 March 2022 – see Annex A.

<sup>2</sup> *Allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*, Preliminary Objections, Judgment of 2 February 2024.

<sup>3</sup> *Haya de la Torre (Colombia v. Peru)*, Judgment, I.C.J. Reports 1951, p. 76; *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, Application for Permission to Intervene, Judgment, I.C.J. Reports 1981, p. 13, para. 21.

<sup>4</sup> *Whaling in the Antarctic (Australia v. Japan), Declaration of Intervention of New Zealand*, Order of 6 February 2013, I.C.J. Reports 2013, p. 3, at p. 9, para. 18.

<sup>5</sup> *Case Concerning 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, p. 43, at p. 111, paras. 161-162.

<sup>6</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 3 with further references; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Judgment of 22 July 2022, para. 107.

Convention and wishes to observe the consistent interpretation, application and fulfilment of the Convention among all Contracting Parties.

14. The Republic of Bulgaria does not seek to become a party to the Proceedings. Bulgaria hereby confirms that, by availing itself of its right to intervene under Article 63, it accepts that the construction to be given by the Court's judgement in the case will be equally binding upon it.
15. Consistent with the restricted scope for interventions under Article 63 of the Statute, the Republic of Bulgaria will present its interpretation of the relevant Articles of the Genocide Convention in line with customary rules of interpretation as reflected in Articles 31-33 of the Vienna Convention on the Law of Treaties<sup>7</sup>.
16. In its intervention of 18 November 2022, the Republic of Bulgaria had focused solely on Article IX of the Convention relating to the jurisdiction of the Court. On 18 June 2024 the Registrar provided some procedural information regarding the filing of a new declaration of intervention at the merits stage of the present case.<sup>8</sup> The present intervention will deal with Article I and Article II of the Convention for the merits of the case.
17. The Republic of Bulgaria also wishes to assure the Court that the intervention was filed "as soon as possible and no later than the date fixed for the opening of the oral proceedings" as stipulated in Article 82 of the Rules of the Court. It requests to be provided with copies of the Parties' pleadings, as well as any annexed documents, in line with Article 86, paragraph 1, of the Rules of the Court. It further informs the Court that it is willing to assist the Court in grouping its intervention together with similar interventions from other states for future stages of the proceedings, if the Court deems such a move useful in the interest of an expedient administration of justice.

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<sup>7</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Judgment of 22 July 2022, p. 37, para. 87: "The Court will have recourse to the rules of customary international law on treaty interpretation as reflected in Articles 31 to 33 of the Vienna Convention on the Law of Treaties of 23 May 1969"; see also *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, Preliminary Objections, Judgment of 4 February 2021, p. 28, para. 75 with further references.

<sup>8</sup> Letter from the Registrar of the Court of 18 June 2024 – see Annex B.

**BASIS ON WHICH THE REPUBLIC OF BULGARIA IS PARTY TO THE  
CONVENTION**

18. The Republic of Bulgaria acceded to the Convention and deposited its instrument of accession in accordance with Article XI, paragraph 4 of the Convention on 21 July 1950<sup>9</sup>. In accordance with Article XIII, the Convention entered into force for the Republic of Bulgaria on 12 January 1951. Upon accession, the Republic of Bulgaria made two reservations, respectively regarding article IX and regarding article XII. The reservation regarding article IX was withdrawn on 24 June 1992.

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<sup>9</sup> See Annex C.



## PROVISIONS OF THE CONVENTION IN QUESTION

19. The Republic of Bulgaria wishes to share with the Court its interpretation of Articles I and II of the Convention, which it considers relevant for the merits of the case.
20. Article I of the Convention reads as follows:

“The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.”
21. Under Article I, all States Parties to the Genocide Convention are obliged to prevent and punish genocide. As the Court has already emphasised, the Republic of Bulgaria recalls that in fulfilling their duty to prevent genocide, Contracting Parties must act within the limits permitted by international law<sup>10</sup>. The application and interpretation of treaties in good faith is a rule of customary international law, reflected in Articles 26 and 31 of the Vienna Convention on the Law of Treaties. As the Court has observed, the principle of good faith “obliges the Parties to apply [a treaty] in a reasonable way and in such a manner that its purpose can be realized”<sup>11</sup>. Good faith interpretation thus operates as a safeguard against misuse of the Convention. It is incompatible with the above-mentioned principle for a Contracting Party to carry out an assessment of the occurrence of genocide abusively. As “one of the basic principles governing the creation and performance of legal obligations”, good faith is also directly linked to the “trust and confidence [that] are inherent in international co-operation”<sup>12</sup>
22. In the Republic of Bulgaria’s view, the notion of “undertake to prevent” implies that each State Party must assess whether a genocide or a serious risk of genocide exists prior to qualifying a situation as genocide and (possibly) taking action pursuant to Article I<sup>13</sup>. Such an assessment must be justified by substantial evidence “that is fully conclusive”<sup>14</sup>.
23. Importantly, the UN Human Rights Council called upon all States, “in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration between existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic

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<sup>10</sup> *Case Concerning 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, p. 43, at p. 221, para. 430; *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Order of 16 March 2022, I.C.J. Reports 2022, p. 211, para. 57.

<sup>11</sup> *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, I.C.J. Reports 1997, p. 7, at p. 79, para. 142.

<sup>12</sup> *Nuclear Tests (Australia v. France)*, I.C.J. Reports 1974, p. 253 p. 19, at p. 268, para. 142.

<sup>13</sup> *Case Concerning 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, p. 43, at pp. 221-222, paras. 430-431.

<sup>14</sup> *Case Concerning 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, p. 43, at p. 90, para. 209.

violations of human rights that, if not halted, could lead to genocide”.<sup>15</sup> It therefore constitutes good practice to rely on the results of independent investigations under UN auspices<sup>16</sup> before qualifying a situation as genocide.

24. The correct construction of Article I is hence that a State is under a due diligence obligation to gather such evidence from independent sources, where they exist, before alleging that another State party of the Genocide Convention has committed genocide.
25. Concerning the burden of proof, it is for the party which alleges a fact in support of its claims to prove the existence of that fact<sup>17</sup>. This principle is not an absolute one, however, since the determination of the burden of proof is in reality dependent on the subject-matter and the nature of the dispute brought before the Court; it varies according to the type of facts which it is necessary to establish for the purposes of the decision of the case.<sup>18</sup>
26. In particular, the Court has recognized that there may be circumstances in which the Applicant cannot be required to prove a negative fact, which it is asserting.<sup>19</sup>
27. Against that background, the Republic of Bulgaria wishes to explain that it is for the State Party bringing a case against another State Party for a false allegation of genocide used as a basis to justify preventive action to provide *prima facie* evidence that its action did not fall under the definition of genocide as laid down in Article II. In turn, the respondent State asserting that its allegation was well-founded to justify its preventive action must provide conclusive evidence in support since this attempted justification involves charges of exceptional gravity.<sup>20</sup> After adversarial scrutiny, it would then be for the Court to evaluate all the evidence presented by the two Parties so as to reach its own conclusions.<sup>21</sup>
28. Article II of the Convention reads:

“In the present Convention, genocide means any of the following acts committed with

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<sup>15</sup> UN Human Rights Council, Resolution 43/29: Prevention of Genocide (29 June 2020), UN Doc A/HRC/RES/43/29, para. 11.

<sup>16</sup> See for example the reliance of The Gambia on the reports of the Independent International Fact-Finding Mission on Myanmar established by the UN Human Rights Council before bringing a case to the Court; for details see *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Judgment of 22 July 2022, at pp. 25-27, paras. 65-69.

<sup>17</sup> *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, I.C.J. Reports 2010 (I), Judgment, p. 14, at p. 71, para. 162.

<sup>18</sup> *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgment, I.C.J. Reports 2010 (II), p. 639, at p. 660, para. 54.

<sup>19</sup> *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgment, I.C.J. Reports 2010 (II), p. 639, at p. 660, para. 55.

<sup>20</sup> *Case Concerning 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, p. 43, at p. 90, para. 209. On the notion of “charges of exceptional gravity” see also G. M. Farnelli, Consistency in the ICJ’s Approach to the Standard of Proof: An Appraisal of the Court’s Flexibility, in: *The Law and Practice of International Courts and Tribunals*, 21:1(2022), pp. 98-121, at 107-111.

<sup>21</sup> *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgment, I.C.J. Reports 2010 (II), p. 639, at p. 660, para. 56.

intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

29. Article II of the Convention deals with the definition of genocide. The Republic of Bulgaria contends that the elements of genocide are already well-established in the case law of the Court and supports the current interpretation.
30. In particular, in order for an action to be qualified as “genocide”, there is a requirement to establish both genocidal action (*actus reus*) and a (specific) genocidal intent (*mens rea*) next to the mental elements present in the acts listed in Article II.<sup>22</sup> The Genocide Convention is designed to prevent the physical or biological destruction of all or part of a protected group. When assessing the existence of genocide, the ICTY has considered the detrimental long-term consequences the actions in question have for the physical survival of the group, as well as the residual possibility that the group can reconstitute itself<sup>23</sup>, endorsing a quantitative and qualitative element for the *actus reus*.
31. Article II provides that genocide may only occur if the relevant act is committed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”. This element is the “essential characteristic of genocide, which distinguishes it from other serious crimes”.<sup>24</sup> It is to be distinguished from other motives or reasons the perpetrator may have. It is not enough that the members of the group are targeted because they belong to that group, that is because the perpetrator has a *discriminatory intent*.<sup>25</sup>
32. In turn, the occurrence of civilian casualties during the course of armed conflict is not *per se* evidence of genocidal action or genocidal intent.
33. Where direct evidence for specific intent is absent, the Court has determined that “in order to infer the existence of *dolus specialis* from a pattern of conduct, it is necessary and sufficient that this is the only inference that could reasonably be drawn from the acts

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<sup>22</sup> *Case Concerning 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 (I), p. 43, at pp. 121-122, paras. 186-189.

<sup>23</sup> *Prosecutor v Radislav Krstic* (Judgement in Sentencing Appeals), IT-98-33-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 19 April 2004, paras. 24-31.

<sup>24</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgement, ICJ Reports 2015, p. 3, at p.62, para. 132.

<sup>25</sup> *Case Concerning 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 (I), p. 43, at pp. 121-122, paras. 187, 189.

in question”.<sup>26</sup> Article II contains an exhaustive list of the acts constituting a genocidal action, all of which “are by their nature conscious, intentional or volitional acts”.<sup>27</sup>

34. Claims involving charges of exceptional gravity must be proved by evidence that is fully conclusive. The Court requires that it be fully convinced that allegations made in the proceedings, that the crime of genocide or the other acts enumerated in Article III have been committed, have been clearly established. The same standard applies to the proof of attribution for such acts.<sup>28</sup>

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<sup>26</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, I.C.J. Reports 2015, p. 3, at p. 67, para. 148.

<sup>27</sup> *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, p. 43, at p. 121, para. 186.

<sup>28</sup> *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 (I), p. 43, at p. 129, para. 209.

## DOCUMENTS IN SUPPORT OF THE DECLARATION

35. The following is a list of the documents in support of this Declaration, which documents are attached hereto:
- (a) Annex A – Letter from the Registrar of the International Court of Justice sent pursuant to Article 63, paragraph 1 of the Statute;
  - (b) Annex B – Letter from the Registrar of the International Court of Justice, dated 18 June 2024;
  - (c) Annex C – Copy of the Instrument of accession by the Republic of Bulgaria to the Genocide Convention and copy of the Communication of the withdrawal of the reservation under Article IX.

## CONCLUSION

36. On the basis of the information set out above, the Republic of Bulgaria avails itself on the right conferred upon it by Article 63, paragraph 2 of the Statute to intervene as a non-party in the proceedings brought by Ukraine against the Russian Federation in this case.
37. The Republic of Bulgaria has appointed the undersigned as Agent for the purposes of this Declaration. The Registrar of the Court may channel all communication at the following address:

Embassy of the Republic of Bulgaria in The Netherlands  
The Hague, Duinroosweg 9, 2597 KJ, Den Haag

*Respectfully submitted,*



Danail Chakarov

Agent of the Republic of Bulgaria

## CERTIFICATION

I certify that the documents attached by way of Annexes to this Declaration are true copies of the originals thereof.



Danail Chakarov

Agent of the Republic of Bulgaria



156413

30 March 2022

*Excellency,*

I have the honour to refer to my letter (No. 156253) dated 2 March 2022 informing your Government that, on 26 February 2022, Ukraine filed in the Registry of the Court an Application instituting proceedings against the Republic of 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). A copy of the Application was appended to that letter. The text of the Application is also available on the website of the Court ([www.icj-cij.org](http://www.icj-cij.org)).

Article 63, paragraph 1, of the Statute of the Court provides that:

[w]henever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith”.

Further, under Article 43, paragraph 1, of the Rules of Court:

“Whenever the construction of a convention to which States other than those concerned in the case are parties may be in question within the meaning of Article 63, paragraph 1, of the Statute, the Court shall consider what directions shall be given to the Registrar in the matter.”

On the instructions of the Court, given in accordance with the said provision of the Rules of Court, I have the honour to notify your Government of the following.

In the above-mentioned Application, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter the “Genocide Convention”) is invoked both as a basis of the Court’s jurisdiction and as a substantive basis of the Applicant’s claims on the merits. In particular, the Applicant seeks to found the Court’s jurisdiction on the compromissory clause contained in Article IX of the Genocide Convention, asks the Court to declare that it has not committed a genocide as defined in Articles II and III of the Convention, and raises questions concerning the scope of the duty to prevent and punish genocide under Article I of the Convention. It therefore appears that the construction of this instrument will be in question in the case.

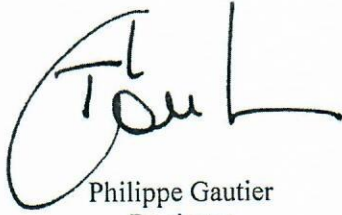
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[Letter to the States parties to the Genocide Convention  
(except Ukraine and the Russian Federation)]



Your country is included in the list of parties to the Genocide Convention. The present letter should accordingly be regarded as the notification contemplated by Article 63, paragraph 1, of the Statute. I would add that this notification in no way prejudices any question of the possible application of Article 63, paragraph 2, of the Statute, which the Court may later be called upon to determine in this case.

Accept, Excellency, the assurances of my highest consideration.



Philippe Gautier  
Registrar

**By email only**

162412

18 June 2024

Madam,

With reference to the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, I have the honour to recall that by its Order dated 5 June 2023, the Court decided that the declarations of intervention under Article 63 of the Statute submitted by 32 States (Australia, Austria, Belgium, Bulgaria, Canada and the Netherlands (jointly), Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom) were admissible at the preliminary objections stage of the proceedings in so far as they concerned the construction of Article IX and other provisions of the Genocide Convention that are relevant for the determination of the jurisdiction of the Court. The Court further decided that the declaration of intervention under Article 63 of the Statute submitted by the United States was inadmissible in so far as it concerned the preliminary objections stage of the proceedings. I also recall that by its Judgment dated 2 February 2024, the Court found that it had jurisdiction, on the basis of Article IX of the Genocide Convention, to entertain submission (b) at paragraph 178 of the Memorial of Ukraine, whereby Ukraine requested 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 was admissible. In light of the fact that the case has now proceeded to the merits, I have the honour to inform you of the following.

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Ms Dimana Dramova  
Agent of the Republic of Bulgaria  
before the International Court of Justice  
Embassy of the Republic of Bulgaria  
The Hague

cc: His Excellency  
Mr Konstantin Dimitrov  
Co-Agent of the Republic of Bulgaria  
before the International Court of Justice  
Embassy of the Republic of Bulgaria  
The Hague

Email: Embassy.Hague@mfa.bg  
Konstantin.DIMITROV@mfa.bg  
Margarita.VELEVA@mfa.bg  
Raia.mantovska@mfa.bg

- States which sought to intervene at the preliminary objections stage and at the merits stage are invited to indicate, by 2 August 2024, whether they maintain their declarations of intervention. If deemed necessary, they may adjust by the same date their declarations of intervention in light of the Judgment of 2 February 2024.
- States which only sought to intervene at the preliminary objections stage, but which now wish to intervene at the merits stage should file a new declaration of intervention by 2 August 2024.
- Pursuant to Article 83, paragraph 1, of its Rules, the Court will then invite the Parties to file written observations on the admissibility of the declarations of intervention at the merits stage. If one of the Parties objects to the admissibility of the declarations of intervention, there will be a further round of written observations, in accordance with Article 84, paragraph 2, of the Rules. Thereafter, the Court will decide on the admissibility of the declarations of intervention at the merits stage.

Accept, Madam, the assurances of my highest consideration.



Philippe Gautier  
Registrar



MINISTÈRE  
DES AFFAIRES ÉTRANGÈRES

No ~~31137~~ 20-VII.

Sofia, le 14 juillet 1945<sup>50</sup>

JUL 21 1950

Référence : C.N.158.1949.TREATIES.

ACTION

TO *Mrs. Stearopoulos*

- Action Completed  
 - Acknowledged  
 - No Action Required

INITIALS

Monsieur le Secrétaire général,

*318/2/03 (Bulgaria)*  
*MB PS*

En me référant à votre lettre du 6 décembre 1949 et conformément aux dispositions de l'Article XI de la Convention pour la prévention et la répression du crime de Genocide, ouverte à la signature à Paris le 9 décembre 1948, j'ai l'honneur de vous faire parvenir par la présente l'instrument d'adhésion de la République Populaire de Bulgarie, avec les réserves expressément y mentionnées, à ladite Convention.

Veillez agréer, Monsieur le Secrétaire général, les assurances de ma haute considération.

G. Givkov  
Ministre Adjoint des Affaires Etrangères



Son Excellence  
Monsieur Trygve Lie,  
Secrétaire général de l'Organisation  
des Nations Unies,  
Lake Success, New-York,  
U.S.A.

LE PRESIDIUM  
de  
L'ASSEMBLEE NATIONALE  
de la  
REPUBLIQUE POPULAIRE DE BULGARIE

AYANT VU ET EXAMINE la Convention du 9 décembre  
1948 pour la prévention et la répression du crime de  
Génocide,

CONFIRME son adhésion à cette Convention avec les  
réserves suivantes :

1. En ce qui concerne l'Article IX : La République Populaire de Bulgarie ne s'estime pas tenue par les dispositions de l'Article IX qui stipule que les différends entre les Parties contractantes relatifs à l'interprétation, l'application ou l'exécution de la Convention seront soumis à l'examen de la Cour internationale de Justice à la requête d'une partie au différend, et déclare qu'en ce qui concerne la compétence de la Cour en matière de différends relatifs à l'interprétation, l'application et l'exécution de la Convention, la République Populaire de Bulgarie continuera à soutenir, comme elle l'a fait jusqu'à ce jour, que, dans chaque cas particulier, l'accord de toutes les parties au différend est nécessaire pour que la Cour internationale de Justice puisse être saisie de ce différend aux fins de décision.

2. En ce qui concerne l'Article XII : La République Populaire de Bulgarie déclare qu'elle n'accepte pas

les termes de l'Article XII de la Convention  
et estime que toutes les clauses de ladite  
Convention devraient s'appliquer aux territoires  
non autonomes, y compris les territoires sous  
tutelle.

ET DECLARE en assurer l'application.

EN FOI DE QUOI, a signé les présentes et y a  
fait apposer le sceau de l'Etat.

DONNE à Sofia, le 12 juillet de l'an mil neuf  
cent cinquante.

LE PRESIDENT :



LE SECRETAIRE :



LE MINISTRE DES AFFAIRES ETRANGERES :





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Réservé au Groupe de la correspondance télégraphique

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REGISTRAR  
INTERCOURT  
THE HAGUE  
MR. EDUARDO VALENCIA-OSPINA  
ASSISTANT SECRETARY-GENERAL

HEREWITH YOU WILL FIND COPY OF A COMMUNICATION ON THE  
WITHDRAWAL OF THE RESPECTIVE RESERVATIONS CONCERNING THE  
COMPULSORY JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE MADE  
BY BULGARIA UPON RATIFICATION OF, OR ACCESSION TO, THE NINE UNITED  
NATIONS CONVENTIONS INDICATED ON THE SAID COMMUNICATION.

BEST REGARDS.

DO NOT TYPE  
BEYOND THE  
MARGINS -  
SEE  
INSTRUCTIONS  
ON THE  
REVERSE  
SIDE  
—  
N'INSCRIVEZ  
RIEN DANS  
LES MARGES  
VOYEZ LES  
INSTRUCTIONS  
AU VERSO

LAST LINE  
OF TEXT  
DERNIERE  
LIGNE DU  
TEXTE

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CLEARED BY / VISE PAR

Julio A. Baez  
Legal Officer

97

AUTHORIZED BY / AUTHORISE PAR

SIGNATURE: Marie-Louise Quéré-Messing  
Chief, Treaty Section, OLA

DATE: 26 June 1992

FOR THE SECRETARY-GENERAL: PLEASE TYPE IN ROMAN AND QUALITY A FACSIMILE TELETYPE

LA 41 TR/221/1 (3-2), (3-11),  
(4-1), (4-2),  
(4-8), (4-9),  
(7-11a), (16-1),  
(18-5)

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of the Republic of Bulgaria to the United Nations and has the honour to refer to the Permanent Representative's note No. 332 of 23 June 1992, constituting the notification of withdrawal of the reservations by the Government of Bulgaria to the provisions relating to the International Court of Justice, as contained in the following treaties:

- (i) Convention on the Privileges and Immunities of the Specialized Agencies, approved by the General Assembly of the United Nations on 21 November 1947 (Sections 24 and 32);
- (ii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (Article 13, paragraph 1);
- (iii) Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (Article IX);
- (iv) International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature at New York on 7 March 1966 (Article 22);



- (v) Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the General Assembly of the United Nations on 18 December 1979 (Article 29, paragraph 1);
- (vi) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984 (Article 30, paragraph 1);
- (vii) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature at Lake Success, New York, on 21 March 1950 (Article 22);
- (viii) Convention on the Political Rights of Women, opened for signature at New York on 31 March 1953 (Article IX); and
- (ix) International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (Article 16, paragraph 1).

The International Court of Justice was immediately advised. All States concerned are being informed accordingly.

22 September 1992

24-6-1992

PERMANENT MISSION  
OF THE REPUBLIC OF BULGARIA  
TO THE UNITED NATIONS  
11 EAST 84TH STREET  
NEW YORK, N.Y. 10028  
(212) 737-4790

332

*Handwritten notes:*  
- full force  
- fax to 203  
- CN  
- no translation required: see IF  
6/5/92

The Permanent Representative of the Republic of Bulgaria to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to communicate that the Republic of Bulgaria has decided to withdraw, pursuant to a Law enacted by the National Assembly on May 5, 1992, its reservations concerning the compulsory jurisdiction of the International Court of Justice, made upon the ratification of, or accession by the Republic of Bulgaria to the following international treaties:

*Handwritten notes on the left margin:*  
10-1  
VII-11(6)  
VIII  
10-2  
11-8  
11-9

1. Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on 9 December, 1948 (Article 9); ✓
2. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature at Lake Success, New York, on 21 March, 1950 (Article 22); ✓
3. Convention on the Political Rights of Women, opened for signature at New York on 31 March, 1953 (Article 9); ✓
4. International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature at New York on 7 March, 1966 (Article 22); ✓
5. Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the General Assembly of the United Nations on 18 December, 1979 (Article 29, para 1); ✓
6. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December, 1984 (Article 30); ✓

H.E. Dr. Boutros Boutros-Ghali  
Secretary-General  
United Nations  
New York

*Handwritten signature and date:*  
M. Saey  
24 June 92

*Handwritten word:*  
urgent

7. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December, 1973 (Article 13, para 1);

8. International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December, 1979 (Article 16, para 1);

9. Convention on the Privileges and Immunities of the Specialized Agencies, approved by the General Assembly of the United Nations on 21 November, 1947 (Sections 24 and 32).

The Permanent Representative of the Republic of Bulgaria to the United Nations avails himself of this opportunity to renew to the Secretary-General the assurances of his highest consideration. *S. B.*

New York City  
June 23, 1992

