



INTERNATIONAL COURT OF JUSTICE / A

Application of the International Convention for the Suppression of the Financing of Terrorism and of the Forms of Racial and Ethnic Discrimination as well as territorial disputes for Crimea (Ukraine v. Russian Federation)

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INTRODUCTION

In accordance to the Application of the International Convention for the Suppression of the Financing of Terrorism, also referred to as the Terrorist Financing Convention, designed by the United Nations in 1999 this treaty seeks to defend people's rights by criminalizing and punishing acts of financing and terrorism. This being drafted on 1999, signed on 2000 and made effective in 2002, after the 9/11 attack in the United States. Observing the members of the United Nations that signed, including the following; Belgium, Canada, Finland, France, Malta, Netherlands, the Russian Federation, Sri Lanka, Ukraine, the United Kingdom and the United States; it is of international concern the fact that some signatory members did not fulfill the agreements. Owing to this, Ukraine requests for the ensurement of the compliance in regards to the accordings.

Alarmed by the Russian Federation's past violations of international law, Ukraine has come to court in order to defend their citizens and country. The applicant party has declared that it believes that primordial human rights have been violated and that this is of utter importance, emphasizing that the Ukrainian people have been

living their lives under threats and also current deadly attacks from one of the five permanent members of the United Nations. Deeply concerned, Ukraine has now decided to put an end to this continuous violation of international law and abuse of human rights.

Ukraine pursues the acknowledgement of the Russian Federation that their people are as important and have the same value as the Russians, as well as the refrain of actions that may lead to an increase of the dispute. In regards to the territorial dispute and in spite of desisting from acts of cultural suppression, Russia must suspend restrictions on Ukrainian-language education and respect ethnic Ukrainian language and educational rights.

With the concern of the financing of terrorism, it appealed that the Russian Federation attains to a more efficient border control so that transfers of money, weapons, or equipment is at a halt and also to reinforce the prevention of supply. In light of the escalations of Russian-backed armed groups causing terror, it is demanded that the Russian Federation takes all possible measures to assure that such events are refrained.

During the monarchy of Catherine The Great in 1783 Crimea was annexed by the Empire of Russia and remained as a Russian territory until 1954, when it was transferred to Ukraine under the current Soviet leader Nikita Khrushchev. Composing the 2 million Crimean population, the Ethnic Russians form the 58%, the Ukrainian people consequently form the 24%, the Crimean Tatars 12% and finally other ethnic groups the 6%. It is of the United Nations concern that this is discussed in the International Court of Justice, since lately there has been many conflicts involving the fact that Crimea forms, geographically, part of Ukraine, but Russia insists on making it part of their territory without having any legal authorization.

Having considered the arguments that Ukraine has presented and moreover the requests to the Russian Federation it is the duty of the court to settle the discord as well as the provisional measures that shall be executed. As a result of the fighting taking place in large parts of eastern Ukraine the requests of protection of the basic rights to a certain extent must be satisfied, reaffirming that Russia will cease from acts of suppression against the Ukrainian people in Crimea to maintain the integrity of the nation.

HISTORICAL BACKGROUND

1783-Nowadays Context of Crimea

Crimea was annexed by the Russian Empire in 1783 and remained part of Russia the then soviet leader, Nikita Kruschev, seceded it to Ukraine in 1954. In 1996 the Ukrainian constitution established autonomy to Crimea if it is keeping with that of Crimean legislations.

1783-1994 Tatar population and deportation

The Tatars, who are a Turkic-speaking population that lived in west-central Russia, play a very important role in the current situation, due to the ethnic and racial discrimination they have suffered ever since Russia first conquered the peninsula and began forcing them, thanks to the order of Joseph Stalin. For hundreds of years before Russia took control, the Crimean Tatars had their own state, the Crimean Khanate.

A Multicultural Land - Importance to Russians

Throughout Crimea's history, it has been home to many people of different nationalities, be it Italian, Slav, Jewish, Turkish or Tatar. Its people have come and gone from the territory due to its various disputes, but mainly during the 20th century -the most notable being the en masse deportation of the Crimean Tatar population in 1944 (when Nazi Germany occupied the land)-.

Most Russians consider Crimea, and especially Sevastopol, as an utterly important and (historically) representative land to Russia's prowess, and it has been left as an open wound since the end of the Soviet Union.

Crimea's 20th Century

The Crimean Peninsula lived a rough 20th century and has found itself in almost perpetual conflict since then. Crimea found sovereignty as a state after the October Revolution ended in 1917, and then quickly became a stronghold for the White Army in the Russian Civil War. During World War II it was occupied by the Nazi Germany. Afterwards, in 1954, Khrushchev's Russia oddly "gifted" the crimean territory to Ukraine. In 1997 Russia and Ukraine signed a bilateral treaty on friendship, cooperation, and partnership, which allowed the Russians to keep the Black Sea Fleet in Sevastopol, Crimea.

Early 1990s Tatars resettlement

Joseph Stalin accused nearly 200,000 Crimean Tatars of supporting the Germans during World War II. And because of this, the Crimean Tatars were deported to Uzbekistan and Kazakhstan, where their use of the Tatar language was forbidden. Finally it was in 1956 when they regained their civil rights, nevertheless the Tatars began returning to Crimea until the beginning of the 90s.

2001 Census

On this year a census took place, where the people living in Crimea answered about their national identity. The results showed that over 50% of the population thought of the Russian language as their native tongue. Indicating the feeling of belonging and relation with Russia, giving a preamble on the approval of the Crimean people to the Russian Federation.

CURRENT RELEVANCE

Armed conflicts in eastern Ukraine

As an aftermath of the 2014 Ukrainian revolution, several protests were held in the Donbass region (geographically, the eastern part of Ukraine, cities of Donetsk and Luhansk) by pro-Russian and anti-government groups. These protests evolved into an armed conflict involving the Ukrainian government against the separatists of the self-declared Donetsk and Luhansk People's Republics. In August 2014, Russian military personnel and artillery crossed the Ukrainian border without the government's permission. Later that year, the number of volunteered Russian soldiers has increased and led to Western Officials calling this a "stealth invasion" by Russia. As of June 12th, 2017, there has been 10,090 casualties with 2,777 of them being civilian (according to United Nations Human Rights Monitoring Mission in Ukraine).

2014 annexation to Russia

In an illegal Ukrainian referendum, the majority of the Crimean population voted to secede the Crimean territory and annex it to Russia, and consequently, Russia decided to follow up on its annexation. Nevertheless most Tartar population opposed the annexation, and their leadership continues to demand Crimea's reunification with Ukraine.

17 July 2014 MH17 Flight

283 passengers were on board of the Malaysia Airlines plane travelling from Amsterdam to Kuala Lumpur that unfortunately crashed after being hit by a Russian-made Buk missile over eastern Ukraine. It was initially said that the plane lost contact with air traffic control but later investigations and footage revealed that a missile exploded above the cockpit causing the plane to break in mid-air. The Joint Investigation Team said that the missile was brought from Russia and fired from the rebel-held Ukraine, pro-Russian separatists, territory where the plane crashed. While Russian officials claim innocence and reject any kind of involvement.

May 2016 Ukraine Blocks popular social networks

In an attempt to fight Russia's propaganda the Ukrainian president, Petro Poroshenko, decided to ban the most popular websites, Mail.ru, VK, Odnoklassniki and Yandex for three days. Yet, according to the Ukrainian law it is illegal to block access to sites without the court approval, also the ban would require a slow process which may not

be so effective. Despite this, users almost immediately found flaws, solutions and jokes.

May 2016 - Disappearance/Abduction

On May 24th, 2016, Ervin Ibragimov was kidnapped near his home in central Crimea. There exists video footage of the occurrence which shows uniformed men forcing the victim into a minivan. The case of Ibragimov, member of the World Congress of Crimean Tatars, was set to be investigated by the United Nations' Human Rights Council. The investigation progressed to no avail, as to date, the whereabouts of Ervin Ibragimov are unknown.

29 January - 5 February 2017 Ukrainian city of Avdiivka

In the first two months of the year within weeks, the city suffered widespread destruction of residential buildings and critical infrastructure, leaving civilians without electricity, water supplies, and even heat, at harsh temperatures far below zero after indiscriminate shellings. Allegedly Russian-backed armed groups shelled with an estimated amount of ammunition equivalent to 14 cargo railway cars fully stocked. According to an independent Organization for Security and Co-Operation in Europe (OSCE) at least eight deaths and 30 injuries among civilians were confirmed.

March 2017 - Former Ukrainian Member of Parliament assassination
Denis Voronenkov, a former member of the State Duma (2011-2016), was shot and killed in Kiev, on March 23rd, 2017. The Ukrainian President, Petró Poroshenko, called the incident an "act of state terrorism" by Russia. It is of high relevance to note that Voronenkov openly criticised Moscow's illegal annexation of Crimea. Adding to this, the victim was due to testify against ex-president Viktor Yanukovych, devoted ally of President Vladimir Putin.

June 2017 - Support for Ukraine

The French President, Emmanuel Macron, declared that France is completely against the annexation of Crimea by Russia, in a press conference after reuniting with Ukrainian president, Petro Poroshenko. Macron also confirmed a reunion to analyze the Crimean situation, which will include the High Officials from France, Russia, Ukraine, and Germany.

INTERNATIONAL ACTIONS

2008 Membership Action Plan

The Western military alliance NATO began courting Ukraine to the Membership Action Plan (not NATO membership). Russia's response was hostile, as expected of a country completely against eastward expansion of NATO and MAP.

2009 - Gas Disruption

Russia halted gas supply to Ukraine after the latter rejected to raise the price 2009 to \$250 per 1,000 cubic meters from the 2008 price of \$179.50. It affected directly into the countries of Greece, Macedonia, Serbia, Poland, Slovakia, Romania, Hungary, Czech Republic, Italy, Turkey, and Croatia.

2013

The European Union offered Ukraine 610 million euros in budget relief if Ukraine accepted loan terms by the International Monetary Fund and signed the European Union free trade agreements. Consequently Russia threatened crippling economic retaliation if Ukraine signed the deal and offered a one-third discount in natural gas and 15 billion dollars in cash as a reward for rejecting European integration. Kiev sided with Europe and the country descended into civil war.

Russian Annexation of Crimea

On February 27th, 2014, uniformed, armed individuals took control of the Crimean parliament and appointed a new prime minister, which called for a referendum on the status of Crimea. Two days later, Crimea was officially admitted to the Russian Federation. Vladimir Putin, Russia's President, admitted that he had planned this annexation much before it took place.

Russia's follow up to ICC findings

Following up to ICC declaring Crimea as a territory invaded, illegally, Russia announced that it would withdraw from the Court, since it "failed to meet the expectations to become a truly independent, authoritative international tribunal. The ICC later stated that the conflict is to be called "international armed conflict between Russia and Ukraine".

UN ACTIONS

CERD

The creation of the Committee on the International Convention on the Elimination of All Forms of Racial Discrimination implicated new measures of prevention and specially early warnings on possible escalating conflicts. However the implementation of such measures has not always been sufficient enough.

March 2014 GA

The General Assembly of the United Nations approved a resolution declaring this referendum and Russia's annexation as invalid and affirming Ukraine's territorial jurisdiction of Crimea. One hundred of the UN's 193 member states approved the resolution, and 11 member states voted against it.

March 2014 SC

The Security Council intended to adapt a draft resolution paper, one that stands for the sovereignty and independence of Ukraine. Nevertheless, since one of the permanent member of the Security Council the resolution loss its importance and moreover the Russian Federation vetoed this draft, therefore, oppressing any type of acknowledgment.

ICC Investigation

On November 14th, 2016, the International Criminal Court posted its preliminary report on Crimea's occupation by Russia. The ICC issued, "there exists a sensible or reasonable justification for a belief that a crime falling within the jurisdiction of the Court 'has been or is being committed'".

International Civil Aviation Organization ICAO

On November 24 2016 Ukraine announced the testing of missiles on the coast, which is a Crimean territory as well as russian land and it was expected that these acts of exclusion were condemned under the sovereignty of Crimea.

ICJ involved

On January 16th, 2017, Ukraine instituted proceedings against Russia. On April 19th, the International Court of Justice issued in its press release that "the Court finds that Russia must refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language".

BULLET POINTS

Identification of the main factors that led to the opening of this case
Context of the territory
Demographical data
Historical facts
Acknowledgment of the requests made from both countries involved to the International Court of Justice
Well explained requests from each party
Establishment of conditions
Discussion of the petitions from Ukraine and the Russian Federation and determine the plausible requests that may be granted, as well as deciding which demands are impossible to fulfill
Bargaining in favour of the corresponding party
Exposition of the posture of the countries, as well as their statements and disagreements
Current situation perception
Necessities
Debate of the possible outcomes and consequences that this problematic would have for the countries involved in several schemes
Economical aspect
Social aspect
Political aspect

SUGGESTION OF POSSIBLE SOLUTIONS FOR THIS PROBLEMATIC

Agreements sustained on international law
Accordance in regards to the application of the solutions
Immediate action
Long term action
Decide the best way to achieve the solutions and the resources necessary
Sponsors of the resources if necessary
Verification of solutions

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