

Forum: International Court of Justice

Agenda: Allegations of genocide under the convention on the prevention and punishment of the crime of Genocide (Ukraine vs. Russian Federation)

President Registrar: Samarth Raval

Deputy Registrar: Rohit Advani

Introduction

The Russo-Ukrainian conflict, which began with Russia's annexation of Crimea in 2014, escalated dramatically in January 2022 when the Russian Federation invaded various parts of Ukraine. This invasion, following months of military buildup and denials by Russian officials, sparked international outrage and condemnation. In response to the invasion, Ukraine submitted a case titled “Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v Russian Federation)” before the International Court of Justice (ICJ). Ukraine contested Russia's accusations of genocide in the Luhansk and Donetsk regions, seeking to establish that Russia had falsely accused Ukraine and had no legal basis for its actions.

The conflict in Ukraine, often described as a "special military operation" by Russian President Vladimir Putin and his officials, led to a revived great power struggle, positioning Ukraine at the center of global affairs. This conflict, seen by many analysts as a significant strategic error by Putin, escalated tensions in the region and raised concerns about the possibility of a deadly escalation, potentially involving the use of nuclear weapons by Russia. The ongoing fighting also accelerated Ukraine's efforts to join the European Union (EU) and the North Atlantic Treaty Organisation (NATO), two Western political blocs.

The conflict in Ukraine is not only a military struggle but also an information war, with all sides engaging in disinformation campaigns regarding events in the Luhansk and Donetsk regions, human rights violations, war crimes, and allegations of Ukrainian and

NATO aggression. This information war presents a unique challenge to international law, aligning with the theme "Beyond Truth: Mastering the Paradox of Information." The conflict underscores the complexities of navigating truth and misinformation in the modern world and highlights the urgent need for solutions to these challenges in the realm of international law and diplomacy,

Definition of Key Terms

Genocide

The deliberate killing of a large number of people from a particular nation or ethnic group with the aim of destroying that nation or group.

NATO (North Atlantic Treaty Organization)

The North Atlantic Treaty Organization, also called the North Atlantic Alliance, is an intergovernmental military alliance between 31 member states. NATO's relationship with Russia and Ukraine is characterized by tension and conflict. NATO condemns Russia's aggressive actions against Ukraine and has provided significant support to Ukraine, but has suspended practical cooperation with Russia since 2014. While NATO fully supports Ukraine's right to self-defense and its right to choose its own security arrangements, yet Ukraine is not a NATO member.

European Union (EU)

The European Union is a supranational political and economic union of 27 member states that are located primarily in Europe. The EU's support for Ukraine in response to Russia's invasion has caused tension between Russia and Ukraine. The EU has condemned Russia's aggression and annexation of Ukrainian territories, and has imposed sanctions on Russia. The decline in economic relations between the EU and Russia has led to a decline in trade. The EU has provided military and civilian assistance to Ukraine, and is discussing with the US for them to continue supporting Ukraine. The EU needs to maintain unity to meet challenges with regard to Russia, including building a

foreign and security policy, integrating the Eastern neighborhood, and developing a new approach to energy security. Recently, Russia has been warned not to count on "weariness" in Europe over support for Ukraine, as EU foreign ministers meet in Kyiv.

People's Republics of Donetsk and Luhansk

The Luhansk and Donetsk People's Republics are located in the historical Donbas region of Eastern Ukraine. Since Ukraine's independence from the Soviet Union in 1991, Eastern and Western Ukraine typically have voted for different candidates in presidential elections.

Warsaw Pact

The Warsaw Pact, formally the Treaty of Friendship, Cooperation and Mutual Assistance, was a collective defense treaty signed in Warsaw, Poland, between the Soviet Union and seven other Eastern Bloc socialist republics of Central and Eastern Europe in May 1955, during the Cold War. The Warsaw Pact was a collective defense treaty established by the Soviet Union and its satellite states in Central and Eastern Europe in 1955. It was created as a counterpart to NATO and aimed to balance power during the Cold War. While Russia's concerns about NATO's expansion are rooted in its history, there were no formal promises made by NATO to limit expansion into former Warsaw Pact countries.

Overview

A critical turning point for European security was reached with Russia's invasion of Ukraine in February 2022, which marked a major escalation of the eight-year-old conflict that started with Russia's takeover of Crimea.

The Kremlin's mounting anger towards NATO's post-Cold War expansion into the former Soviet sphere of influence ultimately resulted in the Russian invasion in 2022. Putin and other top Russian officials have accused the US and NATO of routinely breaking their early 1990s agreements not to expand the alliance into the former Soviet

Union. They see NATO's expansion during this turbulent time for Russia as an embarrassing imposition over which they could do little more than observe.

After the 2014 Ukrainian Revolution, which was followed by Russia's annexation of Crimea from Ukraine, and the Donbass War, in which Russia backed the separatist rebels of the Donetsk People's Republic and the Luhansk People's Republic, relations between the two nations deteriorated.

Genocide convention

The Genocide Convention, established in 1948 by the United Nations, is a pivotal international treaty aimed at preventing and punishing the heinous crime of genocide. Genocide, as defined by the convention, encompasses acts committed with the intent to destroy a particular national, ethnic, racial, or religious group, including killing members of the group, causing them serious harm, imposing conditions calculated to bring about their physical destruction, preventing births within the group, or forcibly transferring children out of the group. The convention places the responsibility on state parties to prevent and punish genocide within their jurisdiction. It established genocide as a crime under international law, enabling individuals and state officials to be held accountable for such acts. Furthermore, the Genocide Convention played a significant role in the establishment of the International Criminal Court (ICC) in 2002, providing a legal basis for the court's jurisdiction over genocide cases. Despite its crucial importance, challenges persist, including the difficulty in proving the intent behind genocidal acts and debates about enforcement mechanisms. Nevertheless, the convention stands as a fundamental pillar of international humanitarian law, reflecting the global community's commitment to combating and preventing genocide, one of the most atrocious crimes against humanity. Russia has violated the Genocide Convention in Ukraine through various actions, including the kidnapping of Ukrainian children, direct and public incitement to genocide, war crimes, and false claims of genocide. These actions have been cited as evidence of Russia's violation of the convention.

Russian Federation and Ukraine

The ongoing conflict between Russia and Ukraine, which began in 2014 with the annexation of Crimea by Russia and escalated into a full-scale war in February 2022, has resulted in devastating consequences. Millions of Ukrainians have been displaced, and thousands have lost their lives, significantly impacting both the local population and the global economy by causing energy price hikes and disrupting supply chains. Various factors have fueled this conflict, including Russia's ambition to control Ukraine and prevent its NATO membership, Ukraine's aspiration for Western integration, and nationalist sentiments in both nations, and the involvement of external actors like the United States and the European Union. Over the years there have been many historical tensions between both the nations mainly being, Ukraine declared independence from Russia in 1918 but was later overthrown by Soviet forces. In the 1930s, Stalin orchestrated a famine causing millions of deaths. In 2014, protests led to Yanukovich's overthrow; Russia annexed Crimea and supported separatists in Donbas. Tensions escalated in 2021-2022 when Putin invaded Ukraine to prevent its alignment with the West. Cultural, economic, and political ties strained. Putin aims to maintain Russian-Ukrainian-Belarusian unity, extending beyond NATO concerns. Geographic and historical factors deepen the conflict, with eastern Ukraine leaning towards Russia and western Ukraine supporting the West. The situation remains ongoing and complex. This complex situation lacks easy solutions, but potential remedies encompass negotiated settlements, demilitarized zones along the Russia-Ukraine border, the deployment of international peacekeeping forces, economic sanctions on Russia, and the provision of military aid to Ukraine.

The Case

The case of Allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) is currently before the International Court of Justice (ICJ), where Ukraine has accused Russia of committing genocide against the Ukrainian people, violating the Genocide Convention. Initiated in

February 2022, Ukraine urged the ICJ to order Russia to halt its military actions and provide reparations. In March 2022, the ICJ issued provisional measures, instructing Russia to cease military operations, a directive Russia has ignored. The case, unprecedented as it marks the ICJ's first ruling on genocide allegations amid an ongoing conflict, is in the pleading phase, with written submissions filed, and oral arguments scheduled for September 2023. Its significance lies in its potential to shape international law on genocide and the ICJ's ability to hold states accountable. The outcome could intensify global pressure on Russia, potentially leading to an end of the war and the prosecution of those responsible if the ICJ rules in favor of Ukraine.

Major Parties Involved and Their Views

Russian Federation

The allegations that Russia is committing genocide against the Ukrainian people are serious and disturbing. The evidence that has been presented so far suggests that Russia's military is targeting civilians and carrying out indiscriminate attacks on civilian infrastructure, including hospitals and schools. This is a violation of international law and could be considered genocide if it is proven that Russia is intentionally targeting civilians with the intent to destroy them as a group. The Russian government has denied these allegations, as the Russian president Vladimir Putin has said that Ukraine's allegations are baseless but not unprecedented, claiming that its military is only targeting military targets. However, the evidence that has been presented so far suggests that this is not the case. For example, there have been numerous reports of Russian forces shelling and bombing civilian areas, including hospitals and schools. There have also been reports of Russian soldiers killing civilians, including women and children. The international community is currently investigating the allegations of genocide against Russia. If the allegations are proven to be true, Russia could face serious sanctions and other consequences.

Russia believes they are innocent in the case of allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v.

Russian Federation) because they claim that Ukraine is abusing international law by saying that the invasion was justified to prevent an alleged genocide in eastern Ukraine. Russia argues that Ukraine is using the case as a roundabout way to get a ruling on the overall legality of Russia's military action. Russia also claims that Ukraine's legal arguments are "hopelessly flawed". Russian officials continue to accuse Ukraine of committing genocide.

Russia's opposition to NATO is multifaceted and has its roots in a complex history of geopolitical tensions and disagreements. Russia has accused NATO of breaking promises made in the early 1990s not to expand eastward, and the alliance's expansion to include former Soviet bloc countries is seen as a threat to Russia's security. Russia's annexation of Crimea and involvement in the conflict in eastern Ukraine have further strained relations with NATO, as Ukraine has expressed interest in joining the alliance. Russia also perceives NATO's military presence and activities near its borders as a threat to its security. Despite these tensions, NATO has consistently stated that it does not seek confrontation with Russia and has offered to engage in dialogue on security issues.

Russia's invasion of Ukraine in February 2022 was not a surprise, given Putin's long-standing fixation on controlling Ukraine. Putin sees Ukraine as an integral part of the Russian national patrimony and has repeatedly tried to bend Ukraine to Russia's will. Putin also has hard-nosed geopolitical ambitions, aiming to redraw Europe's post-Cold War security architecture, resist the further eastward expansion of NATO, restore Russia's strategic depth, and reclaim its historical sphere of influence around its western borders. The invasion of Ukraine is seen as a way for Putin to frame the conflict as a war of necessity, not choice, and boost his domestic support.

Russia urged the ICJ to throw out the case, claiming Kyiv's legal arguments were "hopelessly flawed". Lawyers for Moscow sought to have judges at the United Nation's highest court throw out the case, calling it an "abuse of process". Russia has denied the allegations of genocide and has argued that its actions in Ukraine are justified under the law of self-defense. Russia has also argued that the ICJ does not have jurisdiction to hear the case.

Ukraine

Ukraine has filed a lawsuit against Russia at the International Court of Justice (ICJ) alleging that Russia has committed genocide against the Ukrainian people. Ukraine argues that Russia's actions in Ukraine, including the indiscriminate bombing of civilian targets, the forced deportation of Ukrainians to Russia, and the targeting of ethnic Ukrainians, meet the definition of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide. Ukraine's stance on the allegations of genocide is that they are well-founded and that Russia should be held accountable for its actions. Ukraine is calling on the ICJ to issue a ruling that affirms that Russia has committed genocide and to order Russia to pay reparations to Ukraine.

Warsaw Pact's Impact

The Russia-Ukraine war was significantly impacted by the Warsaw Pact in a number of ways. First, it put Russia and Ukraine in a precarious security situation. NATO forces' position on Russia's frontiers alarmed the country, while Russian troops' presence on Ukraine's borders alarmed it. Consequently, both nations had an inclination to bolster their armed forces, which played a role in the start of the conflict.

Secondly, the way the conflict was waged was influenced by the Warsaw Pact. Through the Warsaw Pact, the Soviet Union coordinated military actions and supplied logistical support to its satellite governments. As a result, the Soviet Union was able to combat Ukraine more successfully.

Third, the Warsaw Pact contributed to the war's extension. Even after the Soviet economy started to fail, the Soviet Union was still able to employ the resources of its satellite republics to sustain its war effort. This complicated Ukraine's chances of winning the conflict.

Last but not least, the Warsaw Pact fueled political unrest in Ukraine. Utilising the Warsaw Pact, the Soviet Union coerced Ukraine to stay under its area of influence. As a result, a pro-Russian government was elected to power in Ukraine, alienating the populace and hastening the start of the conflict.

To sum up, the Russia-Ukraine war was greatly influenced by the Warsaw Pact. It prolonged the conflict, put both nations in a precarious security situation, influenced how the war was waged, and added to the political unrest in Ukraine.

Timeline of Ukraine vs Russia [ONLY 2022]

| Date | Event | Outcome |
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| 24/02/2022 | Russia invades Ukraine | Russia launches a full blown attack on Ukraine. |
| 26/02/2022 | Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide | ICJ takes upon the case of Allegations of Genocide under the Convention on the Prevention and Punishment of |

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| <hr/> <p>3/03/2022</p> | <p>(Ukraine v. Russian Federation)</p> <hr/> <p>Russian advances in Kyiv and Northern Ukraine stall.</p> | <p>the Crime of Genocide (Ukraine v. Russian Federation)</p> <hr/> <p>Russian air strikes and a ground invasion launched at a northern front from Belarus towards Kyiv, a northeastern front towards Kharkiv, a southern front from Crimea, and a southeastern front from the Donbas. Ukraine enacted martial law and ordered a general mobilization.</p> |
| <hr/> <p>25/03/2022</p> | <hr/> <p>Russian forces are driven from Kyiv, and Russia shifts focus on making gains in the Donbas.</p> | <hr/> <p>The Donbas itself is a heavily industrialized region known for its coal mining industry and large coal reserves that Russia could potentially access if it annexed the entire region.</p> |
| <hr/> <p>12/04/2022</p> | <hr/> <p>After 5 rounds of “peace talks”, Russia announces the</p> | <hr/> <p>In his first public remarks on the war in more than a week,</p> |

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| | <p>negotiations with Ukraine have hit a “dead end”</p> | <p>President Vladimir Putin declared on Tuesday that peace talks with Ukraine had come to an end and chided the West for failing to subdue Moscow. For the first time since Russian soldiers withdrew from northern Ukraine after being stopped at the gates of Kiev, Putin addressed the conflict in front of the general public and declared that Russia will succeed in all of its "noble" objectives in Ukraine.</p> |
| <hr/> <p>12/05/2022</p> | <hr/> <p>Ukraine pushes Russian troops and forces out of Kharkiv.</p> | <hr/> <p>Officials in Ukraine said that withdrawing Russian forces had attacked civilian infrastructure in retaliation, including a thermal power plant in Kharkiv that they claimed was responsible for numerous blackouts. Consequently, after the</p> |

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| <hr/> <p>28/05/2022</p> | <hr/> <p>Ukraine launches a counter-Offensive and liberated several villages from Kherson.</p> | <hr/> <p>withdrawal of Russian forces from Kharkiv.</p> <hr/> <p>In order to eventually breach the frontlines, Ukraine launched a counteroffensive against Russian forces holding its land. Numerous efforts were made, notably in the oblasts of Donetsk and Zaporizhzhia among others and liberation of few villages from Kherson.</p> |
| <hr/> <p>03/07/2022</p> | <hr/> <p>Russia secures control of Luhansk oblast.</p> | <hr/> <p>More of Luhansk Oblast was taken by Russian forces, and it nearly all joined the LPR. In September 2022, after illegitimate referendums that were against international law, Russia announced the annexation of the LPR and other seized territories. Giving full authority to Russia to take over Luhansk oblast.</p> |

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| <hr/> <p>5/09/2022</p> | <hr/> <p>Ukraine routes Russian forces in Kharkiv oblast and rapidly retakes roughly 6,000 square km of territory.</p> | <hr/> <p>Volodymyr Zelenskiy asserted that Ukraine has retaken around 6,000 square kilometers (2,400 square miles) of territory this month during its counteroffensive as he pleaded with Western partners to quickly provide more air defense systems. In an attempt to acquire control of nearly the whole Kharkiv region, the Ukrainian president claimed progress had been made in the east and south during his Monday night speech.</p> |
| <hr/> <p>21/09/2022</p> | <hr/> <p>Russia announces a “partial” mobilization of thousands of civilians and commits its willingness to the use of nuclear weapon their territory.</p> | <hr/> <p>Putin gathers 300,000 soldiers for a battle in Ukraine and declares he is serious about his nuclear threat. Russian citizens have been partially mobilised by President Vladimir Putin, who has ordered a rise in</p> |

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| | | <p>nuclear weapon manufacturing and the activation of military reserve personnel.</p> |
| <p>30/09/2022</p> | <p>Russia holds sham referendums and annexes Luhansk, Donetsk, Kherson, and Zaporizhzhia oblasts.</p> | <p>Vladimir Putin, the president of Russia, proclaimed the annexation of the Ukrainian provinces of Donetsk, Kherson, Luhansk, and Zaporizhzhia in a speech to both houses of the Russian parliament. The annexation was denounced by the United Nations, Ukraine, and numerous other nations.</p> |
| <p>08/10/2022</p> | <p>Kerch Bridge in Crimea is attacked. In response, Russia launches coordinated missile attacks on Ukrainian cities targeting critical energy and</p> | <p>Russian authorities had to cover the bridge in white smoke to stop additional strikes after Ukrainian forces launched three missiles at it. This prompted an angry</p> |

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| | <p>communicative & communications infrastructure.</p> | <p>warning of vengeance from Russia.</p> <p>Multiple guided S-200 rockets were fired towards Kerch Bridge in the most recent instance of Kiev waging war on Russia, but it appears that local air defences shot them down.</p> <p>Additional 20 Ukrainian unmanned drones launched attacks on Crimea, the Ukrainian peninsula that the Kremlin illegitimately acquired in 2014, but Russian officials claimed that they were also successfully neutralized.</p> |
| <p>09/11/2022</p> | <p>Russian troops are ordered to withdraw all forces from West Bank of Dnipro River, ceding control of Kherson city to Ukraine.</p> | <p>Russian Defence Minister Sergei Shoigu gave orders for his soldiers to leave the captured Ukrainian city of Kherson and establish defensive positions on the</p> |

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| | | <p>other bank of the Dnipro River.</p> <p>The declaration signaled one of Russia's biggest withdrawals and perhaps a turning moment in the war, which is now approaching the end of its ninth month.</p> |
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U.N. RESOLUTIONS

- 1) Resolution 317 (IV) (10 December 1949): This resolution adopted the Convention on the Prevention and Punishment of the Crime of Genocide.
- 2) Resolution 307 (V) (3 November 1950): This resolution established a committee to study the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide.
- 3) Resolution 95-1 (8 April 1994): This resolution established the International Criminal Tribunal for Rwanda (ICTR) to prosecute those responsible for the genocide in Rwanda.
- 4) Resolution 1676 (16 November 2006): This resolution established the International Criminal Court (ICC) to prosecute individuals for genocide, crimes against humanity, and war crimes.
- 5) Resolution 1820 (17 July 2008): This resolution condemned the genocide in Darfur, Sudan and called for the deployment of a peacekeeping force to Darfur and referred the situation to the ICC.
- 6) Resolution 260 (12 January 1951): This resolution talks about the Convention on the Prevention and Punishment of the Crime of Genocide, established by the United Nations in 1948. It defines genocide as acts

committed with the intent to destroy a national, ethnic, racial, or religious group, encompassing actions like killing, causing harm, imposing life-threatening conditions, preventing births, or transferring children. The Convention outlines punishable acts, establishes jurisdiction for trials, encourages international cooperation, and provides mechanisms for ratification, accession, and dispute resolution. It remains in force for specific periods and can be denounced by parties.

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- 5) “The Convention outlines punishable acts, establishes jurisdiction for trials, encourages international cooperation, and provides mechanisms for ratification, accession, and dispute resolution. It remains in force for specific periods and can be denounced by parties.”

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