

Before the  
INTERNATIONAL COURT OF JUSTICE

**DECLARATION OF INTERVENTION  
UNDER ARTICLE 63 OF THE STATUTE OF THE COURT  
BY THE REPUBLIC OF CYPRUS**

In the case concerning

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

9 December 2022

**DECLARATION OF INTERVENTION UNDER ARTICLE 63  
OF THE STATUTE OF THE COURT BY THE REPUBLIC OF CYPRUS**

To the Registrar of the International Court of Justice, the undersigned being duly authorised by the Republic of Cyprus.

1. Pursuant to Article 63, paragraph 2, of the Statute of the Court, I have the honour to submit to the Court on behalf of the Republic of Cyprus a Declaration of Intervention in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v Russian Federation)*.

2. Pursuant to Article 82, paragraph 2, of the Rules of the Court, a State which desires to avail itself of the right of intervention conferred upon it by Article 63 of the Statute shall file a declaration that specifies the name of an agent, the case and the convention to which it relates, and that contains further:

- (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; and
- (d) a list of the documents in support, which documents shall be attached.

3. This Declaration addresses each of these points below (sections II–V), following certain preliminary observations, which include the case and convention to which this Declaration relates, as well as a brief history of the proceedings (section I). Section VI concludes.

**I. PRELIMINARY OBSERVATIONS**

4. The case concerning *Allegation of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* raises questions of interpretation of crucial provisions of the Convention on the Prevention and Punishment of the Crime of Genocide (the ‘Genocide Convention’ or the ‘Convention’), including the determination of the proper scope of the compromissory clause of the Convention (Article IX) and the determination of the proper scope of the obligation of prevention and punishment of the crime of genocide enshrined in Article I of the Convention.

5. On 26 February 2022, Ukraine seised the Court by means of an Application Instituting Proceedings against the Russian Federation on the basis of Article 36, paragraph 1, of the Statute of the Court and Article IX of the Genocide Convention. In that Application, Ukraine contended that ‘[a] dispute has [...] arisen relating to the interpretation and application of the Genocide Convention, as Ukraine and Russia hold opposite views on whether genocide has been committed in Ukraine, and whether Article I of the Convention provides a basis for Russia to use military force against Ukraine to “prevent and punish” this alleged genocide’.<sup>1</sup> On the same date, Ukraine submitted a Request for the Indication of Provisional Measures in accordance with Article 41 of the Court’s Statute.

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<sup>1</sup> Application Instituting Proceedings of 26 February 2022, paragraph 11.

6. On 7 March 2022, the Russian Federation submitted a Document (with annexes) setting out its position regarding the alleged ‘lack of jurisdiction’ of the Court in the case. In that Document, the Russian Federation contended that Ukraine ‘is seeking to bring before the Court the issues of legality of the use of force by Russia in Ukraine and the recognition by Russia of the Donetsk and Lugansk People’s Republics using the 1948 Convention on the Prevention and Punishment of the Crime of Genocide [...] as a vehicle for this purpose’.<sup>2</sup> The Russian Federation argued that both the Application and the Provisional Measures Request fall beyond the scope of the Convention and thus the jurisdiction of the Court, and requested the Court to refrain from indicating provisional measures and to remove the case from its list.<sup>3</sup>

7. On 16 March 2022, the Court issued an Order on the Request for Provisional Measures, indicating provisional measures in the case.<sup>4</sup>

8. On 30 March 2022, the Registrar of the Court, on the instructions of the Court, notified the Republic of Cyprus pursuant to Article 63, paragraph 1, of the Court’s Statute that in Ukraine’s Application the Genocide Convention ‘is invoked both as a basis for the Court’s jurisdiction and the substantive basis of the Applicant’s claims on the merits’.<sup>5</sup>

9. On 31 October 2022, the Registrar of the Court further informed the Republic of Cyprus that, in the interest of ‘the sound administration of justice and procedural efficiency’, any State that ‘intends to avail itself of the right of intervention conferred on it by Article 63’ should file its Declaration ‘not later than Thursday 15 December 2022’.

10. With this Declaration, the Republic of Cyprus avails itself of the right of intervention conferred upon it by Article 63 of the Statute of the Court. The case before the Court raises questions of crucial importance for the construction of obligations under the Genocide Convention, obligations which the Court has established are obligations *erga omnes partes* to the Convention.<sup>6</sup> As such, all States parties to the Convention have an interest in the proper construction of the relevant provisions of the Convention.

11. More specifically for the Republic of Cyprus, there is an interest in setting out its views on the proper construction not only of the compromissory clause in Article IX of the Convention, but also of the obligation of prevention and punishment in Article I, which, as shall be explained in paragraph 14 below, is in part what triggers the compromissory clause in the present case. As a small State, the Republic of Cyprus relies for its security on the global rules-based order with the United Nations Charter and adherence to international law as its core. Given its relatively short but rather tumultuous history, it is an existential matter for the Republic of Cyprus that provisions in conventions and treaties not be abused in order to justify the use of force against their parties, but be properly construed by States and ultimately by this Court, setting out the parameters of such provisions in accordance with international law.

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<sup>2</sup> Document (with annexes) from the Russian Federation setting out its position regarding the alleged ‘lack of jurisdiction’ of the Court in the case, 7 March 2022, paragraph 4.

<sup>3</sup> *ibid.*, paragraphs 23–24.

<sup>4</sup> *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v Russian Federation)*, Order on the Request for Provisional Measures of 16 March 2022, *ICJ Reports 2022*, paragraph 86.

<sup>5</sup> Attached to this Declaration as Annex A.

<sup>6</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v Myanmar)*, Preliminary Objections, Judgment of 22 July 2022, *ICJ Reports 2022*, paragraph 107.

12. The Republic of Cyprus recognises that, by availing itself of the right to intervene under Article 63 of the Court's Statute, the construction of the Genocide Convention given by the judgment of the Court in this case will be equally binding upon it. Further, the Republic of Cyprus wishes to render all possible assistance to the Court, should the latter deem it useful, in the interest of the administration of justice, to group this Declaration with similar Declarations from other States for future stages of the proceedings.

## **II. THE REPUBLIC OF CYPRUS IS A PARTY TO THE GENOCIDE CONVENTION**

13. The Republic of Cyprus submitted its instrument of accession to the Genocide Convention to the depositary in accordance with Article XI of the Convention on 29 March 1982. Consequently, the Convention entered into force for the Republic of Cyprus on 27 June 1982, in accordance with Article XIII of the Convention.<sup>7</sup>

## **III. PROVISIONS OF THE GENOCIDE CONVENTION IN QUESTION IN THE CASE**

14. In its Application, Ukraine contends that a dispute has arisen between itself and the Russian Federation as to 'whether genocide has been committed in Ukraine, and whether Article I of the Convention provides a basis for Russia to use military force against Ukraine to "prevent and punish" this alleged genocide'.<sup>8</sup> This, according to Ukraine, establishes the Court's jurisdiction pursuant to Article IX of the Convention.<sup>9</sup>

15. In its Request for the Indication of Provisional Measures, Ukraine further clarifies that there is a 'factual' dispute between itself and the Russian Federation as to whether genocide, defined as it is by Article II of the Genocide Convention, has occurred or is occurring in the Luhansk and Donetsk oblasts of Ukraine,<sup>10</sup> as well as a 'legal' dispute as to whether 'as a consequence of Russia's unilateral assertion that genocide is occurring, Russia has any lawful basis to take military action in and against Ukraine to prevent and punish genocide pursuant to Article I of the Genocide Convention'.<sup>11</sup>

16. As such, there are at least three provisions in question in the case, namely Articles IX, II, and I of the Convention. However, Articles III (referred to in Article IX) and VIII (referred to by Ukraine in its Request<sup>12</sup>) may also come into play. This is the case already at the stage of construction of Article IX for the purposes of establishing jurisdiction. It is not possible for the construction of that compromissory clause to take place in a vacuum, without reference to (and thus construction of) the substantive provisions of the Convention. Indeed, 'the Court must found its jurisdiction on the compromissory clause [...], but that cannot be done on an impres-

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<sup>7</sup> Depositary Notification C.N.101.1982.TREATIES-3 'Accession by Cyprus', attached to this Declaration as Annex B.

<sup>8</sup> Application Instituting Proceedings, n 1, paragraph 11.

<sup>9</sup> *ibid.*, paragraph 12.

<sup>10</sup> Request for the Indication of Provisional Measures of 26 February 2022, paragraph 11.

<sup>11</sup> *ibid.*

<sup>12</sup> *ibid.*

sionistic basis. The Court can only determine whether there is a dispute regarding the interpretation and application of [... a ... t]reaty [...] by interpreting the articles which are said by [one party] to have been violated by [another party]’.<sup>13</sup>

17. The proper construction of Articles I, II, III, VIII, and IX are thus potentially in question in the case, even at the jurisdictional stage of the proceedings. In the section that follows, the Republic of Cyprus will limit its statement to the construction of Articles I and IX. However, the Republic of Cyprus reserves its right to amend or supplement this Declaration in the course of written and oral observations and by filing a further Declaration with the Court.

#### IV. STATEMENT OF THE CONSTRUCTION OF PROVISIONS IN QUESTION

18. In its statement of the construction of the provisions in question, the Republic of Cyprus is guided by the general rule of interpretation in Article 31 of the Vienna Convention on the Law of Treaties, which the Court has already stated on numerous occasions reflects customary international law.<sup>14</sup>

##### IV.1. Article IX

19. Article IX, the compromissory clause of the Convention, provides:

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

20. A ‘dispute’ must thus exist between the parties to the Genocide Convention which ‘relates’ to the ‘interpretation, application or fulfilment’ of the Genocide Convention for the Court to be able to exercise its jurisdiction ‘at the request of any of the parties to the dispute’.

21. The jurisprudence of the Court as to the existence of a dispute is well developed. As per the Permanent Court of International Justice in *Mavrommatis*, ‘[a] dispute is a disagreement on a point of law or fact, a conflict of legal views or of interests’ between parties.<sup>15</sup> The Court has further elaborated that in order for a dispute to exist, the claim of one party must be shown to be ‘positively opposed’ by the other,<sup>16</sup> and it must further be shown that the respondent ‘was aware, or could not have been unaware, that its views were “positively opposed” by the applicant’.<sup>17</sup> The question of the existence of a dispute is one that falls to be ‘objectively determined’ by the Court.<sup>18</sup>

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<sup>13</sup> *Oil Platforms (Islamic Republic of Iran v United States of America)*, Preliminary Objection, Judgment of 12 December 1996, Separate Opinion of Judge Higgins, *ICJ Reports 1996*, p 855, paragraph 29.

<sup>14</sup> See, eg, *Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment of 13 December 1999, *ICJ Reports 1999*, p 1059, paragraph 18.

<sup>15</sup> *Mavrommatis Palestine Concessions*, Judgment of 30 August 1924, *PCIJ Ser A No 2*, p 11.

<sup>16</sup> *South West Africa (Ethiopia v South Africa; Liberia v South Africa)*, Preliminary Objections, Judgment of 21 December 1962, *ICJ Reports 1962*, p 328.

<sup>17</sup> *Obligations Concerning Negotiations Relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v United Kingdom)*, Preliminary Objections, Judgment of 5 October 2016, *ICJ Report 2016*, p 850, paragraph 41.

<sup>18</sup> *ibid*, p 849, paragraph 39.

22. The dispute must ‘relate’ to the ‘interpretation, application or fulfilment’ of the Genocide Convention. The requirement that the dispute ‘relate to’ (rather than ‘concern’ or ‘arise out of’) the interpretation, application or fulfilment of the Convention is a first indication that the parties intended the compromissory clause of Article IX to be broad in scope. This is further supported by the unusual complement of ‘fulfilment’ to ‘interpretation’ and ‘application’, as well as by the indicative mention of disputes relating to the responsibility of a State for genocide being ‘included’, itself an ‘unusual feature’.<sup>19</sup>

23. This broad scope of Article IX must be seen to encompass so-called ‘non-violation complaints’.<sup>20</sup> If a State party to the Convention can assert that another is violating the Convention and can thus also bring a claim before the Court on the basis of Article IX (assuming that the assertion is positively opposed, ie that there is a dispute), it must be also that a State party accused of violating the Convention and positively opposing this accusation may avail itself of the same right. The latter must have the possibility of asking the Court to determine that any accusations of violations of the Convention against it are ill-founded. It must be afforded a possibility to ‘clear its name’, and Article IX provides it exactly with that possibility.

24. This interpretation is supported by the fact that the compromissory clause allows submission of a dispute to the Court by *any* of the parties to the dispute, and not only, eg, by the party alleging a violation of the Convention. The target of such an allegation has an equal right to submit the dispute to the Court under Article IX.

25. The construction advanced in the preceding paragraphs is confirmed further by the situation in the present case. Here, the allegation of genocide, which is disputed, further serves as a basis for resort to the use of force in response to the alleged infraction, ie to subject the accused to unlawful action. While a State party should be able, as discussed above, to ‘clear its name’ whenever a disputed allegation against it is made, the fact that relevant allegations may then be used to justify further measures, including the use of force, throws this right to bring a ‘non-violation complaint’ into sharp relief. If the compromissory clause could not be relied upon to bring such matters to the Court, its effectiveness would be severely curtailed.

#### **IV.2. Article I**

26. In the case at hand, Ukraine does not seek merely to rebut the allegation that it is responsible for genocide (what it called a ‘factual dispute’ in its Request for the Indication of Provisional Measures). It is also seeking a declaration by the Court that the Russian Federation does not have ‘any lawful basis to take military action in and against Ukraine to prevent and punish genocide pursuant to Article I of the Genocide Convention’ following its unilateral assertion that genocide is occurring.<sup>21</sup>

27. Article I of the Convention establishes the obligation (undertaking) of States parties to prevent and punish the crime of genocide:

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<sup>19</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Merits, Judgment of 26 February 2007, *ICJ Reports 2007*, p 114, paragraph 169.

<sup>20</sup> See the expression of Vice-President Gevorgian in his Declaration, Order on the Request of Provisional Measures, n 4, paragraph 8.

<sup>21</sup> Request for the Indication of Provisional Measures, n 10, paragraph 11.

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.

28. What the obligation (undertaking) of prevention entails is of crucial importance to the construction of this provision. Thankfully, the Court has been unambiguous in stating that the obligation, being ‘one of conduct and not one of result’,<sup>22</sup> requires States ‘to employ all means reasonably available to them, so as to prevent genocide so far as possible’.<sup>23</sup> In clarifying this further, the Court found that ‘it is clear that every State may only act within the limits permitted by international law’.<sup>24</sup>

29. Accordingly, even if the accusation of genocide were to be substantiated (and, according to the Court, this would require evidence that is fully conclusive),<sup>25</sup> Article I would not permit any State party to the Convention to take action that is not otherwise permitted in international law. And while it is true that countermeasures are permitted in response to an internationally wrongful act, such countermeasures can never involve the use of armed force in violation of the Charter of the United Nations.<sup>26</sup> Whatever ‘action’ a State may take in order to prevent genocide, such action must remain within the limits of international law, and in particular Article 2, paragraph 4, of the Charter of the United Nations.

30. This is further the case, given that Article VIII of the Convention reminds States parties of the possibility of calling upon ‘the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III’. The provision is meant to safeguard the collective security system established by the Charter. The Preamble further affirms the requirement of ‘international co-operation’.

31. The construction put forward in the preceding paragraphs fits well with the jurisprudence of the Court regarding the protection of human rights under treaties and more generally regarding recourse to force in response to perceived wrongs. In *Nicaragua*, the Court stated in no uncertain terms that ‘the use of force could not be the appropriate method to monitor or ensure [...] respect [for human rights]’.<sup>27</sup> And in its very first contentious case, the present Court had this to say as to forcible intervention:

The Court can only regard the alleged right of intervention as the manifestation of a policy of force, such as has, in the past, given rise to most serious abuses and such as cannot, whatever be the present defects in international organization, find a place in

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<sup>22</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Merits, Judgment of 26 February 2007, *ICJ Reports 2007*, p 221, paragraph 430.

<sup>23</sup> *ibid.*

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*, p 129, paragraph 209.

<sup>26</sup> See Article 50(1)(a) of the Articles on the Responsibility of States for Internationally Wrongful Acts, and Commentary thereto, *Yearbook of the International Law Commission 2001*, Vol II (Part Two), p 132, paragraphs 4–5.

<sup>27</sup> *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v United States of America)*, Merits, Judgment of 27 June 1986, *ICJ Reports 1986*, p 134, paragraph 268.

international law. Intervention [...] from the nature of things, [...] would be reserved for the most powerful States [...].<sup>28</sup>

32. With respect to the obligation (undertaking) to punish, a systematic interpretation of the Convention makes it clear that the obligation requires States parties to criminalise genocide within their domestic jurisdiction, and accordingly to punish individual offenders. Article V makes that precise point explicitly. Further, Article IV clearly refers to ‘persons committing genocide’ being ‘punished’. This must mean individual perpetrators. Article VI provides for trial of the (individuals) accused before competent courts of States parties (or, by agreement of all or some of the parties, by an international penal tribunal). Finally, Article VII makes provision for issues of extradition, which also necessarily refers to individuals and not States. It is thus beyond doubt that Article I cannot possibly contemplate the ‘punishment’ of States. This is further corroborated, beyond the Convention itself, by the fact that even countermeasures, as the standard general responses to international wrongs, are not permitted to be punitive in character, but are merely meant to induce responsible States to comply with their secondary obligations.<sup>29</sup>

33. In summary, the Republic of Cyprus submits that Article IX of the Convention is broad enough to encompass so-called ‘non-violation complaints, that is to say, requests by a party to adjudge and declare that that party has not violated the Convention, given that that position is positively opposed by another party. It is also broad enough to encompass a request by a party as to the proper scope of the obligation of prevention under Article I of the Convention. With respect to that latter provision, the Republic of Cyprus submits that no action taken in response to a (real or perceived) breach of a treaty could ever lawfully involve the use of armed force in violation of Article 2, paragraph 4, of the United Nations Charter. This is true also for determining the scope of the obligation to prevent under Article I, as the Court itself has stated. As to the scope of the obligation punish under Article I, the only punishment it contemplates is the criminal prosecution and punishment of individual offenders.

## **V. LIST OF DOCUMENTS IN SUPPORT, ATTACHED TO THIS DECLARATION**

34. The Republic of Cyprus submits the following documents in support of this Declaration:

- (a) Letter from the Registrar pursuant to Article 63, paragraph 1, of the Statute of the Court of 30 March 2022 (attached as Annex A); and
- (b) Depositary Notification regarding the Accession by the Republic of Cyprus to the Genocide Convention of 28 April 1982 (attached as Annex B).

## **VI. CONCLUSION**

35. For the reasons set out in this Declaration, the Republic of Cyprus respectfully requests the Court to admit this Declaration submitted in the exercise of the right conferred upon the

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<sup>28</sup> *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v Albania)*, Merits, Judgment of 9 April 1949, *ICJ Reports 1949*, p 35.

<sup>29</sup> See Article 49(1) of the Articles on the Responsibility of States for Internationally Wrongful Acts, and Commentary thereto, n 26, p 130, paragraph 1.

Republic of Cyprus by Article 63, paragraph 2, of the Statute of the Court to intervene in these proceedings.

36. The Republic of Cyprus reserves the right to amend or supplement this Declaration in the course of written and oral observations and by filing a further declaration with the Court.

37. The undersigned, Attorney General of the Republic of Cyprus, acts as Agent for the purposes of this Declaration. The Registrar of the Court is respectfully requested to channel all communication to the following address: Embassy of the Republic of Cyprus in The Hague, 15 Surinamestraat, 2585GG The Hague, Netherlands.



George L. Savvides  
Attorney General of the Republic of Cyprus  
Agent of the Government of the Republic of Cyprus

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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H.E. the Ambassador  
of the Republic of Cyprus  
to the Kingdom of the Netherlands  
Embassy of the Republic of Cyprus  
The Hague

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.

A handwritten signature in black ink, appearing to read 'P. Gautier', with a long horizontal stroke extending to the right.

Philippe Gautier  
Registrar



156413

Le 30 mars 2022

*Excellence,*

J'ai l'honneur de me référer à ma lettre (n° 156253) en date du 2 mars 2022, par laquelle j'ai porté à la connaissance de votre Gouvernement que l'Ukraine a, le 26 février 2022, déposé au Greffe de la Cour internationale de Justice une requête introduisant une instance contre la Fédération de Russie en l'affaire relative à des Allégations de génocide au titre de la convention pour la prévention et la répression du crime de génocide (Ukraine c. Fédération de Russie). Une copie de la requête était jointe à cette lettre. Le texte de ladite requête est également disponible sur le site Internet de la Cour ([www.icj-cij.org](http://www.icj-cij.org)).

Le paragraphe 1 de l'article 63 du Statut de la Cour dispose que

«[I]orsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Etats que les parties en litige, le Greffier les avertit sans délai».

Le paragraphe 1 de l'article 43 du Règlement de la Cour précise en outre que

«[I]orsque l'interprétation d'une convention à laquelle ont participé d'autres Etats que les parties en litige peut être en cause au sens de l'article 63, paragraphe 1, du Statut, la Cour examine quelles instructions donner au Greffier en la matière».

Sur les instructions de la Cour, qui m'ont été données conformément à cette dernière disposition, j'ai l'honneur de notifier à votre Gouvernement ce qui suit.

Dans la requête susmentionnée, la convention de 1948 pour la prévention et la répression du crime de génocide (ci-après la «convention sur le génocide») est invoquée à la fois comme base de compétence de la Cour et à l'appui des demandes de l'Ukraine au fond. Plus précisément, celle-ci entend fonder la compétence de la Cour sur la clause compromissoire figurant à l'article IX de la convention, prie la Cour de déclarer qu'elle ne commet pas de génocide, tel que défini aux articles II et III de la convention, et soulève des questions sur la portée de l'obligation de prévenir et de punir le génocide consacrée à l'article premier de la convention. Il semble, dès lors, que l'interprétation de cette convention pourrait être en cause en l'affaire.

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Son Excellence l'Ambassadeur  
de la République de Chypre  
auprès du Royaume des Pays-Bas  
Ambassade de la République de Chypre  
La Haye

Votre pays figure sur la liste des parties à la convention sur le génocide. Aussi la présente lettre doit-elle être regardée comme constituant la notification prévue au paragraphe 1 de l'article 63 du Statut. J'ajoute que cette notification ne préjuge aucune question concernant l'application éventuelle du paragraphe 2 de l'article 63 du Statut sur laquelle la Cour pourrait par la suite être appelée à se prononcer en l'espèce.

Veillez agréer, Excellence, les assurances de ma très haute considération.

Le Greffier de la Cour,

A handwritten signature in black ink, appearing to read 'P. Gautier', with a long horizontal stroke extending to the right.

Philippe Gautier

(IV.1)

82/375 EK

ANNEX B

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017  
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE: C.N.101.1982.TREATIES-3 (Depositary Notification)

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE  
ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 9 DECEMBER 1948

ACCESSION BY CYPRUS

The Secretary-General of the United Nations, acting in his capacity as depositary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948, communicates the following:

On 29 March 1982, the instrument of accession to the said Convention by the Government of Cyprus was deposited with the Secretary-General.

In accordance with article XIII (3), the Convention will enter into force for Cyprus on the ninetieth day following the deposit of its instrument of accession, that is to say, on 27 June 1982.

28 April 1982

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

CORRESPONDENCE UNIT

DECEMBER 1981

112 MEMBER STATES plus 6 NON-MEMBERS

ENGLISH AND SPANISH

AFGHANISTAN	FINLAND	MALTA	SPAIN
ANTIGUA AND BARBUDA	GAMBIA	MAURITIUS	SRI LANKA
AUSTRALIA	GERMAN DEMOCRATIC	MEXICO	SUDAN
AUSTRIA	REPUBLIC	MONGOLIA	SURINAME
BAHAMAS	GERMANY (FEDERAL	MOZAMBIQUE	SWAZILAND
BAHRAIN	REPUBLIC OF)	NEPAL	SWEDEN
BANGLADESH	GHANA	NETHERLANDS	SYRIAN ARAB REPUBLIC
BARBADOS	GREECE	NEW ZEALAND	THAILAND
BELIZE	GRENADA	NICARAGUA	TRINIDAD AND TOBAGO
BHUTAN	GUATEMALA	NIGERIA	TURKEY
BOLIVIA	GUYANA	NORWAY	UGANDA
BOTSWANA	HONDURAS	OMAN	UKRAINIAN SSR
BRAZIL	HUNGARY	PAKISTAN	UNION OF SOVIET SOCIALIST
BURMA	ICELAND	PANAMA	REPUBLICS
BYELORUSSIAN SSR	INDIA	PAPUA NEW GUINEA	UNITED ARAB EMIRATES
CANADA	INDONESIA	PERU	UNITED KINGDOM
CHILE	IRAQ	PHILIPPINES	UNITED REPUBLIC OF TANZANIA
CHINA	IRELAND	POLAND	UNITED STATES OF AMERICA
COLOMBIA	ISRAEL	PORTUGAL	VANUATU
COSTA RICA	JAMAICA	QATAR	VENEZUELA
CUBA	JAPAN	SAINT LUCIA	YEMEN
CYPRUS	JORDAN	SAINT VINCENT AND	YUGOSLAVIA
CZECHOSLOVAKIA	KENYA	THE GRENADINES	ZAMBIA
DEMOCRATIC YEMEN	KUWAIT	SAMOA	ZIMBABWE
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