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Russia Lashes Ukraine at Top UN Court in 'Genocide' Case

By AFP

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The ICJ hearing in which it ordering Russia to "immediately suspend" its military action in Ukraine, March 2022. **International Court of Justice**

Russia hit out at Ukraine at the International Court of Justice on Monday, as the two warring countries squared off in a legal case over Moscow's claim that "genocide" in eastern Ukraine was a pretext for last year's invasion.

Moscow's representative, Gennady Kuzmin, said Ukraine's case that Russia "abused" the United Nations Genocide Convention as a reason to launch its war against its neighbor in February 2022 "couldn't be further from the truth."

When Russian President Vladimir Putin ordered the invasion on Feb. 24 last year, part of his reasoning was that pro-Russian people in eastern Ukraine had been "subjected to bullying and genocide by the Kyiv regime."

Two days into the invasion, Ukraine filed a suit at the ICJ, "emphatically denying" this and arguing that Russia's use of "genocide" as a pretext went against the 1948 UN Genocide Convention.

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Mere "statements" about genocide are not admissible under international law including the Genocide Convention, Kuzmin contended.

Sitting only meters from the Ukrainian delegation, Kuzmin said: "As to expressions of concerns regarding the threat of genocide, they were unsurprising considering the policies of [the] Kyiv regime, which were firmly entrenched in the history, doctrines and practices of Nazism."

Ukraine's legal position is "hopelessly flawed" and "at odds with the longstanding jurisprudence" of the court, he concluded.

The case, being heard in the sumptuous Peace Palace in The Hague, is over whether the top UN court has the jurisdiction to order a halt to Russia's ongoing military action.

Question of jurisdiction

In March 2022, the ICJ sided with Ukraine, ordering Russia to "immediately suspend" its military action.

But this judgment was a so-called "preliminary ruling," pending a decision on whether the court is actually competent to rule on the content of the matter.

The court's decisions are binding, although it has no "police force" to enforce them.

According to Russia, the ICJ does not have jurisdiction because Ukraine's case falls outside the scope of the UN Genocide Convention.

Monday's hearing was the first time a Russian representative had addressed the court in this case, previously arguing that it had insufficient time to prepare arguments.

Ukraine will issue its response on Tuesday.

More than 30 other countries — all Western allies of Ukraine — will also have the chance to make statements in support of Kyiv from Wednesday. The ICJ dismissed a bid by the United States to join the case.

The court, created after World War II to deal with disputes between UN member states when they cannot resolve matters themselves, could take months to decide whether it has jurisdiction.

The ICJ is also dealing with a separate case filed by Ukraine alleging that Russia backed separatist rebels in eastern Ukraine for years before the invasion.

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