

**ATILIM UNIVERSITY**  
**GRADUATE SCHOOL OF SOCIAL SCIENCES**  
**DEPARTMENT OF TRANSLATION AND INTERPRETATION**  
**TRANSLATION AND INTERPRETATION MASTER'S PROGRAMME**



**TRANSLATION OF LEXICAL ITEMS IN THE CONVENTIONS  
OF THE COURT OF JUSTICE: A CASE STUDY**

**Master's Thesis**

**Suha AL-OGAIDI**

**ANKARA – 2019**



**ATILIM UNIVERSITY**  
**GRADUATE SCHOOL OF SOCIAL SCIENCES**  
**DEPARTMENT OF TRANSLATION AND INTERPRETATION**  
**TRANSLATION AND INTERPRETATION MASTER'S PROGRAMME**

**TRANSLATION OF LEXICAL ITEMS IN THE CONVENTIONS  
OF THE COURT OF JUSTICE: A CASE STUDY**

**Master's Thesis**

**Suha AL-OGAIDI**

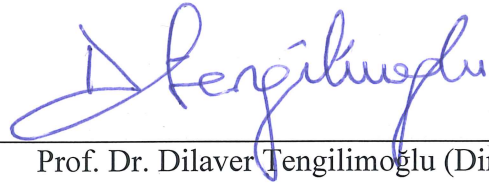
**Supervisor**

**Prof. Dr. Ayfer ALTAY**

**ANKARA – 2019**

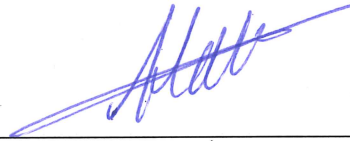
## ACCEPTANCE AND APPROVAL

This is to certify that this thesis “Translation of Lexical Items in the Conventions of the Court of Justice: A Case Study” and prepared by Suha Alogaidi meets with the committee’s approval unanimously as master’s Thesis in the field of Translation and Interpretation following the successful defense of the thesis conducted in August 23, 2019.



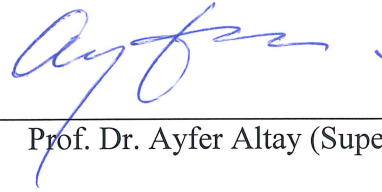
---

Prof. Dr. Dilaver Tengilimoğlu (Director)



---

Assoc. Prof. Dr. İsmail Erton (Jury Member)



---

Prof. Dr. Ayfer Altay (Supervisor)



---

Assist. Prof. Dr. Hilal Erkazancı (Jury Chair)

## ETHICS DECLARATION

I hereby declare that;

- I prepared this thesis in accordance with Atilim University Graduate School of Social Sciences Thesis Writing Directive,
- I prepared this thesis within the framework of academic and ethics rules,
- I presented all information, documents, evaluations and findings in accordance with scientific ethical and moral principles,
- I cited all sources to which I made reference in my thesis,
- The work of art in this thesis is original,

I hereby acknowledge all possible loss of rights in case of a contrary circumstance.  
(In case of any circumstance contradicting with my declaration)

23/8/2019

---

Suha AL-OGAIDI

## ÖZET

AL-OGAIDI, Suha. “Adalet Divanı’nın Metinlerindeki Sözcüklerin Çevrilmesi: Bir Örnek Olay Çalışması”. Yüksek Lisans Tezi, Ankara, 2019.

Bu çalışmanın amacı Uluslararası Adalet Divanı’nın Terörizm ve Irk Ayrımcılığı (Irk Ayrımcılığının Önlenmesine Yönelik Uluslararası Sözleşme – CERD (*International Convention on the Elimination of Racial Discrimination*)) sözleşmelerinin terminolojisinin çevrilmesinde hangi çeviri yöntemlerinin uygulandığının belirlenmesine yönelik bir karşılaştırmalı analizin gerçekleştirilmesidir. Bu sözleşmeler günümüz dünyasında ve özellikle de Arap bölgesinde özel bir öneme sahip bulunmaktadır. Çalışmanın kapsamı Birleşmiş Milletler Adalet Divanı’nın resmi web sitesinde 2010 ilâ 2018 yılları arasında yayınlanmış olan CERD (Irk Ayrımcılığının Önlenmesine Yönelik Uluslararası Sözleşme) ile sınırlıdır. Bu sözleşmeler Uluslararası Adalet Divanı’nın İngilizce ve Arapça olarak sunulan yıllık raporundan alınmıştır.

Mevcut çalışma Jean Paul Vinay ve Jean Darbelnet (1995) tarafından ortaya konmuş kriterleri temel almaktadır ve Irk Ayrımcılığının Önlenmesine Yönelik Uluslararası Sözleşme’nin (ICERD) sözcüklerinin çevirisi ile sınırlı tutulmuştur. Gerçekleştirilen analizin sonuçları temel alınarak, sözcüklerin çevirilerinin Gideon Toury yaklaşımına göre yeterli ya da kabul edilebilir olup olmadıkları tartışılmıştır.

**Anahtar Kelimeler:** Uluslararası Adalet Divanı, Irk Ayrımcılığının Önlenmesine Yönelik Uluslararası Sözleşme, Çeviri Yöntemleri, Yeterlilik ve Kabul edilebilirlik, Hukuk Çevirisi.

## ABSTRACT

AL-OGAIDI, Suha. "Translation of Lexical Items in the Conventions of the Court of Justice: A Case Study". M.A. Thesis, Ankara, 2019.

This study aims to carry out a comparative analysis to determine which methods of translation are applied in translating the terminology of conventions of the International Court of Justice on Terrorism and Racial Discrimination (CERD). These conventions have special importance at the current stage in the world and specially in the Arab region. The aim of the study is limited to the (CERD) that have been released between 2010 and 2018 on the official website of the UN Court of Justice. These conventions are taken from the annual report of the ICJ that it is available in both English and Arabic.

The study is based on the criteria put forward by Jean Paul Vinay and Jean Darbelnet (1995) and limited to the translation of lexical unites of the (CERD). According to the results of the analysis, it is discussed whether the translation of lexical units is adequate or acceptable according to Gideon Toury approach.

**Key words:** International Court of Justice, International Convention on Racial Discrimination, Translation Methods, Adequacy and Acceptability, Legal Translation.

## ACKNOWLEDGEMENTS

*Firstly, I would like to express my sincere gratitude to my advisor Prof.Dr. Ayfer Altay for the continuous support of my MA study, for her patience, motivation, and immense knowledge. Her guidance helped me in all the time of research and writing of this thesis.*

*Furthermore, special gratitude I give to the members of the jury, and special gratitude to my professors in Turkey (Prof. Dr N. Berrin Aksoy, Assoc. Prof. Dr. H. Ismail ERTON, Dr. Naile Sarmaşık), who have a crucial role in my development since the beginning of the master programme in the Department of Translation and Interpretation at Atilim University.*

*I must express my very profound gratitude to my parents, my brothers and sister for providing me with unfailing support and continuous encouragement throughout my years of study. Finally, a special thanks to my friend Inaam Al-Azzawi for her support and encouragement through the process of writing this thesis. This accomplishment would not have been possible without them. Thank you...*

## TABLE OF CONTENTS

<b>ÖZ .....</b>	<b>i</b>
<b>ABSTRACT.....</b>	<b>ii</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>iii</b>
<b>TABLE OF CONTENTS .....</b>	<b>iv</b>
<b>LIST OF ABBREVIATIONS .....</b>	<b>vii</b>
<b>LIST OF TABLES.....</b>	<b>viii</b>
<b>LIST OF FIGURES.....</b>	<b>ix</b>

### I: INTRODUCTION

1.1.	Background of the Study .....	1
1.2.	Purpose of the Study.....	2
1.3.	Theoretical Framework .....	2
1.4.	Research Questions .....	3
1.5.	Hypothesis .....	3
1.6.	Limitation and Assumptions of the Study .....	3

### II: UN INTERNATIONAL COURT OF JUSTICE

2.1.	History of the International Court of Justice .....	5
2.2.	Function and Formation of the UN Court of Justice .....	7
2.3.	Style of UN Documents .....	8

### III: GENERAL FEATURES OF LEGAL LANGUAGE

3.1.	General Features of Legal Language.....	13
3.1.1.	Old language.....	13
3.1.2.	Complexity.....	13
3.1.3.	Formality .....	14
3.2.	English Legal Language .....	15
3.3.	The Influences on English Legal Language .....	15
3.3.1.	Anglo-Saxon influence (450 AC) .....	15
3.3.2.	French influence.....	16
3.3.3.	Latin influence .....	17

3.4.	Characteristics of English Legal Language.....	18
3.4.1.	Lexical features .....	18
3.4.2.	Syntactic features .....	21
3.5.	Arabic Legal Language .....	25
3.5.1.	The influence of the Arabic legal language .....	25
3.5.2.	Characteristics of Arabic legal language.....	27

#### **IV: TEXT TYPES AND LEGAL TEXTS**

4.1.	Text Types .....	33
4.2.	Translation of Legal Texts .....	35
4.3.	Translation of Legal Terminology.....	35

#### **V: METHOD**

5.1.	Direct Translation Methods.....	37
5.1.1.	Borrowing .....	37
5.1.2.	Calque .....	38
5.1.3.	Literal translation .....	38
5.2.	Oblique Translation Methods.....	39
5.2.1.	Modulation .....	40
5.2.2.	Equivalence .....	42
5.2.3.	Adaptation .....	42
5.2.4.	Application of the seven methods at three planes of expression .....	43
5.3.	Macro Strategy .....	43
5.3.1.	Dichotomies of translation .....	44
5.3.2.	Adequacy and acceptability .....	44

#### **VI: ANALYSIS OF DATA AND DISCUSSION**

6.1.	Analysis of the Examples and Their Translation .....	48
6.1.1.	Analysis of the ST1 and TT1 .....	48
6.1.2.	Analysis of the ST2 and TT2 .....	56
6.1.3.	Analysis of the ST3 and TT3 .....	65
6.1.4.	Analysis of the ST4 and TT4 .....	75
6.2.	Discussion .....	87

<b>VII: CONCLUSION.....</b>	<b>101</b>
<b>BIBLIOGRAPHY.....</b>	<b>105</b>
<b>APPENDICES.....</b>	<b>111</b>
APPENDIX 1: Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination (Ukraine v. Russian Federation) 2017-2018 .....	111
APPENDIX 2: Application of International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. Emirates) 2017-2018.....	122
APPENDIX 3: Application of International Convention for the Suppression of All Forms of Racial Discrimination (Georgia v. Russian Federation) 2010 – 2011.....	131
APPENDIX 4: Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination (Ukraine v. Russian Federation) 2016-2017 .....	141
CURRICULUM VITAE .....	153

**LIST OF ABBREVIATION**

ST	Source Text
TT	Target Text
BT	Back Translation
ICJ	International Court of Justice
UN	United Nations
UAE	United Arab Emirates
CERD	Convention of 1955 of the Elimination of Racial Discrimination
TL	Target Language
SL	Source Language
PCIJ	Permanent Court of International Justice
PCA	Permanent Court of Arbitration
DTS	Discriptive Translation Studies

**LIST OF TABLES**

Table No. 1: Analysis of CERD between 2009 and 2019.....	47
Table No. 2: Examples from CERD, their translation and the applied methods of translation.....	88
Table No. 3: Number of Methods Used in Translation of the Four Texts.....	97



**LIST OF FIGURES**

Figure No. 1: Translation Method Applied in the Translation of Legal Terminology...	94
.....	94
Figure No. 2: Borrowing .....	95
Figure No. 3: Calqu.....	95
Figure No. 4: Literal.....	95
Figure No. 5: Transposition .....	95
Figure No. 6: Modulation.....	96
Figure No. 7: Equivalence.....	96
Figure No. 8: Adaptation.....	96

## **I: INTRODUCTION**

### **1.1. Background of the Study**

The need for a highly qualified legal language has increased more than any other time, especially in the age of globalization. This explains the growing interest in legal translation not only by linguists but also by lawyers. Sarcevic points out that the legal language is the language of communication used for special purposes by specialists, the text type of this language is restricted in laws, provisions, contracts, judgment, lawsuits and legal authorities correspondence (1997, p. 9). There are many different definitions of legal translation. Legal translation is the translation of texts within the field of law. As law is a culture-dependent subject field, legal translation is not necessarily linguistically transparent (Biel, 2008, p. 22).

International bodies and governments seek a well-organized common order in political and legal fields. All countries move towards increasing the cooperation among themselves to secure their geographical enlargement, to achieve peace in the world.

In the light of these movements, the importance of legal translations becomes crucial, and according to the nature of legal discourse a lot of problems arise in the semantic and syntactic problems arise in their translation.

In the diplomatic and international relationships, the translation of the UN documents has important status especially during the current international situations and crises. The contracts of the International Court of Justice of the United Nations are taken as case study in this thesis.

Thus, this study mainly aims to determine the most frequently used method of translation in the translation of the conventions of the court of justice at the UN into Arabic, according to the method of Vinay and Darbelnet.

## **1.2. Purpose of the Study**

The purpose of this study is to investigate the nature of documents of the International Court of the UN, and to conduct a comparative analysis of their translation in order to find out which of Vinay and Darbelnet methods of translation are most used when translating these legal documents from source language (SL) English to the target language (TL) Arabic. The analysis will be limited to lexical items. The focus may vary between one word and a group of words.

## **1.3. Theoretical Framework**

This study is limited to the analysis of the translation of 74 of terms within Four texts according to the translation methods of Jean-Paul Vinay and Jean Darbelnet, then determine the type of translation used most frequently among the mentioned methods. In this research, a comparative critical analytical approach between texts translated from English to Arabic is used. The examples are taken from the texts of the International Court of justice. The seven method of Vinay are adaptation, transportation, equivalence, literal translation, modulations, calque, borrowing (Vinay and Darbelnet, 1995, pp. 30-42), will be used as the markers to analyse the translation of lexical unites.

The methodology of Vinay and Darblnet have been implemented on language pairs of English-French and supports the translation studies in the world. In this thesis the analysed language pair in English-Arabic. The categories of Vinay and Darblent is chosen for the analysis part because it is considered the most substantial and direct methods that can be used in analysing legal text samples.

Forty examples of the last ten years of the UN International Court conventions on “terrorism and racial discrimination” issued between 2009-2019 are analyzed, and discussion is lead on how the terms of these texts are translated to Arabic. In order to reach a concrete finding, a statistical figure is presented for each method data in the analysis.

#### **1.4. Research Questions**

- 1- Which of Vinay and Darblnet methods are the most used in the translation of the conventions of the UN Court of Justice 2009-2019?
- 2- Is the use of the methods of Vinay and Darblnet in the translation the documents of the UN Court of Justice acceptable or adequate?

#### **1.5. Hypothesis**

In this thesis the hypothesis is that the legal translation can be conducted by using specific methods of translation, and the literal method of translation is the most commonly used in translating this type of texts.

#### **1.6. Limitation and Assumptions of the Study**

In this thesis, a comparative analysis is conducted by analyzing the Conventions of the International Court of Justice (ICJ) within the last ten years on terrorism and racial discrimination.

The main reason to select these conventions on terrorism and racial discrimination to analyze is the important influence of these conventions at the current stage of the world peacekeeping operations in general, and specifically in Arab region. This phenomenon has speared in Arab countries and rapidly exacerbated, which creates a political crisis inside Arab world. These conventions are published on the official website of the (ICJ) within the annual reports of the Court. There are four conventions about terrorism and racial discrimination between 2009-2019. The conventions are translated from English into Arabic, the unites to be analyzed are selected according to the degree of importance, therefore the most important unites in the texts translated into Arabic are taken to be analyzed.

The opinion of the Arabic translators of the International Association of Arabic Translators is taken, to define the standard for determining the most important term among the terms that are used in these conventions.



## **II: UN INTERNATIONAL COURT OF JUSTICE**

### **2.1. History of the International Court of Justice**

The history of the International Court of Justice dates back to classical times, the establishment of the Court represented the conclusion of a long evolution in the methods of peaceful settlement of international disputes.

In ancient times, mediation and arbitration emerged. Mediation was represented in ancient India, while arbitration was represented in China, ancient Greece, the early Islamic world and among the Arab tribes. In modern times, the judicial settlement provided in Article 33 of the Charter of the United Nations, which followed several methods of settling disputes between States, was used: arbitration, mediation, negotiation, conciliation, investigation, and resort to regional agencies or arrangements, judicial settlement.

The origin of the modern history of arbitration dates back to the following stages: The first stage, Treaty of Jay 1794 between the United States of America and Great Britain. This treaty provided for the establishment of three committees aimed at function as tribunals and this led to an interest in the arbitration process throughout the nineteenth century. The second stage is the Washington Treaty of 1871 when the United States and the United Kingdom agreed to submit to the arbitration requirements (The International Court of Justice, n.d., p. 9).

There have been procedures to demonstrate the effectiveness of arbitration in the settlement of disputes, which have led to developments in several directions, including a proposal for the establishment of the Permanent Court of Arbitration.

While the third phase was the Hague Peace Conference of 1899, the main object of the Conference was to achieve peace and disarmament in which the smaller countries of Europe, Mexico and some Asian countries participated (The International Court of Justice, n.d., p. 10). In 1907, the procedural rules for regulating the arbitral proceedings were improved by the Hague Peace Conference II.

Instructions were issued by the US Secretary of State Elihu Root to work towards the establishment of a permanent arbitration tribunal composed of judicial officers. This court has not become a reality for the lack of an acceptable method for selecting judges (The International Court of Justice, n.d., p. 11).

But the basic ideas for the draft of establishing the court later became an inspiration for the drafting of the Statute of the Permanent Court of International Justice (PCIJ). The PCA has seen a decline in its activity due in part to the establishment of the International Court of Justice (PCIJ) and later to the International Court of Justice (ICJ). The Permanent Court of Arbitration (PCA) has specialized in matters of maritime delimitation, territorial sovereignty, and bilateral and multilateral investment treaties.

Following the Permanent Court of Arbitration (PCA), the Permanent Court of International Justice was established by the League of Nations (1922-1946). The Court was not limited to adjudicate any international dispute, but also to provide an advisory opinion which is referred to it by the Assembly or the Council of the League of Nations. It was decided that the Permanent Court of International Justice would have a permanent seat at the Peace Palace in The Hague. The preliminary session was opened on 30 January 1922 (p. 12). The Permanent Court of International Justice dealt with 29 disputes between States and issued 27 advisory opinions between 1922-1940 (The International Court of Justice, n.d., pp. 13 - 14).

The Permanent Court of International Justice was not part of the League of Nations, although it was created through it. The Council and Assembly of the League of Nations are periodically elected the members of the Court and have the right to demand an advisory opinion from the Court, but the Court has never been part of the League of Nations (The International Court of Justice, n.d., p. 14). However, after the outbreak of the Second World War in September 1939, the activity of the Permanent Court of International Justice began to decline after the last public session on September 4, 1939. As a result of the war, the Court was moved out to Geneva in 1940 and one judge remained in The Hague with a few staff members of the Court (The International Court of Justice, n.d., p. 15).

## **2.2. Function and Formation of the UN Court of Justice**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. The Court operated in accordance with a statute of its predecessor, which was an integral part of the Charter of the United Nations (International Court of Justice, n.d.).

### **Functions**

The Court plays a dual role. Under international law, it settles legal disputes submitted by Member States and provides advisory opinions on legal matters referred to it by authorized international bodies and agencies (International Court of Justice, n.d.).

### **Formation**

The Court is composed of 15 judges elected by the General Assembly of the United Nations and the Security Council for a term of nine years (International Court of Justice, n.d.).

### **The parties**

States can only come forward and present in front of the court. The number of States Members of the United Nations that have the right to be entitled is 191 (International Court of Justice, n.d.).

### **Legal sources**

The Court shall determine its provisions in accordance with applicable international treaties and conventions, international custom, general legal rules, judicial rulings and the instructions of distinguished international law experts, as additional sources. Advisory procedures for the Tribunal are open only to international organizations. The bodies authorized to seek the advice of the Court are: Five United Nations organs and 16 specialized United Nations family agencies (International Court of Justice, n.d.).

### 2.3. Style of UN Documents

United Nations reports are often long and exhausting. In drafting these reports, emphasizes the need to limit them to accurate information describing the work carried out by the organ concerned. It should contain summaries highlighting the main issues and recommendations of its conclusions as well as resolutions and recommendations to the organ to which those decisions will be passed (note by the Secretary-General A / INF / 46/1 of 10 June 1991). The documents of the United Nations must be authorized for approval by the Administration. In addition, United Nations documents must comply with United Nations quality and precision standards. They must have clear objective purposes and usage for general objectives. United Nations documents are formally classified in a sequential order.

First, the term "documentation", as in the case of the United Nations, refers to the body or the accumulation of material written in the United States of America, regardless of the form in which it was issued or the process to which it is reproduced (United Nations Editorial Manual, 1983, p. 4). The term "document" is used to modify the written materials that are officially issued under the symbol of United Nations documents, see the form of reproduction (United Nations Editorial Manual, 1983, p. 4).

The main types of documents issued by the United Nations:

1. Documents and files issued by subsidiary and principal organs.
2. Non-symbolic paper.
3. Other Publications.
4. Public information which include publications, leaflet and brochure.
5. Journal of United Nations. (United Nations Editorial Manual, 1983, p. 4).

The style of UN writing has developed over time, it is divided into categories according to the nature of the document. The United Nations faced many constraints during the drafting of the documents. Over time, its tasks increased, leading to more complex language formulation (UN 1984, p. iii). When formulating the terms of these documents, the language used should be clear for 192 of the citizens of Member States which are different in philosophy, culture, and political issues.

The UN has two types of texts issued by its organs:

- 1- The first type involves : Responses to questionnaires
  - Agenda, amendments, draft resolutions and draft decisions.
  - Communications, corrections and revisions, additions.
- 2- The second type includes: Official Records
  - Printed publications over of the principal organs jobs of the United Nations, released by the General Assembly
  - The meetings of the United Nations records.

The United Nations publishes numerous reports, studies and resolutions on a daily basis, at the same time these documents are translated into six languages. This large flow of documentation at the United Nations has led to a large amount of multi-Purpose documents.

The nature of United Nations documents is characterized by its length and size, as well as the use of bureaucratic language. There was strong criticism of some of the writings of the United Nations. Hindal describes some writings in the United Nations as "painful" and a hidden mass of documents, characterized by a simple style. The low standard of United Nations documentation is a permanent damage to the prestige of the Organization. These documents are the records of international institutions used for long periods by all States (United Nations Editorial Manual, 1983, p. 21). We can find the same bureaucratic style used in EU documents, not only in the United Nations. This method is also called Europeak or Eurobabble. A campaign recently launched by the European Commission under the name Fight the FOG, in which it tries to encourage translators and authors of the European Union to use understandable and easy language (Cao and Zhao, 2008, p. 46). Another point that led to the lack of clarity in the UN documents is that many of the documents written in English are originally written by two authors whose first language is not English. Because of their different proficiency in English, these English documents have caused linguistic problems for both translator and document reader who needs to translate these texts.

Translators regularly face the difficulties caused by the multiple characteristics of cultures and languages of the work of the United Nations, which in frequent cases, makes it difficult to find an equivalent term or concept in the target language.

***For example:*** There is no equivalent of "responsibility" in Chinese, so the word "zeren" is often used for both words. About these problems speakers at United Nations meetings frequently speak about these obstacles.

There are other difficulties in writing the United Nations is texts, such as the use of vague words on a large scale because of the diplomatic approach (Cao and Zhao, 2008, p. 47). We find that the international texts were written on the basis of political settlements, aimed at coordinating interests and balancing between the negotiating parties that may last for long periods. Therefore, it is often found in mysterious international instruments where the method of circularization is widely used in them. The way to negotiate or reach an agreement or treaty among the parties takes place in an undetermined manner. The negotiator usually resorts to compromises in order to overcome differences in vague terms, to reach consensus in opinion on the greement (Sarcevic, 1997). Therefore, the translator should not clarify the ambiguity of these tools when translating (Cao, 2007 b). If translators attempt to analyze ambiguity, they will be at risk of compromising the desired balance and intentions of the contracting parties (Sarcevic, 1997, p. 204). The writing style of UN documents has been a source of concern over the years because of its lack of clarity, UN reports are long and very cumbersome. It would be preferable for United Nations reports to contain accurate information describing the work done by the organ concerned. These reports should contain summaries focusing on the main issues, recommendations and recommendations submitted to the reporting body (see A / INF / 46/1 of 10 June 1991). Finally, the United Nations is a bureaucratic and multinational organization of a complex nature, which produces a great deal of documentation on a wide variety of topics for readers and experts in specialized fields as well as for the general public. UN develops its own styles and shapes are used consistently in the drafting of UN documents. Moreover, UN documents are often the product of international diplomacy, which must be accurate and

understandable to the masses with a diverse political and cultural background. All of this puts special demands on translation. Therefore, translation can be defined as a different and special translation activity in the United Nations.





### **III: GENERAL FEATURES OF LEGAL LANGUAGE**

#### **3.1. General Features of Legal Language**

Legal language is a language that contains a set of legal rules, which effectively govern the lives of a group of people at a particular place and time. Bhatia refers to three main types of law writings in terms of function and structures:

- 1- Academic legal writing: It includes the language of legal academic research journals and methodical textbooks on teaching the language of law.
- 2- Legislative writing: Consists of typical legal documents, laws passed by Parliament, constitutional documents, contracts, conventions, local and international treaties aimed at imposing obligations or prohibitions such as the texts of the International court of justice at the united nation.
- 3- Juridical writing: including the language of court judgments and books containing legal issues and reports (as cited in Bualmariqat, 2008, p. 22).

##### **3.1.1. Old language**

The old style of the legal language belongs to the reference made to very old texts, such as wills, contracts, and judicial decisions in order to support legal arguments. This shows the continuing validity of rules and doctrines. The existence of precedent concept gives conservative nature of language of law as it substantiates its roots in the past, due to the preservation of terms and antiquated vocabulary. Legal language considered as old language because of the use same legal text 50 or 60 years ago and still in use until now and it will be in use in the future. So, this attributes an omnipresent quality to law (Altay, 2002).

##### **3.1.2. Complexity**

Over time legal language becomes more complex. One of the most striking features of legal English is use of complex sentences. This complexity is due to the

technological development in the world, such as the appearance of modern instruments, like computers. In addition, changes that are taking place in social attitude. When computer appeared, new rules are included in the system of law concerning computers. For example, email, email attacks, hackers and everything related to computer system, and internet, all these developments lead to internet crimes. When technological devices came to life of human new kind of crimes started to appear. The new crimes brought new rules, regulations, and laws, while the previous crimes still exist in our life. For example, new laws are made to adjust legal rules to cope with the changes in technology or changes in social attitudes or expectations.

New penalties and punishments are included in law. The lawyers have to include the new coming rules in the existing law without deleting the previous rules, punishments, and penalties. That is why one article is subject to continuous growth. All the above factors led to the complex current form of legal sentences.

Another important factor added to the above reasons, is that the developments of social issues. Previously there was no formal marriage contracts must be signed in the court. Another issue likes:

- 1- Gays marriage with official and normal contract.
- 2- Child adoption will be starting over 40 years old.
- 3- New laws in divorce issues.
- 4- Legal age of marriage.

One sentence may contain many independent and dependent clauses. Movement of simplicity of legal language demanded short and simple sentences but lawyers defend it by arguing that for clarity and accuracy, long sentences are fruitful (Altay, 2002).

### **3.1.3. Formality**

Legal language is characterized by very formal and official style. This style differentiates it from ordinary daily language. Legal language consists of certain

terminology, jargon, and specific discourse. The formality is not only in legal language but in appearance too, like the British court. For example:

*People rise from their seats when the judge appears in the court.*

This is also can be added to the official quality of the legal system (Altay, 2002).

### **3.2. English Legal Language**

Studies conducted on legal language revealed many linguistic characteristics. There are judicial texts characterized as texts with long and complex sentences.

Legal sentences “are, almost without exception, complex” (Crystal and Davy, 2016, p. 203). In order to clarify what is mentioned in these legislations these characteristics must be recognized because of their profound implications for legal translation. The nature of distinctive legal language has developed properties in clusters: syntax and lexical features where we can see similar attributes when looking at legal texts in general. The legal Dictionary is filled with old words, formal style and common words that indicate uncommon meanings, complex syntax is a common style in legal language.

### **3.3. The Influences on English Legal Language**

In order to recognize the characteristics, peculiarities and identity of certain legal language of particular culture we have to know the influences on this language.

#### **3.3.1. Anglo-Saxon influence (450 AC)**

The character that Anglo-Saxon left in the legal language is alliteration. It means that the beginning of words is identical in terms of phonetic, as opposed to rhyme where the end of the words are the same. This effect is prominent in the legal language, and in addition, it makes legal text look like poetry. Anglo-Saxon influence is important in making legal sentences and phrases easier to remember.

A large part of this characteristic in the English legal language has disappeared, and some terms have remained such as (to hold) and (to have), which are still used in marriage contracts. There are also poetic expressions that are still present in many wills considered as harmless part of legal contracts. There are other expressions that lawyers tend to use such as: “each, all, every”. Also:

- *Any and all*
- *Hold harmless*
- *Witness, deem*
- *Oath, moot*

This explains the tendency to link large numbers of words with "or" or "and" by using alliteration (Tiersma, 2000).

### **3.3.2. French influence**

In 1066 and after the invasion by the Normans of England, French became the official language in England despite the continued use of English as a spoken language. French has been the language of legal procedure for nearly 300 years, therefore the roots of most of the French terms in the current legal language go back to that period such terms were related to property, real estate and rent matters In that time the royal logo carries a French slogan (*Dieu et mon droit*). Therefore, we see that many of the English words are of French (Old French) or Norman origins we see that the words ending with (age) also came through the French and carry different meanings such as services or duty (El-Farahatry, 2011). Also we have:

- 1- Legal terms including addition of (e) like: squire, creating squire.
- 2- Adjectives that follows nouns "attorney general".
- 3- Verbs ended in-er, as demurrer or waiver.

Legal language is characterized by a special style that differs from other language methods ,This distinction is due to the many features that we need to know, So that we can appreciate the nature of the legal language. “The range of vocabulary in legal language is extremely wide, since almost anything may become the subject

of legislation” (Crystal and Davy, 2016, p. 207). The following section explains the lexical characteristics of English legal language.

### 3.3.3. Latin influence

Under the power of the Roman church, the written language throughout Europe was Latin. By the arrival of Christian missionaries in England in 597 AC, Latin entered into the English language. Because of the Latin influence, many terms still in use in the English legal discourse, such as:

- *Sine qua non – essential condition*
- *Animus contrahendi –intention to be bound by treaty, contract*
- *Ad hoc – formed*
- *Bona fides – person with honest intention*

Legal terminology has many advantages, which makes legal texts different from ordinary texts, these terms were governed by Roman and Latin law so it is not difficult to note this effect on legal terminology. British law raised and developed in the middle Ages when Latin was strongly supported by the Roman Church and was the common language throughout Europe and used in intellectual exchanges. Roman law in that period was a coherent system as it developed over large areas of Europe. It had strong authority over society and control of public institutions at the time. There is no doubt that some of its principles and texts are mentioned in the texts and letters of English lawmen and others within the same continent. Therefore, the famous saying is found in the writings of the British lawyers (no punishment except in accordance with the law).

In different cases, the legal language uses Latin terms directly. For example: “*mors civilis/civil death (muerte civil, mort civile, bürgerlicher Tod, Verlust der Rechtsfähigkeit)*”.

### **3.4. Characteristics of English Legal Language**

Studies conducted on the legal language revealed many linguistic characteristics. As there are judicial texts characterized as texts with long and complex sentences.

That the legal sentences “are, almost without exception, complex” (Crystal and Davy, 2016, p. 203). In order to clarify what is mentioned in these legislations these characteristics must be recognized because of their profound implications for legal translation, because of the nature of the distinctive legal language, it has developed properties in clusters: syntax, lexical and pragmatic features where we can see similar attributes when looking at legal texts in general. The legal Dictionary is filled with old words, formal style and common words that indicate uncommon meanings, there are very limited and precise words, a passive formula and complex syntax is a common style in legal language. For pragmatic we note that the legal texts are full of ambiguity and other uncertainties in contracts and laws. Legal writing is characterized in an impersonal manner with the widespread use of statutory provisions that express rights and duties.

#### **3.4.1. Lexical features**

Legal English has special vocabularies with changing perspective. It involves foreign words and phrases, archaic, technical terms as well as repetition. In legal writings the avoidance of using foreign, jargons, complex, rare and technical words is preferred. So, it means that the accurate use of words is so important in achieving the final goal of legal texts. On the other hand, some authors have other divisions. For instance Garner (2002) mentioned “several types of words in legal prose: fancy words, vague words, euphemisms, timid phrases, empty dogmatisms, and neologisms” (as cited in Veretina-Chiriac, 2012, p. 104).

##### **3.4.1.1. Archaic terms**

The use of archaic words in legal texts became less frequent in comparison with the other types of terms. By time this terms have been considered as obscure.

Such terms consist of adverbs. For instance: verb arraign, herein after, and adjective aforesaid (Williams, 2004). The formal style followed by lawyers consist of these terms. Archaic terms are also called lawyerism and legalism. For example, prior to (before), pursuant to (under, in accordance with), subsequent to (after). There are vague and rare terms used in everyday language, many linguists recommend to delete or to replace them with others that are familiar to the public. For instance, (hereto / to this agreement, herein before / above, herein after / below) (Veretina-Chiriac, 2012).

Garner also suggests that archaisms could be easier through express or simplify its meaning. For example, some of prepositional can be change as:

- *During such time as /while*
- *At the time when /when*
- *For duration / during*
- *The reason being that / because.*

#### **3.4.1.2. Technical terms**

It is also called terms of art. Some of these technical terms could be familiar and clear to laypersons, such as (royalty and share). But at the same time we can find other terms which known only to lawmen, which are also called pure legal terms. These kinds of terms are applicable in nowhere but in legal field.

It is important to understand the meaning of technical terms in the text in which they occur, in order to grasp the meaning of that legal text.

#### **3.4.1.3. Foreign terminology**

English legal language has many foreign terminology, such as (inter alia, mutatis mutandis, ad hoc and force majeure). A number of Latin and French words and phrases are in regular use in legal English. Number of them are regarded as substantial by lawyers because they express a legal idea much more briefly than

could be achieved in English. For instance, the phrase (inter alia) is sometimes presented in English as 'including but not limited to'. Foreign words have been derived from both French and Latin by direct borrowing process or transliteration. The French influence added not only the use of adjective in shape of phrases such as (solicitor general, court material, letters testamentary and attorney general) but also the use of French words like (default, judge, court, claim, appeal, sentence). The words with the suffix (ee) are also of French origin like (expellee, astylee, lessee) (Veretina-Chiriac, 2012, p. 105).

#### **3.4.1.4. Lack of punctuation in the legal language**

There is a widespread belief among judges and lawyers that punctuation when drafting text is not important. It can affect the legal meaning; also can be confusing when trying to understand legal sentences. Therefore, one of the most unusual features of legal language is the absence of punctuation marks. Old fashioned legal drafting used to involve some of the punctuation marks in their writings. In the case of little or no punctuation, the legal texts would be extremely ambiguous and hard to be understood. In order to give obvious and clear meaning of the legal text, the modern law drafters have started to use punctuation that used in the same way by ordinary writers.

In the following two sentences which one of them unpunctuated and the other with punctuation:

- Mother without her child would be godforsaken.
- Mother- without her, child would be godforsaken.

We can realize the point and the clarity of the meaning after reading the sentence with punctuation.

#### **3.4.1.5. Words in 'doublets' or 'triplets'**

There is a great tendency to use different words, which have one meaning in the same context. Where two or three words in one text can refer to one individual

legal concept, in this case, the translator must treat such structures carefully and it needs to be more accurate in translation. Sometimes they refer to the same meaning but in certain cases it may carry more than one different meaning.

- Null or void
- controversy or claim
- Fit , proper
- Give , bequeath
- Will, testament

#### **3.4.1.6. Repetition or redundancy of words**

In legal language prompted the repetition of words as a result to the absence of anaphoric reference. Draftsmen obviate the use of pronouns. Like personal pronouns (she, he, it, etc.) or (this, that, etc.). In order to avoid ambiguity in legal texts, the nouns are repeated. Using pronouns may would not be clear as which word in the text it refers to.

- The seller must pay the buyer at the house of the buyer.

In the above sentence if we opt the word (buyer) by the pronoun (his) in the phrase (at the house of the buyer) it will be absolutely not clear and confused.

- The seller must pay the buyer at his house.

In this case, the expression of the sentence will carry two intended meaning whether the house is one of the buyer or that of the seller. So, we can conclude that this important feature of the legal language will help the translator in facilitate his task to reach the accurate meaning that legal drafter have intended.

#### **3.4.2. Syntactic features**

Agreements and contracts in legal language can be classified as similar from a linguistic point of view and on the other hand contain varying differences, where the judicial language can be classified with characteristics that cannot be

found in the used daily language, so it is of a formal and frozen nature and characterized with ambiguity in the meaning of the text. All these qualities lead to difficulty in understanding the concept of text, therefore it is not easy to translate. Currently English is the general language of international law and the language of legal mediation on a wide global scale, where it must be the language of source or target or neutral language between two languages in most legal transactions (Goddard, 2009), so the following features represent how the form of English language is employed in the legal texts.

#### **3.4.2.1. Use of passives**

There is widespread use of the passive format in legal documents. Lawmakers tend to use this method in general, especially when imposing conditions and obligations. “passive permits an indirect and formal tone with which lawyers instinctively feel comfortable” (Haigh, 2004, p. 37).

The formula of the passive widely used in legal language, because it is an indirect formula where the author can write a sentence in the form of the passive applies to more than one agent. There are many other reasons for using this formula, Hewings points out that the writer tends to use this formula when the agent is unknown and wants to refer to the general public, or when writing in an official style and the writer wants to avoid mentioning the agent. (Hewings, A. and Hewings, M., 2005).

*Ex:* you will be subject to the trial one month later

Passive is used when the focus is on what has been accomplished (item) and not on the subject.

*Ex: the draft was issued on May 15<sup>th</sup>*

In many cases, the authors tend to use the passive in order to give more coherence to the text (Hewings, A. and Hewings, M., 2005).

On the other hand Arabic, is a language that tends to be precise, clear and to avoid ambiguity, so active formula is predominant when the text is translated. The formula is usually converted from passive in English to active in Arabic. In general, the passive formula is an integral part of the legal style of English, not of Arabic.

Although it may seem very formal or sometimes its use is unnecessary, it has a great importance in terms of drawing the features and style of the legal language, both written and spoken (Trisma, 1999).

#### **3.4.2.2. Nominalization**

Nominalization is the use of nouns in preference to verbs. In legal language names derived from verbs are used instead of the verbs as (offered a suggestion ,suggested /issued an announcement, announced /to be in opposition instead of to oppose) and (to be in agreement rather than to agree). It should be avoided because it affects the text and makes it long and lacks dynamism. In some cases, it is difficult to eliminate nominalization because there are specific unchangeable procedures in drafting the law which should be taken into consideration such as: to go on arbitration instead of to arbitrate.

#### **3.4.2.3. Personality**

It is not appropriate to use the pronouns, he or she is referring to a person of unknown sex in such cases, gender - neutral pronouns can be used such as: everyone, anyone, and no one.

- **Everyone** who commits an offence under section 7...is guilty.

#### **3.4.2.4. Length and complexity of legal sentences**

Length and complexity are considered the most obvious grammatical features in legal sentences, this is due to amendments and additions to the old laws without recourse to delete any word from the original text. The sentences therefore contain a

great deal of information and long nominal sentences as well as sub-items, lawyers are therefore advised to cut sentences and delete irrelevant words and just stick to the words that support the strength of the text and add a value to the sentence.

#### **3.4.2.5. Unusual word order**

There is no obvious reason for such a phenomenon in the legal language, although the influence of the French language is a contributing factor. The order of words in legal documents seems strange and unclear, giving ambiguity to the meaning of the text, for example: “the provisions for termination hereinafter appearing or will at the cost of the borrower forthwith comply with the same” (Bhatia, 2010, p. 16).

#### **3.4.2.6. Usage of shall and may**

Use of “may” in the legal language refers to “permission”. For example “the terms of contract may not be altered by anyone”. In everyday English, “may” refers to probability or possibility such as: we may go to Austria this month. We also find that (shall) is used to refer to the obligation, or as a commands, or to execute or perform the laws. It does not refer to future. eg: “all citizens shall pay taxes”.

#### **3.4.2.7. Ambiguity**

There is an important concept in translation, which is ambiguity, where legal texts contain phrases and words that may refer to two meanings or more. Translating ambiguity in legal texts is very difficult, because of linguistic uncertainty, many legal disputes have been found in laws and contracts.

"Ambiguity" can exist in a written document only in those cases where language is susceptible of more than one meaning (Schane, 2002).

For Example: The term "equivalent" refers to the equality of two powers or two authority or two values, etc. It can mean also "*the same, similar, approximately equal*".

"Kosovo shall have authority to conduct foreign relations within its areas of responsibility *equivalent* to the power provided to re-public under article 7...." (United Nations, 1999, p. 10).

The word "equivalent" in the above text has an ambiguous meaning, as we have stated, that it has more than one meaning. It can mean "the same "or "equivalent". Therefore, the wording of the above text contains ambiguity and translator can make a mistake when translating the text.

### **3.5. Arabic Legal Language**

Regarding to the Arabic language we find that: Knowledge of the nature of the legal Arabic language is important in determining the sources of legislation in the Arab countries as well as the nature of the legal system. The Arabic legal language is based mainly on two principles: Islamic law and general law (Roman).

#### **3.5.1. The influence of the Arabic legal language**

The Ottoman Empire ruled the Arab states for a period of time. After the fall of the Empire, these countries began to modernize their laws. The law of obligations in Lebanon in 1932 as well as the Egyptian law of 1949 are built explicitly on French law and subsequently the laws in both Iraq and Syria, based also on French law, and originated on its basis (Rayner, 1991).

With regard to Arabic Gulf country, the laws vary from one country to another. In 1981, Kuwait developed laws in accordance with Islamic law and established two new laws, the civil and the commercial law (Ballantyne, 2013, p. 4).

In Bahrain, Shari'a has been adopted as the main source of law. In Qatar, the laws on commercial and civil affairs are derived from the old Kuwaiti law of 1961,

which was a brief version of the latter. The pattern of law in the Middle East can be seen as a mixture of local European traditions and a language derived from Islamic law. While in Saudi Arabia, it is considered as the source of Islamic legislation in the world currently, it has established legal institutions of a Western and modern nature interested in labor laws, traffic rules, social security, commercial papers and government tenders (Banks and Baker, 2015).

Islamic expressions are used in the writing of court documents, while the style of writing is influenced by the style of contracts translated from foreign languages. The source of legislation in Arabic language is known as Sharia. It consists of two sub-sources: the Quran (the holy book of Muslims) and the Sunna (the words of the Prophet Muhammad). Every aspect of Muslim life is governed by Islamic law, including social affairs and economic contracts. Before such legislation existed, there were specific local laws governing the Arab region. These laws regulated the trade between Mecca, Yemen and Sham (Syria), which is mentioned in the Koran as (winter and summer trip). But these laws were merely agreements and not laws with firm foundations. Tribal law was dominant at that time, which controlled the power in the region as well as the social relations. After the advent of Islam, legal jurisprudence developed due to the development and prosperity of trade in the region. The Islamic studies at that time played an important role in this development through the use of derivation, analogy and other linguistic methods by Fiqh scholars.

There were four main schools of jurisprudence: Hanbali, Shafei, al-Maliki and Hanafi. Professor Idris El Shafei formulated the classical theory of the sources of Islamic legislation (Rayner, 1991). He is the first who refers to the adoption of the Prophet's Hadith as the second source of legislation after the Koran, based on a text in the Koran. A few centuries later Islam expanded to Africa, Spain, France and Central Asia. This expansion led to the appearance of legal problems; differences and divergences emerged in the views of jurists on the correct legal expressions. The Muslims later developed Islamic law by adhering to their faith as well as following a sophisticated approach to the use of legal terminology.

### **3.5.2. Characteristics of Arabic legal language**

In comparison to English legal features discussed before, Arabic legal language has its own special and distinctive features. Legal Arabic texts are similar in many aspects to their English counterparts. However, the linguistic differences between the two languages in form, style, organization and meaning, etc., the two registers differ considerably. Emery 1989 states that:

Arabic legal texts exhibit their own features of structure and style. They make more use of grammatical cohesion and structures more than legal English, and use of active. Also Arabic legal language are not characterized by the use of archaic and morphology vocabulary. English and Arabic legal languages differ in their patterns of creation of binominals and in their use of high lightening more accurate look at the legal discourse of the two languages will demonstrate that Arabic legal texts make more use of structure through conjunction, reference and of infinite sentences than their English legal language. text structure and organization, in English and Arabic differ from each other Significantly. English legal language relies heavily on organization and paragraphing of sentences in terms of punctuation, capitalization, while Arabic seldom does so. Arabic has many forms: Naskh, Kufic, Diwani, etc., but all tend to follow the same way of writing in different texts (Emery, 1989). Arabic legal language is characterized by the following features:

#### **3.5.2.1. Lexical features**

Emery mentions that Arabic legal language contains a lot of technical terminology (1989). The following are most prominent features of Arabic:

##### **1- The commanded nature of law language**

Legal texts vary according to the style of the legal language. No matter if the text belongs to the constitution or to a treaty or a decision, the legal language in any kind of legal text has command base, which has specific penalties when transgressed.

## 2- Binominal

Emery defines them as collocations of antonyms, synonyms (Emery, 1989). It is an important feature in Arabic legal discourse. The motivation for using binominals in Modern Written Arabic is primarily stylistic. Emery's examples are "peace and security", "sooner or later", and "round trips".

## 3- Repetition

In Arabic, word pairs used as redundancies to serve emphasis are common as in:

- Supreme court announces and declares
- المحكمة العليا تعلن وتصرح.

## 4- Descriptive features

Description and clarification or definition of nouns is a common linguistic feature in the Arabic legal text, such epithets are intended to emphasize on and further modify the nouns. For example:

- The high Contracting Parties have agreed
- اتفقت الاطراف السامية المتعاقدة على

## 5- Accuracy and Clarity

Two of the most important characteristics of the legal language are accuracy and clarity, because they reflect the intelligibility of the legal base. As drafting a contract or a legal base in a way that bears many and various meanings is misleading, the word in the legal document which gives a specific meaning to its context and clarifies it. So, accuracy and clarity are essentials in the legal language and any ambiguity may affect the meaning of the text and accordingly the whole legal base.

## 6- Direct language:

The legal language is direct; it lacks any improvisations and rhetoric which weaken the text or even destroy it.

## 7- Following the inherited legal traditions:

The legal language is one of the languages that can be greatly influenced by the inherited traditions and the common customs to the extent that these traditions restrict the writer of the legal text and prevent him from overriding them. For example, using considerations and some outdated words. such as:

- In the trading room:

The transaction is conducted in the trading hall of the Stock Exchange by normal means. (Finance)

- في قاعة التداول: (مصطلحات)

معاملة تجري وتنفذ في قاعة التداول في البورصة بالطرق العادية. ( مالية )

- In the name of God:

To the face of God and approached him.

- في سبيل الله :

لوجه الله وتقربا إليه.

### 3.5.2.2. Syntactic features

#### 1. Nominalization:

Sentence of Arabic legal text can be classified into nominal which is verbless sentence, and verbal sentence that having verbs. Similar to English sentence, the intensive use of complicated and long nominals (Emery, 1989).

- ما تقرره اللجنة بالاجماع يكون ملزما لجميع الاطراف

- The unanimous decision of the Committee shall be binding on all parties

In this example, the nominal group is introduced by the relative (ما).

## 2. Definition of the legal verb:

The legal verb in the legal text expresses a right, privilege, an authority, a commitment, or a responsibility upon the legal subject. The legal verb determines what is required from the legal subject.

As the legal verb in most cases imposes a commitment or a duty upon the legal subject or gives him authority, specialty, or a right, legal texts most of the time uses prescriptions/ words of authority and constraining with the legal verbs.

Along with the command style that includes verbs and nouns, which restrict the meaning, there is a group of verbs, which can be found frequently in legal documents, which are as follows:

Decide

Declare

Commit

Order

Judge

Confirm

Compensate

Guarantee

Dispose

Depend

Use of Present tense

The present tense is mostly used to draft legal Arabic texts and to explain the legal base as well, especially to impose commitments. In addition, using the past tense in legal text does not have any retroactive effect in performing the law unless it is clearly explained that the law should be performed in such a way. Also, there are

many written laws which have been written in the present tense, yet, they are explained as having only a future impact.

There are two essential advantages in using the present tense in the legal texts:

- 1- To avoid using complex structures when explaining the conditions of a legal deed.
- 2- To facilitate understanding the legal base for the reader as it will not be necessary to transfer his mind from the present to the future tenses.

As a result, it is better to write the conditions and the considerations in the present tense because legal documents are always explained at the time of its usage not of its construction, they always speak about now not yesterday or tomorrow and the law mostly speaks at the time of performing it in specific occurrences.

### **3. Use of active voice:**

One of the important bases in the Arabic legal language is to use the active voice not like English which mostly uses passive formula, unless it is impossible or inconvenient to express the intended meaning in the active voice. It has the following advantages:

- 1- To specify the subject: it is crucial in the legal language to specify the legal subject, and using the active voice obliges the writer to assign the subject who has a right or a duty.
- 2- To oblige the writer to study the verb that generate the privilege or duty in the sentence carefully. In this case, the relationship between the subject and the verb will be very obvious.
- 3- The active voice uses less words than the passive voice and is easier to be understood as it specifies the subject first and uses direct, short expressions.

Using punctuation marks:

Punctuation marks are the system of signs that is used to clarify the meaning of a text. Although these signs guide the meaning in the sentence and their absence may cause ambiguity, they should be used in a careful limited way.



## IV: TEXT TYPES AND LEGAL TEXTS

### 4.1. Text Types

Translation of texts are based on the purpose for which the text is written (Tomaszkiewicz, 2006, p. 112). Previous attempts to classify texts into categories did not include formal legal text. Pierre-Daneil Huet notes that scientific texts contain special difficulties that distinguish them from other types of texts, he points out that most texts, despite their importance, were neglected without any reasons (as cited in Sarcevic, 1997, p. 6). He notes that in the 19th century there are literary, scientific and textual texts whose content is about daily life and contains terms which are the same in all languages.

According to Schleiermacher these texts contains philosophical, human and natural sciences: Later it was classified into two groups: literary texts include “humanities and philosophy”, scientific and technical texts (natural sciences and technical texts) (as cited in Sarcevic, 1997, p. 6).

The literary texts are called (Übersetzen) The scientific is (Dolmetschen) This classification is replaced with another classification with contains texts with more modern purposes.

Andrei Fedorov includes the commercial texts and official documents within the scientific texts, after the Second World War under the name of (special purpose texts). Andrei Pan writes a new classification of texts which contains “religious, poetic, anthropological” topics. Later it became the basic of the classification made by “Gamblet” which was of great importance as a copy of the translation specialties. Gamblet classifies all texts under the name “pragmatic” into four sections which includes :legal texts, scientific texts, technical texts and texts related to social sciences (including financial, legal, social, economic and political texts) as well as other texts.

The classification made by Katharina Riess in 1971 suggests the possibility of classifying texts according to the subject matter of the text or the function

performed by the text where it classifies an initial multi-purpose texts based on the triple classification of Karl Buhler: “informative, conative, and expressive” (as cited in Sarcevic, 1997, p. 9).

Kathrina Reiss's approach focuses on the original text, in her approach she adopts the text and its function in the source language, Reiss's book is one of the most important references in translation studies. (Possibilities and limits of translation criticism) from her point of view, the text should be evaluated in full and not in part as words and sentences. (Reiss, 2014).

The approach she has developed is primarily based on the functional relationship between the source text and the target text (Munday, 2013). When you know the type of original text it will be easy to edit the target text to preserve the original text function. (Trosborg, 1997). Kathrina Reiss sorts the texts into:

- 1- Informative: This type of texts focus on the subject or content where this type of text is used to transfer information and knowledge, the language used in the texts is of a logical nature.
- 2- Operative texts: The purpose of this type of text is to stimulate behavioral interaction and convince the audience to act in a certain way, the text could be in a dialogue style.
- 3- Expressive texts: The text has creative content and the message in the text has aesthetic dimensions.
- 4- Audio – medial texts: This type of text includes samples used in audio and visual advertising that express and support the three previous types of texts by voice or through images. When we analyse the legal texts under the classification of Reiss we will find that the type of these texts is informative. It can be said that the legal text is rich in information and its purpose is to inform the public about precise obligations, rights or laws, so we can say that the legal text carries the function of news addressed to the audience and is subject to judicial authority. It is considered as a rule to be applicable of a particular function. It organizes the behavior of individuals and the imposition of laws signed by an official body which they must be complied with.

#### **4.2. Translation of Legal Texts**

Legal translation is one of the most difficult types of translation especially in terms of its specificity, accuracy and craftsmanship. The term “legal translation” refers to translation which is concerned only with legal texts of various kinds including birth certificates, deposition records, financial statement, application letters, technical patent confirmation, evidence documents, litigation materials and business contracts. Such types of texts require that the translator be fully familiar not only with the legal terms but with the requirements, legal systems and culture of the target language.

From another aspect, the prevailing idea about legal texts is that they are texts of a dry nature. It means that they deal only with laws, articles and paragraphs, and this cancels the cultural aspect of these texts. The translator is often subject to cultural dilemma in all types of texts, even if they are technical. The legal text is of a cultural nature. There may be common global legal concepts in all languages and in all legal systems as is the case with the concept of marriage and divorce, inheritance, etc. But reality shows us that the difference is huge, especially when it comes to cultural specificities derived from the customs and traditions of a community or religious laws as in the case of Arabic legal texts, such as personal status which contains a huge number of Islamic concepts carried by specific terms to this law.

#### **4.3. Translation of Legal Terminology**

It is not easy to define the meaning of the term, so linguists like Sarcevic define the meaning of the term by comparing it to the concept of the word. It is therefore possible to find here that the difference between the word and the term lies in that the term refers to a precise point in specialization, as for the word meaning is always more inclusive (Sarcevic, 2006).

Terms differ from words in that they are endowed with a special form of Reference (Sandrini, p. 1999). Sandrini points out that the word as a unit indicating more than one field, while the term includes one specific field. A set of specialized

terms was identified in a particular field as (Terminology). There is more than one definition of terminology, as it is considered as a branch to study a set of terms in a given field or specialist, or referred to it as a set of determinants of group of terms. It can be inferred from the above information that the terms are the products of a certain science or knowledge. Therefore, knowing the terms in a particular field is important for the translator. Knowledge of terminology in texts is the basis of specialization. Therefore, the translator cannot be efficient in translating texts in a particular field, such as legal texts, unless he is competent in legal terms (Antia, 2000).

Cao (2007) argues that “the absence of equivalent terms across different languages requires constant comparison between legal systems in SL and TL” (2007, p. 29). According to Cao, the translation of the legal term between English and Arabic is very difficult because of the wide gap between English and Arabic legal systems as well as between linguistic systems. These two languages have different linguistic roots, where English belongs to the Indo-European languages while Arabic is a Semitic language. What makes the translator's task more difficult is the combination of expressive methods, as in the language of ordinary witnesses, technical terminology for report and expert witness testimony.

## **V: METHOD**

After giving information about the characteristic of Arabic and English legal languages, and nature of ICJ documents, the following part is the theoretical background of legal translation methods and analysis of the examples. The following part is the theoretical background of legal translation methods and analysis of the examples. The translation method of Jean- Paul Vinay and Jean Darbelnet. These methods are direct and oblique methods of translation. The most used methods in translation the ICJ conventions is determine according to the analysis, the examples from ST is translated to the TT and a table displays every legal terms is given, and every method that used in translation is determine followed by a comment. Separate table contains the most applied methods that used in translation process.

### **5.1. Direct Translation Methods**

Venuti points out that direct translation “is the direct transfer of a SL text into a grammatically and idiomatically appropriate TL text in which the translator's task is limited to observing the adherence to the linguistic servitudes of the TL” (as cited in Vinay and Darbelnet, 1995, p. 33). This naturally means that the translator has to operate within certain limits and is not free to appropriate the language to suit ends.

#### **5.1.1. Borrowing**

It is the method when the expression in the SL is transferred directly to the TL. In cases of a metalinguistic gap, like a new technical process or an unknown concept, the translator can choose the borrowing method as the simplest of all the other methods (Vinay and Darbelnet, 1995, p. 31). Sometimes, borrowings are used by the translator to add local color (Munday, 2013).

Some borrowings which are old and firmly- established become a component of the relevant TL lexicon due to their so common use. Some other English expressions are no longer deemed to be borrowing like "menu" (Vinay and Darbelnet, 1995).

Translation is the medium through which most of the borrowings occur and translators are concerned more with the contemporary borrowings. In order to introduce components of local color, translators usually decide to borrow SL words or expressions which is a matter of style results from the given message. For example we find the following terms in English from different origins: “abbatoire, café, passé, résumé” from French, “bandana, musk, sugar” from Sanskrit “hamburger, kindergarten” from German.

### 5.1.2. Calque

It is “a special kind of borrowing”, it is the literal translation of each word or expression in the SL (Vinay and Darbelnet, 1995, p. 32). Vinay and Darbelnet suggest that those previous methods of direct translation merge completely into the TL over and over, despite the fact that this integration involves some semantic change, that may make them “false friends” (Munday, 2013). The two kinds of calque are:

- Lexical calque: It is a calque that regards the syntactic structure of the TL, yet, introduces a new way of expression.
- Structural calque: It is a calque that “introduces a new construction into TL.”

A large number of calques have been used frequently in the TL to the extent that they become integral parts of the language just like the borrowings and they too can get through a semantic change. In order to fill a gap, translators are concerned more in new calque than using an actual borrowing (Vinay and Darbelnet, 1995, p. 33). For example: The "skyscraper" is "gratte-ciel" in French or "rascacielos" in Spanish and in Arabic "ناطحة سحاب"

### 5.1.3. Literal translation

It is to translate the SL word-for-word, that is to transfer directly the SL expressions idiomatically and grammatically fitting TL text. In this case, the only role of the translator is to inspect the “adherence to the linguistic servitudes of the

TL” (Vinay and Darbelnet, 1995, pp. 33-34). What makes this literal translation an unequaled solution is its reversible quality. Literal translation is usually used in translating between two languages that belong to the same family like English and French, and to the same cultural background. Literal translation is the recommendation of the author for good translation, it should be only sacrificed for metalinguistic and structural necessities with an affirmation of preserved meaning (Vinay and Darbelnet, 1995, pp. 33-34). For instance: Quelle heure est-il ⇒ in Arabic : "ما هو الوقت?" in English: What time is it?.

## 5.2. Oblique Translation Methods

This method should be used, as Vinay and Darbelnet suggest, when trying the previous three methods and the text is considered unacceptable. The text is unacceptable means that when it is translated literally, it:

Suggests a different meaning,

Does not have any meaning,

Is not structurally convenient,

Does not have an identical expression within the “metalinguistic experience of the TL” has an identical expression “but not with the same register” (Vinay and Darbelnet, 1995, pp. 34).

For example: "الرئيس يعتقد" in English: The President thinks that ⇒ in French Selon le Président.

Oblique translation has four methods:

Transposition: in this method the translator change one word class for another keeping the sense of the message TL (Vinay and Darbelnet, 1995, p. 36). Transposition is a special type of translation and its application within a language is also possible. Vinay and Darbelnet suggest two kinds of transposition:

Obligatory transposition: it is when the SL does not allow other choice between the two forms, and the base form is the only solution. On the other hand the translator can choose between the calque or the transposition when translating back into the SL if it permit.

Optional transposition: it is when the SL permits more than one choice among the forms.

Probably, transposition is considered as the most widespread structural modification conducted by translators. Authors register different divisions of transposition such as between the language pair of English and Arabic, the meaning of one part of speech is given another: a verb by a noun, an adverb by a verb, a past participle by a noun, a noun by a past participle, a verb by a preposition, an adverb by a noun, adjective by a verb, an adjective by a noun, prepositional expression by an adjective or an adverb, (Vinay and Darbelnet, 1995).

It is highly recommended for the translator to have a great knowledge in grammar, because he can apply variant parts of speech or grammatical structures in his way of expressing the message of the SL. For example: *Te lo dejo* literary means I will leave it to you, but its recommended translation: you can get it.

### **5.2.1. Modulation**

This kind of translation changes the semantic and the view point of the SL. It is achieved by changing the point of view in conveying a divers form of the message. Modulation can be used when the literal and the transposed translation ends up in a grammatically accurate remark but is considered incompatible or unidiomatic in TL (Vinay and Darbelnet, 1995, pp. 36). For example: in English: *Maybe you're right* ⇒ in French: *Tu n'as peut-être pas tort* ⇒ you may not be mistaken.

Modulation can be:

Fixed or obligatory modulation

Free or optional modulation

The fixed or obligatory modulation is different in degree from the free or optional modulation, translators with high command in the SL and the TL as well, use the fixed modulation without reservation, because they are aware of frequency of use, the confirmation made by a dictionary or grammatical use of the terms or phrases, and the general acceptance.

On the other hand, the free modulation uses a new procedure each time, and its examples are unique and not fixed or authorized by usage, but this difference is not what makes it as optional; when performed as it should be, the final translation should correspond perfectly with the message conveyed in the SL. To explain this argument, it can be claimed that the outcome of the free modulation should enable a solution which creates a feeling for the reader to say, "Yes, that is exactly what you would say," (Vinay and Darbelnet, 1995, pp. 36-37). Accordingly, free modulation has the tendency to a peculiar solution that depends on a customary chain of thought which is fundamental not optional.

Hence, it is obvious that the difference between fixed (obligatory) and free (optional) modulation, is in degree, and that in case of using free modulation frequently enough, or in case of being the only solution, it can become fixed.

At the same time, it should be mentioned that the free modulation can actually turn out to be fixed if it refers to the dictionaries and the grammar rules and is often taught. When a paragraph does not apply such a modulation, it would be rejected for unnecessary expression or detail. (Vinay and Darbelnet, 1995, pp. 36-37).

Great importance is given to modulation by Vinay and Darbelnet as the criterion of a qualified translator, transposition, on the other hand, simply implies a very good command of the TL. At the level of message, modulation is subdivided as follows:

Abstract for concrete

Cause- effect

Part-whole

Part-another part

Reversal of terms

Negation of opposite

Active to passive (and vice versa)

Space for time

Rethinking of intervals and limits( =in space and time)

Change of symbol (including fixed and new metaphors) (Vinay and Darbelnet, 1995). As mentioned in the list above, it contains a wide scope of use of modulation. Vinay and Darbelnet claim that there are expressions which are fixed, represent modulations. In case of existing at the message level, it is called equivalence (1995).

### **5.2.2. Equivalence**

The term of equivalence is used by Vinay and Darbelnet to point out a situation where languages explain the same message by two texts with completely different structural and stylistic methods (1995). This kind of translation is functional in translating idioms and proverbs. For example, In the Western culture, the owl refers to the source of wisdom and knowledge, while in Arab culture it is a source of pessimism. When translating the (feelings of pessimism towards the owl) it will not be understood and it could be meaningless, but if we replace the owl with the crow, the meaning will be clear to the American listener. Because the crow in American culture is a source of pessimism and equal to the meaning of the owl in the Arabic culture.

### **5.2.3. Adaptation**

It is used in circumstances where the situation indicates that the SL message is uncommon in the culture of the TL, that is why adaptation is “the extreme limit of

translation”. So, when a situation in the source culture does not exist in the target culture” (Munday, 2013). The culture reference of the message should be changed, and the translator tries to shape an equivalent new situation. Hence, adaptation can be explained as a particular kind of equivalence that is a “situational equivalence” (Vinay and Darbelnet, 1995). The rejection of adaptation has on the syntactic structure and on the enhancement of the ideas and how they are characterized within the text as well, that is why this rejection is consistently identified within a translation. In translating the titles of books and movies, adaptations are preferred as in:

*baseball* ⇒ *football*.

#### **5.2.4. Application of the seven methods at three planes of expression**

Vinay and Darbelnet suggest that these seven methods are depicted as operating on three levels: “(1) the lexicon, (2) syntactic structure and (3) the message”.

It is not easy to separate these methods of translation from each other because several of them can be used in the same sentence and some translation needs a whole complex of methods.

The seven translation methods at three planes of expression can be summarized as follows:

### **5.3. Macro Strategy**

In order to achieve a translation task, the translator must plan an overall strategy which is referred to as macro strategy. This plan can be performed as a matter of routine or intuitively by the translator Göpferich (2009).

### **5.3.1 Dichotomies of translation**

The macro-level decisions or plans of a translator are explained by many scholars of translation studies. These mutual approaches are the dichotomies with source text concentrate on one end of the spectrum, and target-text inclination on the other Göpferich (2009).

One macro strategy may be favored over another by some scholars of translation studies. For example, Vinay and Darbelnet (1995), Newmark (1989) and Venuti (2017) prefer a ST- oriented macro-strategy, while Nida favors a TT-oriented strategy at macro level. It must be indicated that a preferred macro-strategy of a translation is not necessarily either ST-oriented or TT-oriented. Actually, it particularly indicates a mixture of ST and TT- orientation, in spite the fact that one is prevailed over the other (Göpferich, 2009). In this thesis, the translator's strategies at macro level will be mentioned to as either "adequate translation" founded on the ST-oriented macro strategy (converge on the form and content of the source text) or an "acceptable translation" founded on the TT-oriented macro strategy (converge on the effect of the target text (Toury, 1995).

### **5.3.2. Adequacy and acceptability**

One of the most prominent theorists of contemporary translation studies, (Gideon Toury, 1995), offers a methodology for descriptive translation studies (DTS). The viewpoint of Toury perspective, which effects translation as extralinguistic factors, is carried out in the analysis chapter of this thesis seeking to answer the question of whether the legal terminology of the ICJ conventions are translated in an adequate or acceptable way. Toury states that translation primarily has a position in the social and literary systems of the target culture that specifies the translation methods which are applied (1995, p. 13). The following three-stage methodology for systematic DTS is presented by Toury (1995) which includes an account of the product and the inclusive role of the sociocultural system:

Locate the text within the target culture system, questioning its acceptability or significance. Compare the ST and the TT for shifts, categorizing relationships between coupled pairs of ST and TT segments. Try generalization, reconstructing the process of translation for this ST-TT pair.

Toury's case study aims to distinguish trends of translation approach, in an attempt to create a generalization regarding the process of decision-making of the translator. Toury suggests that "if the source culture prevail towards the ST, then the TT will be adequate; or if the target culture prevail, then the TT will be acceptable. The poles of adequacy and acceptability are on a continuum as no translation is totally adequate or totally acceptable" (Toury, 1995).

In this chapter, first the methodology suggested by Vinay and Darbelnet is fully described to be used in the analysis of the translations. Second, Toury's approach concerning the adequacy and acceptability is given to be used in the outcomes of the analysis. The next chapter approaches the legal terminology of the ICJ conventions concluded between 2010 and 2018, on suppression of financing of terrorism and of international convention of all forms of racial discrimination.



## VI: ANALYSIS OF DATA AND DISCUSSION

In this chapter the legal terminology of the ICJ conventions is analysed within the scope of the methodology of Jean Paul Vinay and Jean Darbelnet. The analysis of the selected examples is made by applying the seven methods. Before analysing these lexical units, the paragraphs is given, the lexical units underlined. Then the translation of these units into Arabic is given, as a third step a table containing the source lexical units translation and its back translation is take place. The aim of giving the back translation is to evaluate the translation method. Then after the analysis, frequently used categories are determined and in the light of these cactegories a ratio is given. The question of wether the terms of the (ICJ) conventions are translated in acceptable or adequate way, will be answered.

**Table No. 1:** Analysis of CERD between 2009 and 2019.

Conventions	Dates
Application of International convention for the suppression of financing of terrorism and of international convention of all forms of racial discrimination (Ukraine v. Russian federation)	2017-2018
Application of International convention on the elimination of all forms of racial discrimination (Qatar v. Emirates)	2017-2018
Application of International convention for the suppression of financing of terrorism and of international convention of all forms of racial discrimination (Ukraine v. Russian federation)	2016-2017
Application of International convention for the suppression of all forms of racial discrimination (Georgia v. Russian federation)	2010-2011

74 samples which constitute terms that are available in the texts of the above conventions are analysed.

## 6.1. Analysis of the Examples and Their Translation

### 6.1.1. Analysis of the ST1 and TT1

The following examples of important lexical items are selected from “the International Convention for the Suppression of Financing of Terrorism and of International Convention of all Forms of Racial Discrimination between 2009 and 2019”.

#### *Text No. 1*

The application of the convention of racial elimination (Ukraine v. Russian federation). (2017-2018). (The whole convention is in appendix No. 1).

#### *Example No. 1*

The first text is taken from the report of the international court of justice (1 august 2017-31 July 2018), specifically part from application of the international convention on the elimination of all forms of racial discrimination clause No. 192 (Ukraine v. Russian federation).

#### *ST*

“192. On 16 January 2017, Ukraine filed an Application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965”.

#### *TT*

١٩٢ - في ١٦ كانون الثاني / يناير ٢٠١٧، أودعت أوكرانيا عريضة تقيم بها دعوى ضد الاتحاد الروسي في ما يتعلق بانتهاكات مزعومة للاتفاقية الدولية لقمع تمويل الإرهاب المؤرخة ٩ كانون الأول / ديسمبر ١٩٩٩ والاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري المؤرخة ٣١ كانون الأول / ديسمبر ١٩٦٥.

***Pronunciation of the above text in Latin***

- fi 16 kanun althani / yanayir 2017, **awdaet** 'uwkrania earidatan **tuqim biha daewaa** dida alaitihad alruwsii fima yataealaq bialaintihakak almazeawmat lila itifaqia alduwaliat liqame tamwil al'iirhab almuarakhat 9 kanun alawl / disambir 1999 wala **itifaqia** alduwaliat lilqada' ealaa jmye 'ashkal altamyiz aleunsurii, 21 disambir 1997, disambir 1965.

ST	TT	Back translation (BT)	Method of translation
Filed	اودعت awdaet	Deposited	Adaptation
Application instituting proceedings	تقيم بها دعوى tuqim biha daewaa	Application instituting proceeding	Literal
Convention	اتفاقية itifaqia	Treaty	Literal

***Analysis:***

*Filed* is translated to *awdaet/deposited* in Arabic, this term is translated by using the adaptation method of translation. *Application instituting proceedings-tuqim biha daewaa* is translated literally. *Convention – itifaqia* is translated according to the literal method of translation.

***Example No. 2***

The second text is clause No. 193 from convention for the suppression of financing of terrorism and the international convention on the elimination of all forms of racial discrimination (1 august 2017-31 July 2018).

***ST***

“193. Ukraine asserted in particular that, since 2014, the Russian Federation had “*interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine’s citizens, including, **for all too many**, their right to life*”. Ukraine claimed that in eastern Ukraine, the Russian Federation had

*instigated and sustained an armed insurrection against the authority of the Ukrainian State”.*

### **TT**

١٩٣ - وأكدت أوكرانيا، على وجه الخصوص، أن الاتحاد الروسي، منذ عام ٢٠١٤، “يتدخل عسكرياً في أوكرانيا، وأنه يمول أعمالاً إرهابية وينتهك حقوق الإنسان الواجبة لملايين المواطنين الأوكرانيين، بما في ذلك حق عدد كبير منهم في الحياة”.

### **Pronunciation of the above text in Latin**

193 - 'akadat 'uwkrania ealaa wajah alkhusus 'ana alaitihad alruwsia, mundh eam 2014, “tadakhul easkariaan fi 'uwkrania , waqam bitamwil 'aemal al'iirhab, waintahak huquq al'iinsan limalayin almuatinin al'uwkraniiyn, bima fi dhalik, **Adat kabeer**, haqahum fi alhaya”. zaeamt 'uwkrania 'anah fi shrq 'uwkrania, qam alaitihad alruwsiu **harid** waistimrar **tamarud** musalah dida sultat aldawlat al'uwkrania.

ST	TT	Back translation (BT)	Method of translation
For all too many	عدد كبير Adat kabeer	Large number	Equivalence
Instigated and sustained	حرض Harid	Incites	Transposition
Insurrection	تمرد Tamarud	Insurrection	Literal

### **Analysis:**

Both **For all too many- large number/Adat kabeer**, is translated by applying equivalence translation method. **Instigated and sustained- Incites/Harid** is translated by applying the method of transposition, as they are explained in another words in the TT, **Insurrection- Insurrection/Tamarud** is translated with literal method.

**Example No. 3**

The third text is clause No. 193 of the international convention on the elimination of all forms of racial discrimination (Ukraine v. Russian federation).

**ST**

“It is considered that, by its actions, the Russian Federation had flouted fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism”

**TT**

وهي ترى أن الاتحاد الروسي، بافعاله، انتهك المبادئ الأساسية للقانون الدولي، بما فيها ما يرد في الاتفاقية الدولية لقمة تمويل الإرهاب.

**Pronunciation of the above text in Latin**

waietabar 'ana alaitihad alruwsia, min khilal 'afealih, aintahak mabadi alqanun alduwalii al'asasiat, bima fi dhalik almabadi almansus ealayha fi alaitifaqiat alduwaliat li qame tamwil al'iirhab.

ST	TT	Back translation (BT)	Method of translation
Suppression	قمع Qame	Suppression	Literal

**Analysis:**

Suppression is translated literally by applying literal method of translation which is the direct transfer of SL expression into appropriate TL expression.

**Example No. 4**

Clause No. 194 of the international convention of international convention on the elimination of all forms of racial discrimination (Ukraine v. Russian federation).

**ST**

“194. In its Application, Ukraine further claimed that, in the Autonomous Republic of Crimea and City of Sevastopol, the Russian Federation had “**brazenly defied** the Charter of the United Nations, **seizing** a part of Ukraine’s **sovereign territory** by military force”.

**TT**

١٩٤- وادعت أوكرانيا في عريضتها أيضاً أن الاتحاد الروسي قام في جمهورية القرم المتمتعة بالحكم الذاتي ومدينة سيفاستوبول “بانتهاك ميثاق الأمم المتحدة بصفاقه ، مستولياً بالقوة العسكرية على جزء من الأراضي الخاضعة لسيادة أوكرانيا”.

**Pronunciation of the above text in Latin**

194- wadaeat 'uwkrania fi talabaha 'ana alaitihad alruwsia, fi jumhuriat alqaram almutamatieat bialhukm aldhhatii wamadinat sifastubul, “Intihaq bisafaka mithaq al'umam almutahidat, waustawlaa ealaa juz' al'aradi alkhadieat lisiadat bialquat aleaskariat”.

ST	TT	Back translation (BT)	Method of translation
brazenly defied	انتهاك بصفاقه Intihaq bisafaka	Violation thoroughly	Adaptation
Seizing	مستولي على waustawlaa ealaa	Seizing	Literal
sovereign territory	الاراضي الخاضعة لسيادة al'aradi alkhadieat lisiadat	Land under sovereignty	Equivalence

**Analysis:**

**Brazenly defied- Violation thoroughly /Intihaq bisafaka** is translated by transposition method of translation. **Seizing-overpowered/ waustawlaa ealaa**, is translated to TL by literal translation method. **sovereign territory- Land under sovereignty/ al'aradi alkhadieat lisiadat** is translated into Arabic by Equivalence method of translation.

**Example No. 5**

The second part of the clause No. 194 of the international convention of (ICJ).

**ST**

*“It claimed that, “[i]n an attempt to legitimize its act of aggression, the Russian Federation [had] engineered an illegal ‘referendum’, which it [had] rushed to implement amid a climate of violence and intimidation against non-Russian ethnic groups”. According to Ukraine, that “deliberate campaign of cultural erasure, beginning with the invasion and referendum and continuing to this day, [had] violated the International Convention on the Elimination of All Forms of Racial Discrimination”.*

**TT**

وادعت أن ”(الاتحاد الروسي) دبر، في محاولة لإضفاء الشرعية على هذا العمل العدواني، استفتاء غير قانوني اجراه على عجل في مناخ من العنف والترهيب ضد الجماعات الإثنية غير الروسية“. وبحسب أوكرانيا، تشكل هذه ”الحملة المتعمدة للإبادة الثقافية التي أطلقها بالغزو والاستفتاء، ويواصلها حتى اليوم، انتهاكا للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري“.

**Pronunciation of the above text in Latin**

wazaeim 'anah "fy muhawalat li'iidfa' alshareiat ealaa faealah aleudwani, wadaeat 'ana alaitihad alruwsiu dabar " a istifta' "ghyr qanuniin, waharae 'iilaa tanfidhuh wasat munakh min aleunf waltakhwif dida ghyr alruwsiiyn jamaeat earqi". wwfqana li'uwkrania, "tilak alhamlat al mutaeamid at almutamathilat fi 'iibada althaqafat, bd'ana min alghazw walaistifta' waistamarat hataa yumina hdha, [anthakt] alaitifaqiat alduwaliat lilqada' ealaa jmye 'ashkal altamyiz aleansri".

ST	TT	Back translation (BT)	Method of translation
Engineered	دبر dabar	Engineered	Literal
Referendum	استفتاء istifta'	Referendum	Literal
Deliberate	متعمد Mutaeamad	Deliberate	Literal
Erasure	ابادة 'iibada	Extermination	Modulation

### Analysis:

Both of Referendum- Referendum/ istifta' and Deliberate- Deliberate/ Mutaeamad, and engineered-dabar/ engineered, are translated into Arabic by using the literal method of translation. While the term erasure-extermination /'iibada is translated by applying the equivalence method.

### Example No. 6

Clause No. 195 of the international convention of (ICJ)

### ST

“195. As regards the International Convention for the Suppression of the Financing of Terrorism, Ukraine requested the Court “to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and control, [had] violated its obligations under the Convention [...]” by:

### TT

١٩٥ - وفي ما يتعلق باتفاقية مكافحة تمويل الإرهاب، التمسست أوكرانيا من المحكمة ”أن تقرر وتعلن أن الاتحاد الروسي، عبر أجهزته ووكلائه التابعين للدولة، وغير ذلك من أشخاص وكيانات يمارسون صلاحيات عامة ، وكذلك عبر وكلاء يعملون وفق توجيهاته أو تحت إمرته وسيطرته، أخل بالتزاماته بموجب اتفاقية مكافحة تمويل الإرهاب.

***Pronunciation of the above text in Latin***

195- wafima yataealaq bialaitifaqiat alduwaliat liqame tamwil al'irhab, talabat 'uwkrania min almahkama "ana **taqarar** watuelan 'ana ala **itihad** alruwsia, min khilal 'ajhizatih alhukumiya wawakalayih alhukumiiyn wghyrhum min al'ashkhas walkianat aldhyun yumarisun **salahiat aama**, wamin khilal hayyat 'ukhraa alwukala' aladhin yatasarafun bina'an ealaa taelimatih 'aw taht 'iishrafiha wasaytaratiha, [qd] aintahakuu ailtizamatiha bmwjb alaitifaqia [...] min qibal

ST	TT	Back translation (BT)	Method of translation
Adjudge	تقرر Taqarar	Decide	Literal
Federation	اتحاد Itihad	Federation	Literal
governmental authority	صلاحيات عامة salahiat eama	General powers	Equivalence

***Analysis:***

It is seen that the Literal method is used in translating ***adjudge-to decide /Taqarar*** and ***Federation -Federation/itihad***. For ***governmental authority- General powers/ salahiat eama*** has an equivalent in the TL.

***Example No. 7***

Part (A) of the Russian violations of the International Convention against Racial Discrimination under item No. 195.

***ST***

(a) “Supplying funds, including ***in-kind*** contributions of weapons and means of training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the [Donetsk People’s Republic], the [Luhansk People’s Republic], the Kharkiv ***Partisans***, and associated groups and individuals, in violation of Article 18;”

**TT**

( أ ) بتوفير الأموال، ما في ذلك المساهمات العينية المقدمة في شكل سلاح وتدريب، للجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في اوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات او الاشخاص المرتبطين بها، في انتهاك للمادة ١٨ ،

**Pronunciation of the above text in Latin**

tawfir al'amwal, bima fi dhalik almusahamat **al einiat** lil'aslihat wawasayil altadrib, liljamaeat almusalahat ghyr almashrueat alty tumaras 'aemal 'iirhabiat fi 'uwkrania, bima fi dhalik [jmihuriat dwnytsk alshaebia], w [jumhuriat luhansk alshaebia], **ansar** kharikif, walmajmueat wal'afraad almrtbtyn biha, fi aintihak lilmadat 18;

ST	TT	Back translation (BT)	Method of translation
in-kind	العينية al einiat	in-kind	Literal
partisans	أنصار Ansar	partisans	Literal

**Analysis:**

Both **in-kind- in-kind/ al einiat** and **partisans- partisans/ansar** are translated by using literal translation method.

**6.1.2. Analysis of the ST2 and TT2****Text No. 2**

Application convention, Qatar V. Emirates UAE 2017-2018. (The whole convention is in appendix No. 2).

**Example No. 1**

Clause No. 235: The accusations against the UAE by Qatar

**ST**

“235. According to the Applicant, on and following 5 June 2017, the United Arab Emirates had expelled all Qataris within its borders; **prohibited** them from entering or passing through the Emirates; closed United Arab Emirates airspace and seaports to Qatar and Qataris; interfered with the rights of Qataris who own property in the United Arab Emirates; limited the rights of Qataris to any speech **deemed** to be in support of or opposed to the actions against Qatar; and shut down the local offices of Al Jazeera Media Network, and blocked the **transmission** of Al Jazeera and other Qatari media outlets.”

**TT**

٢٣٥ - ودفع الطرف المدعى بان الامارات العربية المتحدة عمدت ، في ٥ حزيران / يونيه ٢٠١٧، إلى طرد جميع القطريين الموجودين داخل حدودها، وحظرت عليهم دخول أراضي الإمارات العربية المتحدة أو عبورها، واطلقت دون قطر والقطريين المجال الجوي للإمارات العربية المتحدة وموانئها، وعطلت حقوق القطريين الذين لهم املاك في الامارات العربية المتحدة، وقيدت حق القطريين في التعبير عن دعم قطر او عن معارضتهم للتدابير المتخذة ضدها، واطلقت المكاتب الاقليمية الشبكة قناة الجزيرة الإعلامية، ومنعت قناة الجزيرة وغيرها من المنابر الاعلامية القطرية من بث برامجها.

***Pronunciation of the above text in Latin***

235. Dafa'e al-taraf al-mudae'ii, fi 5 yunio 2017 waba'edah , al-'imarat al-'arabiyyat al-mutahidat ***eamadat 'iilaa tard*** jmye al-qatariyyin dakhil hududuha; ***Hazarat*** min al-dukhul 'aw al-murur eabr al-'iimarat; 'ughliqat al-majal al-jawiyu walmawani lidawlat al-'imarat al-'arabiyyat al-mutahidat 'iilaa qatar wal-qatariyyin; al-tadakhul fi huquq al-qatariyyin al-adhin yamtalikun eiqarat fi al-'iimarat al-'arabiyyat al-mutahidat; ***alhaqu fi altaebir ean alraay*** al-qatariyyin ealaa 'ayi khitab yuetqd 'anah yadeam 'aw yuearid al-'iijra'at dida qatar; wa'aghlaqat al-makatib al-mahaliyyat lishabakat al-jazirat al-'iilamiyyat, wamanaeat ***bath al-baramij*** qanat al-jazirat waghayruha min wasayil al-'iilam al-qatariyyati.

ST	TT	Back translation (BT)	Method of translation
Expelled	عمدت الى طرد eamadat 'iilaa tard	Expelled	Literal
Prohibited	حظرت Hazarat	Prohibited	Literal
Deemed	الحق في التعبير alhaqu fi altaebir ean alraay	The right to express the opinion	Transposition
Transmission	بث البرامج bath albaramij	Transmission	Literal

### *Analysis:*

Each of: *Expelled - eamadat 'iilaa tard/ Expelled*, *Prohibited- Hazarat /Prohibited* and *Transmission - bath albaramij/ Transmission* are translated by literal method of translation, whereas *Deemed- alhaqu fi altaebir ean alraay/ The right to express the opinion* is translated by using transposition method. Here transposition prevails since there are structural changes in the TT.

### *Example No. 2*

Unlawful actions of Emirates against Qataris. Action C:

### *ST*

“Failing to *condemn* and instead encouraging racial hatred against Qatar and Qataris and failing to take measures that aim to *combat prejudices*, including by *inter alia*: criminalizing the expression of sympathy toward Qatar and Qataris; allowing, promoting, and financing an international anti-Qatar public and social media campaign; silencing Qatari media; and calling for *physical attacks* on Qatari entities; and”.

**TT**

( ج ) الامتناع عن إدانة الكراهية العنصرية ضد قطر والقطريين، بل تشجيعها، والامتناع عن اتخاذ تدابير لمكافحة التحيز، بما في ذلك من خلال تجريم أي تعبير عن التعاطف مع قطر والقطريين، والإذن بحملة دولية تستهدف تأليب الرأي العام ووسائل التواصل الاجتماعي ضد قطر والترويج لتلك الحملة وتمويلها، وإسكات صوت وسائط الإعلام القطرية، والدعوة إلى هجمات ضد الكيانات القطرية؛

**Pronunciation of the above text in Latin**

aedm 'iidanat alkirahiat aleunsuriat dida qatar walqutariiyin watashjieiha bdlaan min dhk waeadm aitikhadh tadabir tahdif 'iilaa mukafahat tahiz al'ahkam almusbaqat, min khilal ean tariq jumlat 'umur minha tajrim altaebir ean altaeatuf mae qatar walqutariiyin; alsamah bihamlat dualiat wa'ielamiat mueadiat liqatar waltarwij laha watamwiliha; 'iiskat al'ielam alqatarii; waldaewat li hajamat jasdiat ealaa alkianat alqataria;

ST	TT	Back translation (BT)	Method of translation
Condemn	ادانة 'iidanat	Condemn	Literal
combat prejudices	مكافحة تحيز mukafahat tahiz	Combat prejudices	Literal
inter alia	من خلال min khilal	Through	Equivalence
physical attacks	هجمات Hajamat	Attacks	Literal

**Analysis:**

Condemn- iidanat/condemn and combat prejudices- mukafahat tahiz /combat prejudices are translated by literal method of translation. Inter alia in TL equals to through in SL, hence the equivalence method is applied here. Physical attacks- Hajmat/ attacks translated literally, and the word physical omitted in the TL.

**Example No. 3**

Qatar requests (a) from the Court of Justice, within the clause No. 238.

**ST**

“A. Immediately cease and revoke the Discriminatory Measures, including but not limited to the directives against ‘sympathizing’ with Qataris, and any other national laws that discriminate **de jure** or **de facto** against Qataris on the basis of their national origin.”

**TT**

(أ) وقف العمل بالتدابير التمييزية السارية في الوقت الراهن و إلغائها على الفور، بما في ذلك على سبيل المثال لا الحصر، التوجيهات القاضية بحظر التعاطف مع القطريين وأي تشريعات وطنية تمييزية بحكم القانون أو بحكم الواقع تجاه القطريين استنادا الى اصلهم الوطني؛

**Pronunciation of the above text in Latin**

**waqf wa'ilgha'** altadabir altamyiziat ealaa alfawr, bima fi dhalik ealaa sabil almithal la alhusr , altawjihat almunahidat l "altaeatuf" mae alqatariiyin wa'ay qawanin wataniat 'ukhrra tamayaz **bihukm alqanun 'aw bihukm alwaqie** dida alqatariiyin ealaa 'asas 'aslihim alqawmi.

ST	TT	Back translation (BT)	Method of translation
Cease and revoke	وقف وإلغاء waqf wa'ilgha'	Cease and revoke	Literal
De jure or de facto	بحكم القانون, بحكم الواقع bihukm alqanuna, bihukm alwaqie	De jure or de facto	Literal

**Analysis:**

Both **Cease and revoke- waqf wa'ilgha' /Cease and revoke** and **De jure or de facto- bihukm alqanuna, bihukm alwaqie /De jure or de facto translated by** are translated by applying the literal translation method.

**Example No. 4**

Request (g) of the clause No. 238.

**ST**

“(g) **Make full reparation**, including **compensation**, for the harm suffered as a result of the actions of the United Arab Emirates in violation of the International Convention on the Elimination of All Forms of Racial Discrimination”

**TT**

(ز) جبر الضرر الكامل الناتج عن أفعالها المرتكبة انتهاكا للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، بسبل منها التعويض.

**Pronunciation of the above text in Latin**

**jbr aldarar alkamil**, bima fi dhalik al **taewid**, ean al'adrar alty lahiqat natijatan li'aemal dawlat al'iimarat alarabiat almutahidat alty tantahik alaitifaqiat alduwaliat lilqada' ealaa jmye 'ashkal altamyiz aleinsari.

ST	TT	Back translation (BT)	Method of translation
Make full reparation	جبر الضرر الكامل jbr aldarar alkamil	full reparation of damage	Transposition
Compensation	تعويضات taewidat	Compensation	Literal

**Analysis:**

*Make full reparation- jbr aldarar alkamil / full reparation of damage* is translated by applying transposition method of translation, that the structure of the sentence has changed. *Compensation- taewidat Compensation* translated by the literal translation method.

**Example No. 5**

Clause 240: the provisional measures (ii).

**ST**

“(ii) Taking all necessary steps to ensure that Qataris (or persons with links to Qatar) are not subjected to racial hatred or discrimination, including by condemning hate speech targeting Qataris, ceasing publication of **anti-Qatar** statements and **caricatures**, and **refraining** from any other incitement to racial discrimination against Qataris;”

**TT**

(٢) اتخاذ جميع التدابير اللازمة لضمان عدم استهداف أي قطري ( أو أي شخص له صلة بقطر ) بأعمال تمييزية أو أعمال ترتكب بدافع الكراهية بناء على اعتبارات عنصرية، ولا سيما إدانة خطابات الكراهية ضد القطريين، ووقف أي منشور ينتقد قطر أو يرسمها في شكل كاريكاتوري، والامتناع عن أي شكل من أشكال التحريض على التمييز العنصري ضد القطريين؛

**Pronunciation of the above text in Latin**

aitikhadh jmye alkhutuat allazimat lidaman edm taearad alqatariiy (aw al'ashkhas aldhyn lahum salat bqtr) lilkirahiat 'aw altamyiz aleunsurii, bima fi dhalik ean tariq 'iidanat khitab alkirahiat aldhyn ean ay shakl min 'ashkal altahrid **dida alqatariiy**, **alaimtinae** ean nashr albayanat **alrusum alkarykatyry** almunahidat liqatar, walaimtinae ean 'ayi tahrid akhar ealaa altamyiz aleunsurii dida alqatariiy;

ST	TT	Back translation (BT)	Method of translation
anti-Qatar	ضد القطريين dida alqatariiy	Against the Qataris	Literal
Caricatures	الرسوم الكاريكاتيرية rusum karykatyry	Caricatures	Equevalence,Borrowing
Refraining	الامتناع Alaimtinae	Refraining	Literal

**Analysis:**

*Anti- Qatar- dida alqatariiy /against the Qataris* is translated literally.  
*Caricatures- rusum karykatyry/ Caricatures* is translated by applying both

equivalence and borrowing methods of translation, the term *karykatyry* in Arabic is borrowed from the English term *caricatures*, *rusum* and *karykatyry* together in SL equal to caricatures in TL.

**Example No. 6**

Clause No. 240, discriminatory measure (B)

**ST**

“A. The United Arab Emirates shall abstain from any measure that might aggravate, extend, or make more difficult resolution of this dispute; and....}”

**TT**

(ب) يجب على الإمارات العربية المتحدة أن تمتنع عن اتخاذ أي إجراء من شأنه أن يؤدي إلى تفاقم هذا النزاع أو يوسع نطاقه أو يجعل تسويته أكثر استعصاء؛

**Pronunciation of the above text in Latin**

aimtinae dawlat al'iimarat al'earabiat almutahidat ean 'ayi tadbir qad yuadiy 'iilaa tafaqum hdha alnizae 'aw tamdidih 'aw jaealah 'akthar sueubatan; wa....}

ST	TT	Back translation (BT)	Method of translation
Abstain	امتناع Aimtinae	Abstain	Literal
Aggravate	تفاقم Tafaqum	Aggravate	Literal

**Analysis:**

*Abstain- Aimtinae /Abstain and Aggravate- Tafaqum Aggravate* are translated by using literal translation method.

**Example No. 7**

Clause No. 244, order of the president of the court of 25 July 2018.

**ST**

“244. By an Order dated 25 July 2018, the President of the Court, having taken into account the views of the parties, fixed 25 April 2019 and 27 January 2020 as the respective time-limits for the filing of a Memorial by Qatar and a **Counter-Memorial** by the United Arab Emirates.”

**TT**

٢٤٤ - وبامر مؤرخ ٢٥ تموز/ يوليو ٢٠١٨، حدد رئيس المحكمة، مع مراعاة آراء الطرفين، تاريخ ٢٥ نيسان/ ابريل ٢٠١٩ أجلا لإيداع قطر مذكرتها وتاريخ ٢٧ كانون الثاني/ يناير ٢٠٢٠ أجلا لإيداع الامارات العربية المتحدة مذكرتها المضادة.

**Pronunciation of the above text in Latin**

244. bmwjb 'amr muarikh fi 25 yuliu 2018, baed 'an 'akhdh rayiys almahkamat bieayn alaietibar wujuhat nazar altarafayn , hadadat fi 25 'abril 2019 w 27 yanayir 2020 kahad zamanium li'iidaae qatar **muzakirat mudada** w nusb tadhkaria mudad lil'iimarat alearabiat almutahadati.

ST	TT	Back translation (BT)	Method of translation
Counter-memorial	مذكرة مضادة muzakirat mudada	Counter-memorial	Literal

**Analysis:**

*Counter-memorial- muzakirat mudada/ Counter-memorial* is translated by applying literal translation method.

### 6.1.3. Analysis of the ST3 and TT3

#### *Text No. 3*

Application of the international convention on the elimination of all forms of racial discrimination (Georgia V. Russian federation) (2010-2011). (The whole convention is in appendix No. 3).

#### *Example No. 1*

Clause No. 160 of the Court of Justice of the international convention on the elimination of all forms of racial discrimination (Georgia V. Russian federation).

#### **ST**

*“160. On 12 August 2008, the Republic of Georgia instituted proceedings against the Russian Federation on the grounds of its actions on and around the territory of Georgia in **breach** of CERD [the 1965 International Convention on the Elimination of All Forms of Racial Discrimination]”. In its Application, Georgia “also seeks to ensure that the individual rights” under the Convention “of all persons on the territory of Georgia are fully respected and protected”.*

#### **TT**

١٦٠ - أقامت جورجيا في ١٢ آب / أغسطس ٢٠٠٨ دعوى لدى المحكمة ضد الاتحاد الروسي بسبب “أعماله في إقليم جورجيا وما حوله التي تمثل خرقا [للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري العام ١٩٦٥]”. وفي عريضتها “تلتزم [جورجيا أيضا كفالة احترام الحقوق الفردية، الواجبة بمقتضى الاتفاقية لجميع الأشخاص الموجودين في إقليم جورجيا وحمايتها احتراما تاما”.

***Pronunciation of the above text in Latin***

160- fi 12 ab / 'aghustus 2008, 'ansha'at jumhuriat jurjia 'ijra'at dida alaitihad alruwsii ealaa 'asas "iafiealuha fi wahawl 'aradi jurjia ***fi kharq CERD*** [alaitifaqiat alduwaliat lilqada' ealaa 1965 jmye 'ashkal altamyiz aleunsri]". fi tatbiqih, jurjiaan "itsaeaa 'aydaan 'iilaa daman 'ana alhuquq alfrdy" bmwjb aitifaqia "jmie al'ashkhas ealaa 'aradi jurjia muhtaram balkaml wamahamiy".

ST	TT	Back translation (BT)	Method of translation
Breach	خرق Kharq	Breach	Literal
CERD the 1965 International Convention on the Elimination of All Forms of Racial Discrimination	الاتفاقية الدولية للقضاء على التمييز العنصري alaitifaqiat alduwaliat lilqada' ealaa 1965 jmye 'ashkal altamyiz aleunsri	International treaty of the Elimination of Racial Discrimination	Literal

***Analysis:***

*Breach-kharq/breach* is translated literally, as well as *CERD the 1965 International Convention on the Elimination of All Forms of Racial Discrimination-alaitifaqiat alduwaliat lilqada' ealaa 1965 jmye 'ashkal altamyiz aleunsri*. The abbreviation in Arabic is usually ignored and the meaning of the abbreviation is fully translated. In Arabic, the system of abbreviations is rarely used. The reason for not mentioning the abbreviation is due to the differences in the Arabic and English alphabets as well as the difference in the language systems.

***Example No .2***

Clause No. 169:

***ST***

“169. By an Order ***of*** 11 December 2009, the Court fixed the

***Time-limit*** for the filing by Georgia of a written statement

containing its observations and submissions on the **preliminary**

**objections** in respect of jurisdiction raised by the Russian

Federation; it set that time-limit at 1 April 2010. Georgia's

written statement was filed within the time-limit thus prescribed.

170. Public hearings on the preliminary objections were held

from 13 to 17 September 2010. At the end of the hearings, the

Agents of the Parties presented the following submissions to the

Court:"

**TT**

١٦٩ - وبأمر مؤرخ ١١ كانون الأول / ديسمبر ٢٠٠٩، حددت المحكمة تاريخ ١ نيسان / أبريل ٢٠١٠ أجلا لتقديم جورجيا بياناً خطياً يتضمن ملاحظاتها واستنتاجاتها بشأن الدفوع الابتدائية المقدمة من الاتحاد الروسي فيما يتعلق بالاختصاص. وقد أودع بيان جورجيا الخطي في غضون الأجل المحدد له. ١٧٠ - وعقدت جلسات علنية بشأن الدفوع الابتدائية من ١٣ إلى ١٧ أيلول سبتمبر ٢٠١٠.

***Pronunciation of the above text in Latin***

169. bi'amr **al muarih** 11 disambir 2009, **hadadat** al **mahkama almuhlat** almuhadadat litaqdim jurjia libayan maktub yahtawi ealaa mulahazatih wabayanatih al'awalia alaietiradat fima yataealaq bialwilayat alqadayiyat alty 'atharaha alruwsiu alaitihad. hadad hdha alhadu alzamani fi 1 'abril 2010 qadam bayan maktub fi ghawn almuhlat almansus ealayha ealaa hadha alnahw. 170- euqdt jalasat aistimae ealania bishan alaietiradat al'awalia fi alfatrat min 13 'iilaa 17 sibtambar 2010. fi nihayat jalasat alaistimae, qadam wukala' al'atraf altaqdimat alttaliat 'iilaa muhkamat.

ST	TT	Back translation (BT)	Method of translation
Of	المؤرخ Muarih	Dated	Equivalence
Time-limit	حددت- المهلة Hadadat- almuhlat	Specified...the timeout	Transposition

**Analysis:**

*Of- muarih/ dated* is translated by equivalence translation method. *Time-limit- Hadadat... al muhla/ Specified...the timeout* is translated by transposition method of translation, whereas the sentence changed from nominal to verbal and the term Mahkama= The court is placed between *hadadat and muhla*.

**Example No. 3**

The submission presented to the court by agents of the parties of the convention.

**ST**

“For the Russian Federation:

“For the reasons advanced in the written Preliminary

Objections and during the oral pleadings, the Russian Federation

requests the Court to **adjudge and declare** that it lacks

**Jurisdiction** over the claims brought against the Russian

Federation by Georgia, referred to it by the Application of

Georgia of 12 August 2008.”

**TT**

بالنسبة للاتحاد الروسي:

للاسباب المدلى بها في الدفوع الابتدائية الخطية و خلال المرافعات الشفوية، يطلب الاتحاد الروسي إلى المحكمة أن تقرر و تعلن عدم اختصاصها بالنظر في الطلبات التي قدمتها جورجيا ضد الاتحاد الروسي، والمشار إليها بعريضة جورجيا المؤرخة ١٢ آب / أغسطس ٢٠٠٨.

**Pronunciation of the above text in Latin**

ean alaitihad alruusi: Ili'asbab almutaqadimat fi kitabi altamhidii aietiradat wakhilal al murafaeat alshafawiat, alaitihad alruwsiu yatlub min almahkamat 'an **tugarir watuelin,** **edm alaikhhtisas bialnazar 'iilaa altalabat** almarfueat dida alruwsii

alaitihad min qibal jurjia, almasharu 'iilayha min qibal tatbiq jurjia fi 12 'aghustus 2008."

ST	TT	Back translation (BT)	Method of translation
Adjudge and declare	تقرر وتعلن tuqarir wa tuelin	Decide and declare	literal
Lacks Juridiction	عدم الاختصاص edm al ikhtisas	Lack of jurisdiction	Literal

***Analysis:***

*Adjudge and declare* and *Lacks Juridiction- edm al ikhtisas /Lacks Juridiction* are translated by applying literal translation method .

***Example No. 4***

Georgia request from Court of Justice: 1 and 2

***ST***

“For the reasons advanced in the Written Statement of

Georgia on Preliminary Objections and during the oral pleadings

Georgia respectfully requests the Court:

1. To **dismiss** the preliminary objections presented by the

Russian Federation;

2. to hold that the Court has jurisdiction to hear the claims

presented by Georgia and that these claims are **admissible.**”

**TT**

للأسباب المدلى بها في البيان الخطي لجورجيا بشأن الدفوع الابتدائية وخلال المرافعات الشفوية ، تطلب جورجيا إلى المحكمة بكل احترام : (١) أن ترفض الدفوع الابتدائية التي قدمها الاتحاد الروسي؛ (٢) أن تحكم باختصاص المحكمة بالنظر في الطلبات التي قدمتها جورجيا وبمقبولية تلك الطلبات.

**Pronunciation of the above text in Latin**

"Ili'asbab almutaqadimat fi albyan alkitabii lil jurjia ealaa alaietiradat al'awaliat wa'athna' almurafaeat alshafawia tatlub jurjia bikuli aihtiram min almahkamat: 1. Li **rafad** alaietiradat al'awaliat almuqadamat min alaitihad alruwsiu; 2. altamasuk bi'ana lilmahkamat aikhtisas alnazar fi aldaeawaa alty qadamatha jurjia wa'ana hadhih alaidiea'at **maqbula**".

ST	TT	Back translation (BT)	Method of translation
Dismiss	رفض Rafad	Dismiss	Literal
Admissible	مقبولة Maqbula	Acceptable	Literal

**Analysis:**

Both *Dismiss- Rafad /Dismiss* and *Admissible- maqbula/ Acceptable* are translated by literal method of translation.

**Example No. 5**

Clause (7) paragraph 1/a

**ST**

“(1) (a) **by** twelve votes to four,

Rejects the first preliminary objection **raised by** the Russian Federation;

IN FAVOUR: President Owada; Judges Al-Khasawneh, Simma,

Abraham, Keith, Sepúlveda-Amor, Bennouna, Cançado Trindade,

Yusuf, Greenwood, Donoghue; **Judge ad hoc** Gaja;”

**TT**

(1) (أ) بأغلبية اثني عشر صوتاً مقابل أربعة أصوات،  
ترفض الدفع الابتدائي الأول الذي قدمه الاتحاد الروسي؛ المؤيدون: الرئيس أووادا؛ والقضاة الخصاونة، و  
سيما، وأبراهام، وكيث، وسيولفيدا - أمور، وبنونة، و كانسادو ترينداد، و يوسف، و غرينوود، و دونوهيو،  
والقاضي الخاص غايا؛

**Pronunciation of the above text in Latin**

(1) (a) **bi'aghlabia** 12 swtana mqabl arbet, yrafud 'awal aietirad 'uwliin **qadamah**  
alruwsii alaitihad. fi salh: alrayiys 'awada. alqudat alkhasawinat, symaan, 'abraham,  
kayth, sibulfida 'umur, binunat, kansadu trinidad, yusuf, ghrynwwd, dwnwhyw; **al**  
**qadi al has** ghaya.

ST	TT	Back translation (BT)	Method of translation
By	باغلبية bi'aghlabia	By majority	Equivalence
raised by	قدمه Qadamah	Presented by	Adaptation
Judge ad hoc	القاضي الخاص Al qadi al has	Judge ad hoc	Literal

**Analysis:**

*By- bi'aghlabia/ By majority* and *raised by- Qadamah/ Presented by* are translated by equivalence method of translation. *Judge ad hoc- Al qadi al has /Judge ad hoc* is translated literally and the lexical calque method of translation is applied.

**Example No. 6**

Paragraph No. 2 of clause 171

**ST**

“(2) *by ten votes to six,*

***Finds*** that it has no jurisdiction to ***entertain*** the Application

filed by Georgia on 12 August 2008.

*IN FAVOUR: Vice-President Tomka; Judges Koroma,*

*Al-Khasawneh, Keith, Sepúlveda-Amor, Bennouna, Skotnikov,*

*Yusuf, Greenwood, Xue;*”

**TT**

(٢) بأغلبية عشرة اصوات مقابل ستة،

تقضي بأنه ليس لها اختصاص النظر في العريضة الاي اودعتها جورجيا في ١٢ آب/ اغسطس ٢٠٠٨.  
المؤيدون:

نائب الرئيس تومكا؛ والقضاة كوروما، والخصاونة، وكيث، وسيولفيدا \_ أمور، وبنونة، وسكوتنيكوف،  
ويوسف، وغرينوود، وشوي؛

***Pronunciation of the above text in Latin***

2) bica aghlabiea sharat 'aswat mqabl stta, **taqdi** 'anah la yujad ladayh aikhtisas **alnazar fi 'amr** ean altatbiq qadamatha jurjia fi 12 'aghustus 2008. fi almfdlt: nayib alrayiys tawmaka; alqudat kuruma, alkhasawinat, kayth, sibulfida 'umur, binunat, skutnikuf, yusuf, ghrynwwd, shuyawih;

ST	TT	Back translation (BT)	Method of translation
Finds	تقضي Taqdi	Dictates	Adaptation, Modulation
Entertain	النظر في امر alnazar fi 'amr	Consider the matter	Equivalence

***Analysis:***

Both method Adaptation, Modulation can be applied in translating *finds-taqdi/dictates*. For the term *entertain- alnazar fi 'amr/ Consider the matter* is translated by the literal method.

**Example No. 7**

Clause 172/ first paragraph.

**ST**

“172. In its Judgment, the Court, recalling that, by Order of 15 October 2008, it had indicated certain provisional measures, stated that this Order ceased to be operative upon the delivery of the Judgment on the preliminary objections.”

**TT**

١٧٢- وذكرت المحكمة في حكمها، بأنه كانت قد اشارت بتدابير تحفظية بموجب الأمر المؤرخ ١٥ تشرين الأول/ اكتوبر ٢٠٠٨، فصرحت بأن هذا الأمر يتوقف سريانه بمجرد صدور الحكم بشأن الدفوع الابتدائية. غير أنها اضافت بأن على الطرفين واجب الوفاء بالتزاماتهما بموجب الاتفاقية الدولية للقضاء على جميع اشكال التمييز العنصري والتي ذكر بها الطرفان في الأمر المذكور.

**Pronunciation of the above text in Latin**

172- fi hukmiha, 'asharat almahkamat 'iilaa dhlk, bi'amr min fi 15 'uktubar 2008, 'ashar 'iilaa bed tadabir tahafuzia, dhakar 'ana hdha al'amr lm yaeud sarayanuh bimujrid sudur alhukm ealaa alaietiradat al'awalia. wa'adaf walakun.

ST	TT	Back translation (BT)	Method of translation
Provisional measures	تدابير تحفظية tadabir tahafuziatan	Provisional measures	Literal
Be operative	سريانه Sarayanuh	Validity	Equivalence
Upon the delivery of	بمجرد صدور bimujrid sudur	Once released	Equivalence

**Analysis:**

*Provisional measures- tadabir tahafuziatan /Provisional measures is translated literally. Be operative- Sarayanuh /Validity is translated by equivalence method. Upon the delivery of- bimujrid sudur/ Once released is translated by Equivalence method of translation.*

**Example No. 8**

Clause No. 172/ second paragraph

**ST**

“It added however that the Parties had a **duty to comply** with their obligations under CERD, of which they were reminded in the **said Order.**”

**TT****Pronunciation of the above text in Latin**

'ana al'atraf mulzamatan **wajib alwafa'** liailtizamatiha bmwjb CERD, walati tama tadhkiruhum bialtartib **al'amr almadhkur.**

ST	TT	Back translation (BT)	Method of translation
duty to comply	واجب الوفاء wajib al wafa'	Duty to fulfil	Equivalence
said order.	الامر المذكور al'amr al madhkur	Said order	Literal

**Analysis:**

*Duty to- wajib /duty to is translated literally and for comply - al wafa'/ fulfilment is translated by equivalence translation method, in Arabic it is preferable to use this formula (Duty to fulfillment) as a kind of words consistency. Said order- al'amr al madhkur /said order is translated by literal translation method.*

#### 6.1.4. Analysis of the ST4 and TT4

##### *Text No. 4*

Application of the international convention for the suppression of the financing of terrorism and of the international convention on the elimination of all forms of racial discrimination (Ukraine V. Russian federation) (2016-2017) (the whole convention is in appendix No. 4).

##### *Example No. 1*

Clause 249, part (A): Russian violated its obligations under the Terrorism Financing Convention by:

##### *ST*

“A-Supplying funds, including in-kind contributions of weapons and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People’s Republic, the Luhansk People’s Republic, the Kharkiv Partisans, and associated groups and individuals, in violation of Article 18;”

##### *TT*

##### *Pronunciation of the above text in Latin*

tawfir al'amwal, bima fi dhalik almusahamat aleiniat lil'aslihat waltadrib, liljamaeat almusalahat ghyr alqanuniat alty daliea fi 'aemal 'iirhabiat fi 'uwkrania, bima fi dhalik jumhuriat dwnytsk alshaebiat wajumhuriat luhansk alshaebiat wa'ansar kharkif waljamaeat wal'afraad almurtabitun biha, fi aintihak l almadat 18

ST	TT	Back translation (BT)	Method of translation
Engage	ضالعة Daliea	Involved	Literal

**Analysis:**

As *involved* refers to the synonymy of *engage*, so here the literal translation method is applied.

**Example No. 2**

Clause 249, part (B):

**ST**

“**Failing** to take appropriate measures to detect, freeze, and seize funds used to assist illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People’s Republic, the Luhansk People’s Republic, the Kharkiv Partisans, and associated groups and individuals, in violation of Articles 8 and 18;”

**TT****Pronunciation of the above text in Latin**

**Bieadam** aitikhadh altadabir almunasibat liaiktishaf watajmid wamusadarat al'amwal almustakhdimat limusaeadat aljamaeat almusalahat ghyr almashrueat alty tumaras 'aemal 'iirhabiat fi 'uwkrania, bima fi dhalik jumhuriat dwnytsk alshaebiat wajumhuriat luhansk alshaebiat wahizb kharkif walmajmueat wal'afraad almurtabitun biha, aintihak almadatayn 8 w 18;

ST	TT	Back translation (BT)	Method of translation
Failing	بعدم Bieadam	Not to	Modulation

**Analysis:**

*Failing- Bieadam / Not to* is translated with the method of modulation.

**Example No. 3**

Clause 249, part (D):

**ST**

“Failing to provide Ukraine with the **greatest measure** of assistance in connection with criminal investigations of the financing of terrorism, in violation of Articles 12 and 18;”

**TT**

(أ) بتوفير الأموال، بما في ذلك المساهمات العينية المقدمة في شكل سلاح وتدريب ، للجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهاانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، في انتهاك للمادة ١٨ .

**Pronunciation of the above text in Latin**

edm tazwid 'uwkrania **'akbar qadr mumkin** min almusaeadat fima yataealaq bialtahqiqat aljinayiyat fi tamwil al'iirhab , fi aintihak lilmiadatayn 12 w 18; w

ST	TT	Back translation (BT)	Method of translation
greatest measure	اكبر قدر ممكن 'akbar qadr mumkin	As much as possible	Equivalence

**Analysis:**

Greatest measure is equal to 'akbar qadr mumkin/ As much as possible in Arabic, so the equivalence method is applied here.

**Example No. 4**

Clause 249, Ukraine request from the (ICJ):

**ST**

“Ukraine also requests the Court “to adjudge and declare that the Russian Federation bears international responsibility, by **virtue of its sponsorship** of terrorism and failure to prevent the financing of terrorism **under the Convention**, for the acts of terrorism committed by its proxies in Ukraine, including:”

**TT**

وتلتزم أوكرانيا كذلك من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي يتحمل مسؤولية دولية، بدعمه للإرهاب وبدعم منع تمويله بالمعنى المقصود في الاتفاقية، عن الأعمال الإرهابية التي ارتكبها أعوانه في أوكرانيا، بما في ذلك ما يلي:

**Pronunciation of the above text in Latin**

watatlub 'uwkrania 'aydaan 'iilaa almahkama "ana taqarar watuelan 'ana alaitihad alruwsia yatahamal almaswuwliat aldawliat, **daemah** rieayatih lil'irhab wafashalih fi mane tamwil al'irhab **Al maenaa almaqsud fi alaitifaqia** alaitifaqiat, ean 'aemal al'irhab alty yartakibuha wukala'uh fi 'uwkrania, bima fi dhalik:

ST	TT	Back translation (BT)	Method of translation
virtue of its sponsorship	دعمه Daemah	Support	Modulation
under the Convention	بالمعنى المقصود في الاتفاقية Al maenaa almaqsud fi	Within the meaning of convention	Equivalence

**Analysis:**

*Virtue of its sponsorship-* *Daemah/support* is translated by modulation method by using new semantic perspective. *Under the Convention-* *Al maenaa almaqsud fi alaitifaqia/ Within the meaning of* is translated by equivalence method since it illustrate the same meaning explained in totally different style.

**Example No. 5**

Clause 249/ A, B Ukraine request the (ICJ) to:

**ST**

“The **shoot-down** of Malaysian Airlines Flight MH17; The **shelling** of civilians, including in Volnovakha, Mariupol, and Kramatorsk;”

- (أ) تدمير طائرة الخطوط الجوية الماليزية في رحلتها MH17؛  
 (ب) القصف المدفعي على المدنيين، في مدن منها فولنوفاخا وماريوبول وكراماتورسك؛

**TT**

***Pronunciation of the above text in Latin***

***tadmir tayira*** alkhutut aljawiyat almaliziat alrihlat MH17; ***qasf madfaei*** almadaniiny, bima fi dhalik fi fwlwfa wamarywbwl wakramatwrsk;

ST	TT	Back translation (BT)	Method of translation
shoot-down	تدمير طائرة tadmir tayira	destruction of aircraft	Equivalence
Shelling	قصف مدفعي qasf madfaei	Shelling	Literal

***Analysis:***

*Shoot-down-tadmir tayira/destruction of aircraft* is translated by Equivalence method, whereas the message transferred by using a phrase that is different in the source and target languages to convey the same idea. *Shelling- qasf madfai/ shelling* is translated literally.

***Example No.6***

Clause 249/E Ukraine request the (ICJ) to:

***ST***

*“Immediately prevent all Russian officials from financing terrorism in Ukraine, including Sergei Shoigu, Minister of Defense of the Russian Federation; Vladimir Zhirinovskiy, Vice-Chairman of the State Duma; Sergei Mironov, member of the State Duma; and Gennadiy Zyuganov, member of the State Duma, and initiate prosecution against these and other actors **responsible** for financing terrorism;”*

**TT**

(هـ) أن يمنع فوراً تمويل الإرهاب في أوكرانيا من قبل ممثلين عن الاتحاد الروسي، وتحديدًا السيد سيرغي شويغو وزير دفاع الاتحاد الروسي؛ والسيد فلاديمير جيرينوفسكي، نائب رئيس مجلس الدوما؛ والسيدان سيرغي ميرونوف وغينادي زيوغانوف، النائبان في مجلس الدوما، وان يقاضي هؤلاء الأشخاص أو أي شخص آخر متورط في تمويل الإرهاب؛

**Pronunciation of the above text in Latin**

mane jmye almaswuwlin alrws ealaa alfawr min tamwil al'iirhab fi 'uwkrania, biman fihim sirji shwyghw, wazir aldifae fi alaitihad alruwsii; fladimir jyrynwfsky, nayib rayiys majlis dawmaan aldawlat; siurji myrwnwf, eudw majlis alduwma; w Gennadiy Zyuganov, eudw majlis alduwma, warafae daeawaa qadayiyatan dida hadhih aljihah alfaeilat al'ukhraa al mutawarit ean tamwil al'iirhab;

ST	TT	Back translation (BT)	Method of translation
Responsible	متورط Mutawarit	Implicated	Adaptation

**Analysis:**

*Responsible-mutawarit/implicated* is translated by adaptation method, here the translator prefers to explain the term by using totally different word.

**Example No. 7**

Clause 249/F Ukraine request the (ICJ) to:

**ST**

“Immediately provide full cooperation to Ukraine in all pending and future requests for assistance in the investigation and interdiction of the financing of terrorism relating to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People’s Republic, the Luhansk People’s Republic, the Kharkiv Partisans, and associated groups and individuals;”

**TT**

(و) ان يتعاون تعاوناً كاملاً وفورياً مع اوكرانيا في جميع طلبات المساعدة، القائمة والمقبلة، بشأن التحقيقات في اعمال تمويل الإرهاب المرتبطة بالجماعات المسلحة غير القانونية الضالعة في اعمال ارهابية في اوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة انصار خاركيف وغير ذلك من الجماعات او الاشخاص المرتبطين بها،

**Pronunciation of the above text in Latin**

taqdim taeawun kamil 'iilaa 'uwkrania ealaa alfawr fi jmye talabat almusaeadat almuealaqat walmustaqbaliat fi **Tahqiqat** fi tamwil al'iirhab almutaealiq bialjamaeat almusalahat ghyr almashrueat alty tumaras 'aemal 'iirhabiat fi 'uwkrania , bima fi dhalik jumhuriat dwnytsk alshaebiat wajumhuriat luhansk alshaebiat kharikif althuwwar, walmajmueat wal'afraad almrtbtyn biha, wakadhalak 'ana **yahzur** tmwyl;

ST	TT	Back translation (BT)	Method of translation
investigation and interdiction	تحقيقات.....يحظر Tahqiqat.....yahzur	investigation and to interdict	Literal, Transposition

**Analysis:**

*Investigation and interdiction- Tahqiqat /investigation* is translated into Arabic literally, the term *Interdiction* is mentioned in the end of the paragraph as a verb: *interdiction- to interdict/ yahzur*, here the term translated with transposition method as it changes from noun in the ST to verb in TT.

**Example No. 8**

Russian breach of ICJ obligations part A:

**ST**

“Systematically discriminating against and mistreating the Crimean Tatar and ethnic Ukrainian communities in Crimea, in furtherance of a state policy of cultural erasure of disfavored groups perceived to be **opponents** of the **occupation regime**;”

**TT**

(أ) بممارسة التمييز وسوء المعاملة بصورة ممنهجة ضد جماعات تثار القرم والأشخاص المنحدرين من اصل اوكراني في القرم، في إطار سياسة دولة تقوم على الإبادة الثقافية لفئات غير محظية تُعتبر معارضة لنظام الاحتلال؛

**Pronunciation of the above text in Latin**

altamyiz bishakl manhajiin dida altattar alqaram walmujtamaeat alawkranyt  
alearaqiat fi alqarm wa'iisa'at mueamilatahim, wdhlk fi 'iitar siyasat aldawlat  
almutamathilat fi mahw althaqafat lilmajmueat almahrumat alty yuetqd 'anaha  
**muearadat linizam alaihtilal;**

ST	TT	Back translation (BT)	Method of translation
Opponents occupation regime;	معارضة لنظام الاحتلال muearadat linizam alaihtilal	Opponents occupation regime;	Literal

**Analysis:**

*Opponents occupation regime- muearadat linizam alaihtilal/ Opponents occupation regime* is translated by the literal method of translation.

**Example No. 9**

Russian breach of ICJ obligations part B:

**ST**

“Holding an illegal referendum in an atmosphere of violence **and intimidation against non-Russian ethnic** groups, without any effort to seek a **consensual and inclusive solution** protecting those groups, and as an initial step toward depriving these communities of the protection of Ukrainian law and subjecting them to a regime of Russian dominance;”

**TT**

(ب) بتنظيم استفتاء غير قانوني في سياق من العنف والترهيب ضد الجماعات الإثنية غير الروسية، دون بذل أدنى جهد للتوصل الى حل توافقي وشامل لحماية هذه الجماعات، حيث شكل ذلك خطوة أولى نحو حرمان تلك الجماعات من حماية القانون الأوكراني واخضاعها لنظام الهيمنة الروسي:

**Pronunciation of the above text in Latin**

'iijra' aistifta' ghyr qanuniin fi jawin min aleunf **Tarhib** dida **majmueat athnit ghyr rusia**, dun ayi jahad liltawasul 'iilaa hali **tawafuqi washamil** lihimayat tilk aljamaeat, wakakhutwat 'uwlaa nahw hirman hadhih almujtamaeat min himayat alqanun alawkranyi wa'iikhdaeiha linizam alhaymanat alruwsiat.

ST	TT	Back translation (BT)	Method of translation
intimidation	ترهيب Tarhib	Intimidation	Literal
against <u>non-Russian ethnic</u>	مجموعات اثنية غير روسية ضد majmueat athnit ghyr rusia	against non-Russian ethnic groups	Literal, borrowing
consensual and inclusive solution	توافقي وشامل tawafaqi washamil	Consensual and inclusive	Literal

**Analysis:**

**Both of intimidation –tarhib/ intimidation** and **consensual and inclusive solution- tawafaqi washamil/consensual and inclusive solution** are translated by applying literal method of translation. While in **against non-Russian ethnic- majmueat athnit ghyr rusia/ Non-Russian ethnic groups** the literal method is applied for **against non-Russian**, and the term **ethnic** is borrowed from English as **Athinit**.

**Example No. 10**

Russian breach of ICJ obligations part C:

**ST**

“*Suppressing the political and cultural expression of Crimean Tatar identity, including through the persecution of Crimean Tatar leaders and the ban on the Majlis of the Crimean Tatar People;*”.

**TT**

(ج) بحرمان تاتار القرم من وسائل التعبير عن هويتهم السياسية والثقافية، بصورة أساسية من خلال اضطهاد زعمائهم وحظر مجلسهم؛

**Pronunciation of the above text in Latin**

qame altaebir alsiyasiu walthaqafiu lihuiat altatar alqaram, bima fi dhalik min khilal aidtihad qadat altatar alqaram walhazr almafrud ealaa Majlis altatar alqaram;

ST	TT	Back translation(BT)	Method of translation
<u>Mejlis</u>	مجلس Majlis	Majlis= council	Borrowing, literal

**Analysis:**

*Mejlis-majlis/ council* is translated by applying borrowing method of translation. According to the convention, it is a special institution of Crimean Tatar People.

**Example No.11****ST**

*Preventing Crimean Tatars from gathering to celebrate and commemorate important cultural events;*

**TT**

mane altattar alqaram min altajamue aihtifal bialdhikraa althaqafiat wal'ahdath alhamat ;

ST	TT	Back translation(BT)	Method of translation
Commemorate	احتفال aihtifal	Commemorate	Literal

**Example No. 12**

**ST**

“Perpetrating and tolerating a campaign of disappearances and murders of Crimean Tatars;”

**TT**

(هـ) بتدبير حملة اختفاء وقتل ضد تاتار القرم والسماح بتنفيذها؛

**Pronunciation of the above text in Latin**

**Tadbir** hamlat alaikh-tifa' wajarayim qutil altatar alqaram ;

ST	TT	Back translation (BT)	Method of translation
Perpetrating and tolerating	تدبير Tadbir	Perpetrating	Literal

**Analysis:**

*Perpetrating- Tadbir/ Perpetrating* is translated literally, and *tolerating* is omitted in the TT.

**Example No. 13**

Russian breach of ICJ obligations part H:

**ST**

“*Suppressing Crimean Tatar language education and the community’s educational institutions;*”

**TT**

(ح) بحرمان تثار القرم من امكانية تلقي التعليم بلغتهم وفي مؤسساتهم التعليمية الاهلية؛

**Pronunciation of the above text in Latin**

game taelim lughat alqiram altitariat walmuasasat altaelimiati **'alahlia;**

ST	TT	Back translation (BT)	Method of translation
<u>Community's</u>	اهلية 'ahlia	Private	Equivalence

**Analysis:**

*community's-ahlia/ Private* is translated by equivalence method of translation.

**Example No. 14**

Clause 253, part D of the provisional measures toward Russian

**ST**

“The Russian Federation shall take all necessary steps to **halt** the disappearance of Crimean **Tatar** individuals and to promptly investigate those disappearances that have already occurred.”

**TT**

(د) على الاتحاد الروسي ان يتخذ جميع التدابير اللازمة لوضع حد لحالات اختفاء تثار القرم وللتحقيق فورا في الحالات التي وقعت بالفعل؛

**Pronunciation of the above text in Latin**

yatakhidh alaitihad alruwsiu jmye alkhutuat allazimat li **Ywaf** aikhtifa' 'afraad **tatar** alqurm waltahqiq alfawrii fi halat alaikhtifa' alty hadathat bialfiel.

ST	TT	Back translation (BT)	Method of translation
Halt	يوقف Ywqf	Halt	Literal
Tatar	تتار Tatar	Tatar	Borrowing

***Analysis:***

*Halt- Ywqf /halt* is translated by literal translation method. *Tatr –tatar/tatar* is borrowed directly from English to Arabic.

**6.2. Discussion**

In this part, the analysis of lexical units of the four conventions taken from the annual reports of the ICJ between 2009 and 2019 is presented. 74 terms are translated and analyzed comparatively. This thesis aims to compare between the translation of Racial Discrimination Conventions, from English language into Arabic in order to detect which method of translation of Jean Paul Vinay and Jean Darbelnet is the most used method in translating the legal terminology of the ICJ conventions.

The results of the analysis determine the answer to the question that how far the terms in the conventions of ICJ are translated as acceptable or adequate with regards to Gideon Toury's translation approach (1995, p. 56) .

The most and least used methods help to find out whether the method of Vinay and Darblenet are adequate or acceptable in translation of the legal terminology. Table No. 2 consists of the samples taken from the ICJ conventions. As it can be seen the all strategies of Vinay and Darbelnet are used in translation of legal terms except calque method.

**Table No. 2:** Examples from CERD, their translation and the applied methods of translation.

Paragraph No.	ST	TT	Back translation	Method of translation
1	Application instituting proceeding	تقيم بها دعوى tuqim biha daewaa	Application instituting proceeding	Literal
	Filed	اودعت Awdaet	Deposited	Adaptation
	Convention	معاهدة Itifaqia	Treaty, convention	Literal
2	For all too many	عدد كبير Adat kabeer	Large number	Equivalence
	Instigated and sustained	حرض harid	Incites	Transposition
	Insurrection	تمرد tamarud	Insurrection	Literal
3	Suppression	قمع qame	Suppression	Literal
4	Brazenly defied	انتهاك بصفاقة aintihak bisafaqa	Violation thoroughly	Adaptation
	Seizing	مستولي على mstwly ealaa	Seizing	Literal
	Sovereign territory	الاراضي الخاضعة لسيادة al'aradi alkhadieat li siada	Land under sovereignty	Equivalence
5	Referendum	استفتاء istifta'	Referendum	Literal
	Deliberate	متعمد mutaeamad	Deliberate	Literal
	Erasure	ابادة 'iibada	Extermination	Modulation

Paragraph No.	ST	TT	Back translation	Method of translation
6	Adjudge	تقرر taqarar	To decide	Literal
	Federation	اتحاد aitihad	Federation	Literal
	Governmental authority	صلاحيات عامة salahiat eama	General powers	Equivalence
7	in-kind	العينية aleinia	in-kind	Literal
	partisans	أنصار ansar	partisans	Literal
8	Deemed	الحق في التعبير alhaqu fi altaebir ean alraay	The right to express the opinion	Transposition
	Transmission	بث البرامج bath albaramij	Transmission	Literal
9	Condemn	ادانة 'iidanatan	Condemn	Literal
	Combat prejudices	مكافحة تحيز mukafahat tahiz	Combat prejudices	Literal
	Inter alia	من خلال min khilal	Through	Equivalence
	Physical attacks	هجمات Hajamat	Attackes	Literal
10	Cease and revoke	وقف والغاء waqf wa'iilgha'	Cease and revoke	Literal
	De jure or de facto	بحكم القانون, بحكم الواقع bihukm alqanuna, bihukm alwaqie	De jure or de facto	Literal

Paragraph No.	ST	TT	Back translation	Method of translation
11	Make full reparation	جبر الضرر الكامل jbr aldarar alkamil	Make full reparation	Transposition
	Compensation	تعويضات taewidat	Compensation	Literal
12	Caricatures	بشكل كايكاتوري bishakl karikaturyin	caricatures	Equivalence
	Incitement	عن اي شكل من اشكال التحريض ean ay shakl min 'ashkal altahrid	For any form of incitement	Transposition
	Refraining	الامتناع alaimtinae	Refraining	Literal
	Anti-Qatar	ضد القطريين Dida qatarien	Against Qataris	Literal
13	Abstain	امتناع aimtinae	Abstain	Literal
	Aggravate	تفاقم Tafaqum	Aggravate	Literal
14	Counter-memorial	مذكرة مضادة mudhakhirat mudada	Counter-memorial	Literal
15	Engage	ضالعة daliea	Involved	Literal
16	Failing	بعدم bieadam	Not to	Modulation
17	Greatest measure	اكبر قدر ممكن 'akbar qadr mumkin	As much as possible	Equivalence
18	Public and private actors	جهات عامة وخاصة jihat eamat wakhasa	Public and private actors	Literal

Paragraph No.	ST	TT	Back translation	Method of translation
19	Virtue of its sponsorship	دعمه daemah	Support	Modulation
	Under the convention	بالمعنى المقصود في الاتفاقية Al maenaa almaqsd fi alaitifaqia	Within the meaning of the Convention	Equivalence
20	Shoot- down	تدمير طائرة tadmir tayira	destruction of aircraft	Equivalence
21	Shelling	قصف مدفعي qasf madfaei	Artillery shelling	Literal
22	Responsible	متورط mutawarit	Implicated	Adaptation
23	Investigation and interdiction	تحقيقات tahqiqat	Investigation	Literal, transportation
24	De facto	فعلي Fiily	Actual	Literal
25	Opponents occupation regime	معارضة لنظام الاحتلال muearadat linizam alaihhtilal	Opponents occupation regime	Literal
26	Intimidation	ترهيب Tarhib	Intimidation	Literal
	<u>Non-Russian ethnic groups</u>	مجموعات اثنية غير روسية majmuaeat athnit ghyr rusia	<u>Non-Russian etheni groups</u>	Literal, borrowing
	Consensual and inclusive	توافقي وشامل tawafaqi washamil	Consensual and inclusive	Literal
27	Mejlis	مجلس majlis	Majlis	Borrowing, Literal
28	Commemorate	احتفال aihtifal	Commemorate	Literal

Paragraph No.	ST	TT	Back translation	Method of translation
29	Perpetrating and tolerating	تدبير tadbir	Perpetrating	Literal
30	Community	اهلية 'ahlia	Private	Equivalence
31	Halt	يوقف ywqf	Halt	Literal
	Tatar	تتار tatar	Tatar	Borrowing
32	Breach	خرق kharq	Breach	Literal
33	CERD	الاتفاقية الدولية للقضاء على التمييز العنصري Ala itifaqia alduwaliat lilqada' ealaa altamyiz aleunsurii	International treaty of the Elimination of Racial Discrimination	Literal
	Order of 11 December	المؤرخ almuarikh	Of	Equivalence
34	Time- limit	تاريخ tarikh	Date	Transposition
35	Adjudge and declare	تقرر وتعلن taqarar watuelin	Decide and declare	equivalence, literal
	Lacks Jurisdiction	عدم الاختصاص بالنظر الى الطلبات edm alaikhtisas bialnazar 'iilaa altalabat	Lack of jurisdiction in view of requests	Literal
36	Dismiss	رفض rafad	Dismiss	Literal
	Admissible	مقبولة maqbula	Acceptable	Literal

Paragraph No.	ST	TT	Back translation	Method of translation
37	By	باغلبية bi'aghlabia	By majority	Equivalence
	Raised by	قدمه qadamah	Presented by	Adaptation
	Judge ad hoc	القاضي الخاص alqadi alkhasu	Judge ad hoc	Literal
38	Finds	تقضي taqdi	dictates	Modulation
	To Entertain	النظر في امر alnazar fi 'amr	Consider the matter	Equivalence
39	Provisional measures	تدابير تحفظية tadabir tahafuziatan	Provisional measures	Literal
	Be operative	سريانه sarayanuh	validity	Equivalence
40	Upon the delivery of	بمجرد صدور bimujrid sudur	Once released	Equivalence
	A duty to comply	واجب الوفاء wajib alwafa'	Duty to fulfil	Equivalence
	Said order	الامر المذكور al'amr almadhkur	Said order	Literal

Table No. 2 illustrates the lexical terms taken from the ICJ conventions, their translation, and back translation and applied translation methods.

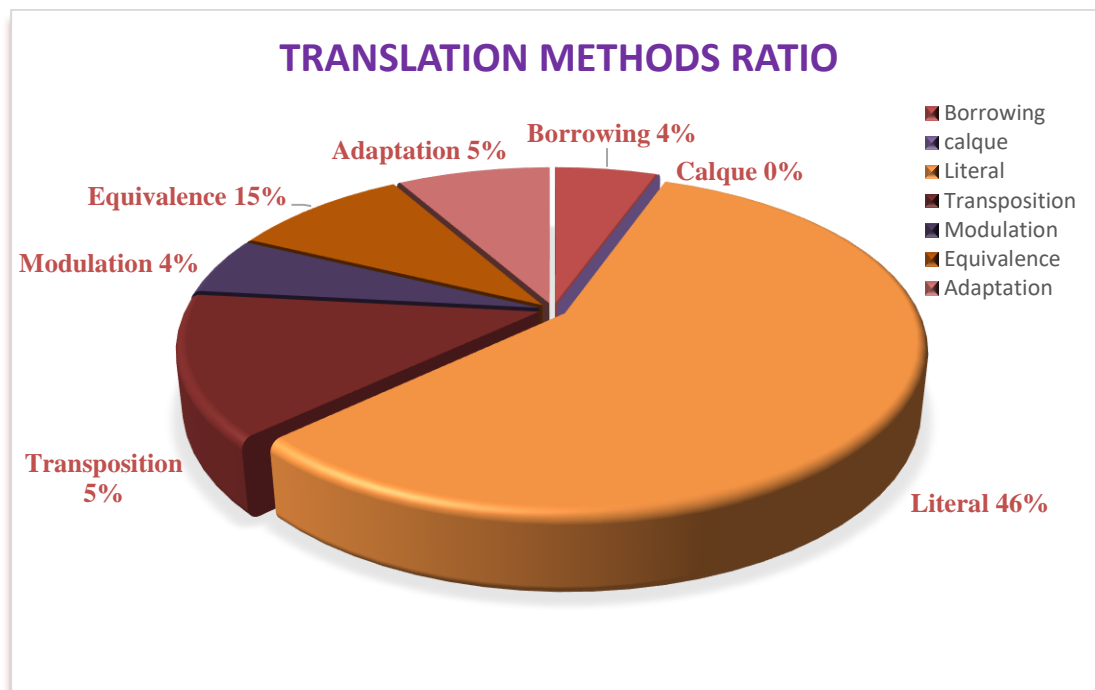


Figure No. 1: Translation Method Applied in the Translation of Legal Terminology

As shown by figure No. 1 the percentage of all the methods of translation of Vinay and Darblnet have been used in translation of terms of the selected conventions of ICJ. The figure illustrates that the most frequently used method of translation is literal translation with (46%). Equivalent method (15%). Adaptation method and transposition with (5%), modulation method is (4%), Borrowing method is (4%) and there is no use to the calque method.

In accordance with the results presented in the figure above, one can infer that the direct methods are more commonly used than the oblique methods of translation. Depending on these results, it can be illustrated that the translation of ICJ conventions are source oriented more than target-oriented. This indicates that the translation of the four conventions are adequately conducted according to Toury approach.

Each percentage is illustrated as follows:

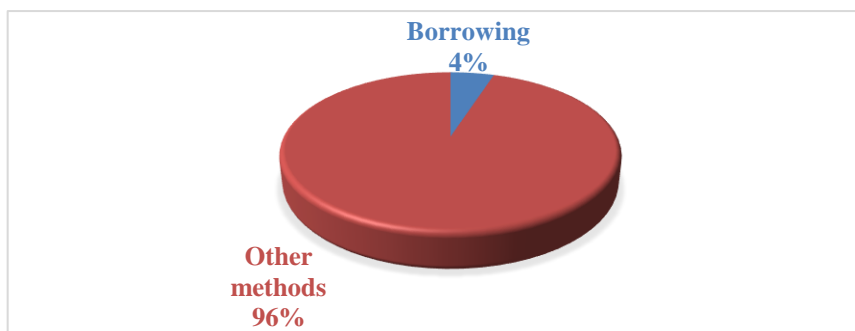


Figure No. 2: Borrowing

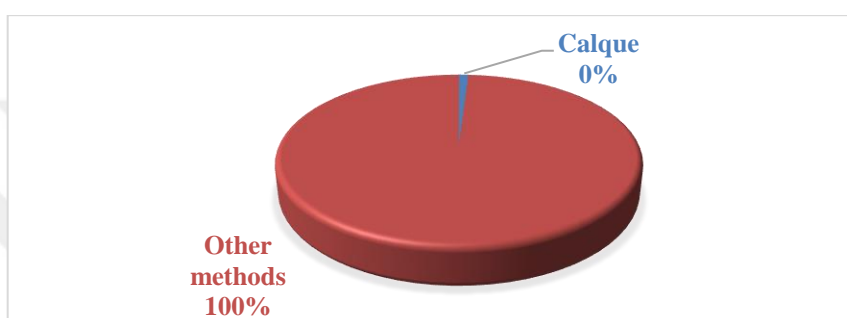


Figure No. 3: Calqu

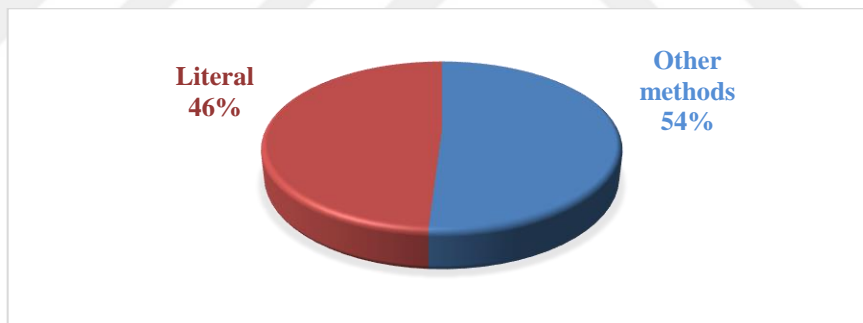


Figure No. 4: Literal

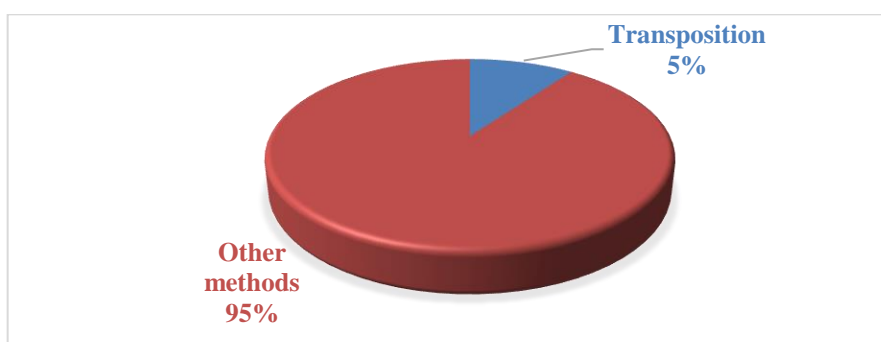
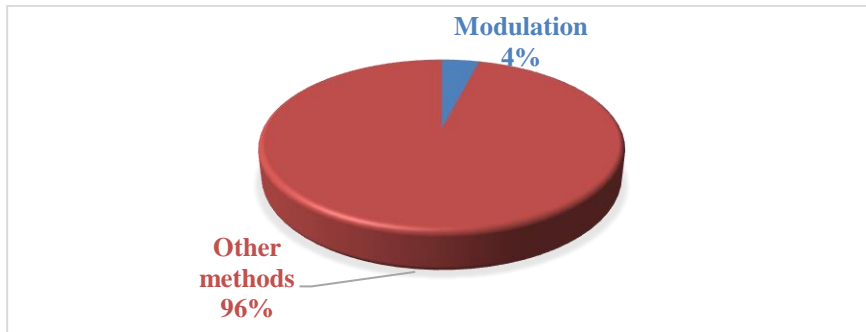
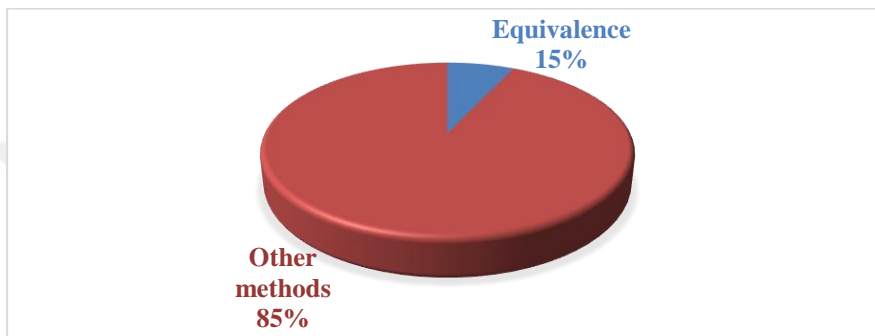


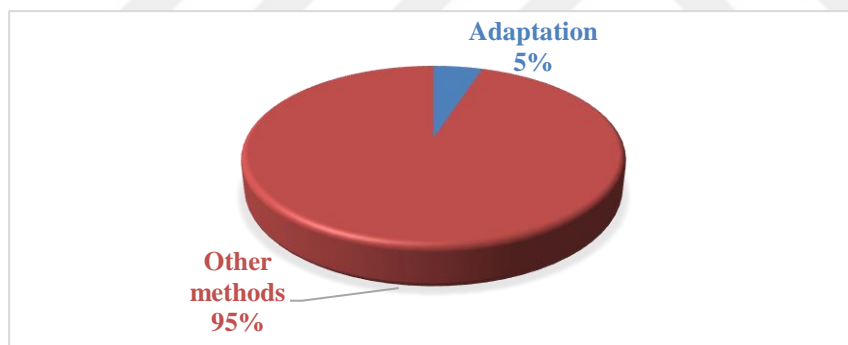
Figure No. 5: Transposition



**Figure No. 6: Modulation**



**Figure No. 7: Equivalence**



**Figure No. 8: Adaptation**

From the figures above, it can be inferred that the choice of translation methods made by the translator summarizes that the translation of TT are source oriented with 50%. The percentage of oblique method of translation is 24%.

**Table No. 3:** Number of Methods Used in Translation of the Four Texts

Translation Methods	Direct Translation Methods			Oblique Translation Methods			
	Borrowing	Calque	Literal Translation	Transposition	Modulation	Equivalence	Adaptation
TT1	0	0	12	1	1	3	2
TT2	1	0	14	2	0	2	0
TT3	0	0	10	1	1	6	2
TT4	3	0	10	1	2	4	1
Total Number	4	0	46	5	4	15	5
	50			24			
	Adequate translation			Acceptable translation			

Table No. 3 explains the translation methods which are frequently used in the translation of the conventions of the ICJ from English to Arabic that have been published within the last ten years between 2009 and 2019 on the International Conventions on the Elimination of all Forms of Racial Discrimination. According to the table, the most employed method is literal translation with record of (46). The equivalence method is the second most applied translation methods with record (15). The rest of the methods which are close to each other in term of frequency of application are as follows: adaptation, and transposition with record (5) for each method, Borrowing and modulation are used for (4) times and for calque method the record is (0). According to the findings of the TT analysis the calque method is rarely used in translation of such a texts from English into Arabic.

The total number of using the direct translation methods is (Borrowing: 4, calque: 0, Literal: 46). According to the table the oblique methods is equal to 24 (Transposition: 5, modulation: 4, Equivalence: 15, Adaptation: 5).

In the first text the most used methods are literal translation, then the method, modulation, transposition and adaptation are with equal record (1). Neither borrowing nor calque methods of translation are applied in the first text. It can be illustrated that the direct method is adequate in translation of the first text.

In the second text the TT analysis shows that the most preferred method is also literal translation for (14) times. The rest of methods are as follows: transposition is used for (2) times equivalence is (2) times, borrowing and adaptation are not used in the analysis of the second text. As comparison between the two main methods: the direct translation methods are applied for 15 times, while the oblique method is applied for 4 times, this indicates that there is a gap between column of adequacy and acceptability.

In the third text, the result of the analysis of TT3 shows that the most employed translation method is literal translation with (10) record. The equivalence applied for 6 times, while for modulation used once, borrowing and calque are not adopted in the TT3. As a result, the total usage of the oblique methods in this text is (10) and the direct method is (10). The use of direct methods is equal the oblique translation method.

In the last text, the most applied method is literal with (10) record, while equivalence methods used for (4) times, modulation for (2) times and borrowing is used for (3) times. Adaptation is applied for one time, and calque is not adopted in the analysis of TT4. Direct methods are used more frequently in this text which lead to the conclusion that adequacy is more close to the translation of the TT4 with record (13), as well as acceptability with record (8). The two methods are so close to each other in the analysis of the TT4 in comparison to TT1 and TT2.

After discussing each text separately, we find out that literal translation is the most used method in the all four TTs. The arrangement of the methods according to the most uses is as follows: literal, equivalence, transposition, adaptation, and modulation, while calque method is not adopted in translation. This leads to the fact that the direct translation methods are adequate for translation of these texts more than the oblique methods. This means that the translations are applied in adequate

manner more than being acceptable and the translated texts are source-oriented more than target-oriented. This indicates that the source-oriented approach is predominant, at the same time the target-oriented approach percentage should be taken also into consideration since the macro strategy is used also with fairly high ratio.

In this chapter, the translation into Arabic of the four conventions of ICJ on Elimination of Racial Discrimination released in the last ten years (2009-2019) are analyzed with regard to the lexical level. The analysis is conducted by applying Vinay and Darbelnet seven methods (direct methods: literal, borrowing and calque/ oblique methods: modulations, equivalence, transposition and adaptation) to determine which method is the most used in translating the above conventions.





## VII: CONCLUSION

In this thesis, a comparative analysis is conducted by analyzing the Conventions of the International Court of Justice (ICJ) within the last ten years on terrorism and racial discrimination. This study is limited to the analysis of the translation of a number of terms within four texts according to the translation methods of Jean-Paul Vinay and Jean Darbelnet, in order to determine the type of translation mostly used frequently among the mentioned methods. The texts are translated from English into Arabic. The methods of Vinay & Darbelnet are direct methods: literal translation, calque, borrowing are source-oriented and oblique methods: adaptation, transportation, equivalence, modulations are target-oriented (Vinay and Darbelnet, 1995).

These methods are used as the indicators to analyze the translation of lexical units. Two questions are asked in this thesis: Which of Vinay and Darblnet methods are mostly used in the translation of the conventions of the UN Court of Justice 2009-2019? Is the application of Vinay and Darblnet methodologies in translating the documents of the UN Court of Justice is acceptable or adequate? The results of the analysis give the answer of these questions in this chapter.

Forty examples including 74 legal terms taken from the conventions of the International Court on “terrorism and racial discrimination” issued between 2009-2019. In order to reach a concrete finding, a statistical figure is presented for each method data in the analysis.

Translation plays an active role in political relations among the countries of the world. The exchange of international laws meaning depends mainly on translation as an important point to support international relations. The role of translation is to reinforcement relations by regulating the legal performance of all countries as well as to reduce the historical and cultural gap between nations and legal systems.

In order to reach adequate and accurate legal translation, the characteristics of the SL and TL are highlighted in chapter III. Both Arabic and English syntactic and

lexical features are explained as well as the influences on the two languages. In order to recognize the characteristics, peculiarities and identity of certain legal language of a particular culture we have to know the influences on this language. English legal language is effected by three influences: Anglo-saxons, French and Latin influences.

For Arabic legal language there are two main influences: the French law and the Islamic law (sharia), in addition to the four main schools of jurisprudence: Hanbali, Shafei, al-Maliki and Hanafi.

Legal translation differs from other types of translations, as it is a special type that must be treated accurately. Therefore, the legal translator must possess good linguistic skills as well as culture and knowledge of the law. The greatest challenge that may face the translator is the legal terminology.

According to Cao, the translation of the legal term between English and Arabic is very difficult because of the wide gap between English and Arabic legal systems as well as between linguistic systems. Cao argues that "the absence of equivalent terms across different languages requires constant comparison between legal systems in SL and TL" (2007, p. 29). These languages have different linguistic origins, where Arabic is a Semitic language while English belongs to the Indo-European languages. What makes the translator's task more difficult is the combination of expressive methods, as in the language of ordinary witnesses; and use of the technical terminology.

The purpose of this dissertation is realized by analyzing the texts of the conventions on the lexical level. The original text, translation into Arabic, the applied methods and back translation are provided. The applied translation methods for the four TTs identify the tendency of each TT whether it is source-oriented or target-oriented text.

After analysis every text it is found out that literal translation is the most used method in all four TTs. The arrangement of the methods according to the most used is as follows: literal, equivalence, transposition, adaptation and modulation, while calque method is not adopted in translation process.

The tables and figures in the previous chapter illustrates that the direct translation methods are adequate for translation of these texts more than the oblique methods. Hence the translations are observed to be adequate rather than acceptable, and the translated texts are source-oriented more than target-oriented. This emphasized that the literal method is applied heavily in translating the ICJ conventions on racial discrimination from English into Arabic.

According to table No. 3 the borrowing method is used for four times, as there are terms that are borrowed directly from Arabic. This method of translation is normally used in translation of names of places and institutions. Borrowing method shows that the expression in the SL is transferred directly to the TL. In order to introduce components of local color, translators usually decide to borrow SL words or expressions which is a matter of style.

The calque translation method is a special kind of borrowing, it is the literal translation of each word or expression in the SL. According to the analysis part of chapter six, the calque method is not adopted in the translation of the CERD.

As can be seen from the analysis, transposition method is frequently applied among the other strategies. Transposition is considered as the most common structural modification conducted by translators. Authors register different divisions of transposition such as between the language pair of English and Arabic, change the form of the structural unites: a verb by a noun, an adverb by a verb, a past participle by a noun, a noun by a past participle, a verb by a preposition.

For modulation, the analyses terms are subject to changes in the point of view and semantic features. Modulation is used when the literal and the transposed translation ends up in a grammatically accurate remark but is considered incompatible or unidiomatic in TL (Vinay and Darbelnet, 1995).

The equivalence method is frequently applied in the translation of CERD from English into Arabic, as stated in the results of the analysis, when the SL and the TL illustrate the same case transmitted by using totally different structural and stylistic method. This type of translation is functional in translating idioms and proverbs.

The first question of the study is “Which of Vinay and Darblnet methods are the most used in the translation of the conventions of the UN Court of Justice 2009-2019?”. the methods which are frequently used in translation of CERD are given above and the rates of each method are explained with details. The most used method is literal translation, followed by equivalence and transposition. The rest of the methods borrowing, adaptation, and modulation are applied several times, while calque is not used. We can conclude that direct translation methods are applied more frequently than the oblique methods of translation.

For the second research question “Is the use of the methodology of Vinay and Darblnet in translation the documents of the UN Court of Justice acceptable or adequate?”.

The findings of the analysis indicates that the most frequent used method is direct method of literal translation, which means that the translation of CERD are source-oriented, and that indicates clearly the adequacy of translations.

In conclusion, the translation of CERD texts, terminology and concepts is an essential element in the study of international law on terrorism and racial discrimination, the development of this translation can enhance the language of dialogue among international parties.

It is important to note that defining the methods used to translate the CERD conventions is an important step in the field of translation.

This thesis contributes effectively in translation studies that it can be considered as new information, constitute a new step in the translation and text analysis of the ICJ. In this field similar studies can be developed in the future to include all UN judgments that can be considered as a guide and reference which will hopefully create awareness for legal translators.

## BIBLIOGRAPHY

- Altay, Ayfer (2002) “*Difficulties Encountered in the Translation of Legal Texts*”, Translation Journal, (6)4, <http://www.bokorlang.com/journal/22legal.htm>, [Retrieved March 10, 2013]
- Antia, B. (2000). *Terminology and language planning: An alternative framework of practice and discourse* (Vol. 2). John Benjamins Publishing.
- Ballantyne, W. M. (2013). *Essays and addresses on Arab laws*. Routledge.
- Banks, C., & Baker, J. (2015). *Comparative, International, and Global Justice: Perspectives from Criminology and Criminal Justice*. Sage Publications.
- Bhatia, K. L. (2010). *Textbook on legal language and legal writing*. Universal Law Publishing.
- Biel, Ł. (2008). *Legal terminology in translation practice: dictionaries, googling or discussion forums*. SKASE Journal of Translation and Interpretation, 3(1), 22-38.
- Bualmariqat, M. (2008). *Translating some terms and concepts derived from Islamic law into French*
- Cao, D., & Zhao, X. (2008). *Translation at the United Nations as specialized translation*. Journal of Specialised Translation, 9(1), 39-54.
- Cao, Deborah (2007b). *Translating Law (Foreword by Justice Kirby of the High Court of Australia)*, Clevedon: Multilingual Matters.
- Crystal, D., & Davy, D. (2016). *Investigating english style*. Routledge.
- El-Farahatry, H. (2011). *Problems of translating legal discourse with special reference to the United Nations' documents* (Doctoral dissertation, University of Leeds).
- Emery, P.G. (1989) Legal Arabic Text: Implications for Translation. Babel: vol.35, pp 35-40
- Goddard, C. (2009). *Legal linguistics as an academic and professional discipline: Identifying clients, customers, stakeholders*. In Reconceptualizing LSP. Online proceedings of the XVII European LSP Symposium.
- Göpferich, S. (2009). *Towards a model of translation competence and its acquisition: the longitudinal study TransComp*. Behind the mind: Methods, models and results in translation process research, 4(4), 11-37.

- Haigh, R. (2004). *Legal English*. Retrieved from [https://books.google.com.tr/books?id=GVPhtbJEzUC&dq=editions:R\\_7dTxykf0AC&source=gbs\\_book\\_other\\_versions](https://books.google.com.tr/books?id=GVPhtbJEzUC&dq=editions:R_7dTxykf0AC&source=gbs_book_other_versions)
- Handbook of the International Court of Justice. (n.d.). Retrieved from <https://www.icj-cij.org/files/publications/handbook-of-the-court-en.pdf>, July 13, 2019.
- Hewings, A., & Hewings, M. (2005). *Grammar and context: An advanced resource book*. Psychology Press.
- International Court of Justice How the Court Works. (n.d.). Retrieved July 05, from <https://www.icj-cij.org/en/how-the-court-works>
- Munday, J. (2013). *Introducing translation studies: Theories and applications*. Routledge.
- Newmark, P. (1977). *Communicative and semantic translation*. Babel: international journal of translation
- Rayner, S. E. (1991). *The theory of contracts in Islamic law: a comparative analysis, with particular reference to the modern legislation in Kuwait, Bahrain and the United Arab Emirates*(Doctoral dissertation, University of Cambridge).
- Sandrini, P. (1999). *Legal terminology. Some aspects for a new methodology*. HERMES-Journal of Language and Communication in Business, (22), 101-111.
- Sarcevic, S. (1997). *New approach to legal translation*. Kluwer Law International BV.
- Schane, S. (2002). *Ambiguity and Misunderstanding in the Law*. T. Jefferson L. Rev., 25, 167. Cal. App, 135 P. 2d, 615, 619
- Schjoldager, A. (2008). *Understanding translation*. Academica.
- Tiersma, P. M. (2000). *Legal language*. University of Chicago Press.
- Toury, G. (2012). *Descriptive translation studies and beyond: Revised edition* (Vol. 100). John Benjamins Publishing.
- Trosborg, A. (Ed.). (1997). *Text typology and translation* (Vol. 26). John Benjamins Publishing.
- United Nations (1983). *United Nations Editorial Manual: A compendium of rules and directives on United Nations editorial style, publication policies, procedures and practice*. New York: United Nations Publication.'
- United Nations (1984). *A Guide to Writing for the United Nations*. New York: United Nations Publication.

United Nations (1999) *Rambouillet Draft: Interim Agreement for Peace and Self-Government in Kosovo*, Annex, at 85. UN Doc. S/1999/648, 7 June.

Venuti, L. (2017). *The translator's invisibility: A history of translation*. Routledge.

Veretina-Chiriac, I. (2012). *Characteristics and Features of Legal English Vocabulary*. Germanic languages department, Revista científica de la Universidad de Moldavia, (4), 54.

Vinay, J. P., & Darbelnet, J. (1995). *Comparative stylistics of French and English: A methodology for translation* (Vol. 11). John Benjamins Publishing.

Vinay, J. P., & Darbelnet, J. (1995). *Comparative Stylistics of French and English: A methodology for translation* (Vol. 11). John Benjamins Publishing.

## **ONLINE RESOURCES:**

### **TEXT NO.1**

#### ***Version in English:***

International Court of Justice Reports, Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination of 1 August 2017–31 July 2018 (Ukraine v. Russian Federation), pp. 38-43.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2017-2018-en.pdf>, August 2,2019.

#### ***Version in Arabic:***

International Court of Justice Reports, Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination of 1 August 2017–31 July 2018 (Ukraine v. Russian Federation), pp. 45-50.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2017-2018-ar.pdf>, August 2,2019.

### **TEXT NO. 2**

#### ***Version in English:***

International Court of Justice Reports, Application of International Convention on the Elimination of All Forms of Racial Discrimination of 1 August 2017–31 July 2018 (Qatar v. Emirates), pp. 47-50.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2017-2018-en.pdf>, August 2, 2019.

***Version in Arabic:***

International Court of Justice Reports, Application of International Convention on the Elimination of All Forms of Racial Discrimination of 1 August 2017–31 July 2018 (Qatar v. Emirates), pp. 55-59.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2017-2018-ar.pdf>, August 2, 2019.

**TEXT NO. 3**

***Version in English:***

International Court of Justice Reports, Application of International Convention for the Suppression of All Forms of Racial Discrimination of 1 August 2010-31 July 2011 (Georgia v. Russian Federation), pp. 75-80.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2010-2011-en.pdf>, August 2, 2019.

***Version in Arabic:***

International Court of Justice Reports, Application of International Convention for the Suppression of All Forms of Racial Discrimination of 1 August 2010-31 July 2011 (Georgia v. Russian Federation), pp. 43-46.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2010-2011-ar.pdf>, August 2, 2019.

**TEXT NO. 4**

***Version in English:***

International Court of Justice Reports, Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination of 1 August 2016-31 July 2017 (Ukraine v. Russian Federation), pp. 49-54.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2016-2017-en.pdf>, August 2, 2019.

***Version in Arabic:***

International Court of Justice Reports, Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination of 1 August 2016-31 July 2017 (Ukraine v. Russian Federation), pp. 54-59.

Retrieved from <https://www.icj-cij.org/files/annual-reports/2016-2017-ar.pdf>,  
August 2, 2019.





## APPENDIX 1: Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination (Ukraine v. Russian Federation) 2017-2018

A/73/4

186. As basis for the jurisdiction of the International Court of Justice, Costa Rica invoked the declaration it had made on 20 February 1973 under Article 36, paragraph 2, of the Statute, and on the declaration made by Nicaragua on 24 September 1929 under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the compulsory jurisdiction for the period which it still had to run.

187. In addition, Costa Rica submitted that the Court had jurisdiction “in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of Article XXXI” of the [...] Pact of Bogotá.

188. By an Order of 2 February 2017, the Court fixed 2 March and 18 April 2017 as the respective time-limits for the filing of a Memorial by Costa Rica and a Counter-Memorial by Nicaragua. Those pleadings were filed within the time-limits thus fixed.

189. By the same Order, the Court joined the proceedings in the cases concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua)* (see paras. 131 to 141) and the *Land Boundary in the Northern Part of Isla Portillos (Costa Rica v. Nicaragua)*.

190. Public hearings on the merits in the joined cases were held from 3 to 13 July 2017 (see A/72/4).

191. On 2 February 2018, the Court delivered its Judgment in the two joined cases (see para. 141).

### 13. *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*

192. On 16 January 2017, Ukraine filed an Application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

193. Ukraine asserted in particular that, since 2014, the Russian Federation had “interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine’s citizens, including, for all too many, their right to life”. Ukraine claimed that in eastern Ukraine, the Russian Federation had instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considered that, by its actions, the Russian Federation had flouted fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism.

194. In its Application, Ukraine further claimed that, in the Autonomous Republic of Crimea and City of Sevastopol, the Russian Federation had “brazenly defied the Charter of the United Nations, seizing a part of Ukraine’s sovereign territory by military force”. It claimed that, “[i]n an attempt to legitimize its act of aggression, the Russian Federation [had] engineered an illegal ‘referendum’, which it [had] rushed to implement amid a climate of violence and intimidation against non-Russian ethnic groups”. According to Ukraine, that “deliberate campaign of cultural erasure, beginning with the invasion and referendum and continuing to this day, [had] violated the International Convention on the Elimination of All Forms of Racial Discrimination”.

195. As regards the International Convention for the Suppression of the Financing of Terrorism, Ukraine requested the Court “to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities

exercising governmental authority, and through other agents acting on its instructions or under its direction and control, [had] violated its obligations under the Convention [...] by:

- (a) Supplying funds, including in-kind contributions of weapons and means of training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals, in violation of Article 18;
- (b) Failing to take appropriate measures to detect, freeze, and seize funds used to assist illegal armed groups that engage in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals, in violation of Articles 8 and 18;
- (c) Failing to investigate, prosecute, or extradite perpetrators of the financing of terrorism found within its territory, in violation of Articles 9, 10, 11, and 18;
- (d) Failing to provide Ukraine with the greatest measure of assistance in connection with criminal investigations of the financing of terrorism, in violation of Articles 12 and 18; and
- (e) Failing to take all practicable measures to prevent and counter acts of financing of terrorism committed by Russian public and private actors, in violation of Article 18."

Ukraine also requested the Court "to adjudge and declare that the Russian Federation bears international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism under the Convention, for the acts of terrorism committed by its proxies in Ukraine, including:

- (a) The shoot-down of Malaysian Airlines Flight MH17;
- (b) The shelling of civilians, including in Volnovakha, Mariupol, and Kramatorsk; and
- (c) The bombing of civilians, including in Kharkiv."

Ukraine requested the Court "to order the Russian Federation to comply with its obligations under the International Convention for the Suppression of the Financing of Terrorism, including that the Russian Federation:

- (a) Immediately and unconditionally cease and desist from all support, including the provision of money, weapons, and training, to illegal armed groups that engage[d] in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals;
- (b) Immediately make all efforts to ensure that all weaponry provided to such armed groups [was] withdrawn from Ukraine;
- (c) Immediately exercise appropriate control over its border to prevent further acts of financing of terrorism, including the supply of weapons, from the territory of the Russian Federation to the territory of Ukraine;
- (d) Immediately stop the movement of money, weapons, and all other assets from the territory of the Russian Federation and occupied Crimea to illegal armed groups that engage[d] in acts of terrorism in Ukraine, including the DPR, the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals, including by freezing all bank accounts used to support such groups;

A/73/4

- (e) Immediately prevent all Russian officials from financing terrorism in Ukraine, including Sergei Shoigu, Minister of Defence of the Russian Federation; Vladimir Zhirinovskiy, Vice-Chairman of the State Duma; Sergei Mironov, member of the State Duma; and Gennadiy Zyuganov, member of the State Duma, and initiate prosecution against these and other actors responsible for financing terrorism;
- (f) Immediately provide full cooperation to Ukraine in all pending and future requests for assistance in the investigation and interdiction of the financing of terrorism relating to illegal armed groups that engage in acts of terrorism in Ukraine, including the [Donetsk People's Republic], the [Luhansk People's Republic], the Kharkiv Partisans, and associated groups and individuals;
- (g) Make full reparation for the shoot-down of Malaysian Airlines Flight MH17;
- (h) Make full reparation for the shelling of civilians in Volnovakha;
- (i) Make full reparation for the shelling of civilians in Mariupol;
- (j) Make full reparation for the shelling of civilians in Kramatorsk;
- (k) Make full reparation for the bombing of civilians in Kharkiv; and
- (l) Make full reparation for all other acts of terrorism the Russian Federation ha[d] caused, facilitated, or supported through its financing of terrorism, and failure to prevent and investigate the financing of terrorism."

196. As regards the International Convention on the Elimination of All Forms of Racial Discrimination, Ukraine requested the Court "to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, including the *de facto* authorities administering the illegal Russian occupation of Crimea, and through other agents acting on its instructions or under its direction and control, [had] violated its obligations under the [Convention] by:

- (a) Systematically discriminating against and mistreating the Crimean Tatar and ethnic Ukrainian communities in Crimea, in furtherance of a state policy of cultural erasure of disfavoured groups perceived to be opponents of the occupation regime;
- (b) Holding an illegal referendum in an atmosphere of violence and intimidation against non-Russian ethnic groups, without any effort to seek a consensual and inclusive solution protecting those groups, and as an initial step toward depriving these communities of the protection of Ukrainian law and subjecting them to a regime of Russian dominance;
- (c) Suppressing the political and cultural expression of Crimean Tatar identity, including through the persecution of Crimean Tatar leaders and the ban on the Mejlis of the Crimean Tatar People;
- (d) Preventing Crimean Tatars from gathering to celebrate and commemorate important cultural events;
- (e) Perpetrating and tolerating a campaign of disappearances and murders of Crimean Tatars;
- (f) Harassing the Crimean Tatar community with an arbitrary regime of searches and detention;
- (g) Silencing Crimean Tatar media;
- (h) Suppressing Crimean Tatar language education and the community's educational institutions;

- (i) Suppressing Ukrainian language education relied on by ethnic Ukrainians;
- (j) Preventing ethnic Ukrainians from gathering to celebrate and commemorate important cultural events; and
- (k) Silencing ethnic Ukrainian media.”

Ukraine also requested the Court “to order the Russian Federation to comply with its obligations under the [International Convention on the Elimination of All Forms of Racial Discrimination], including:

- (a) Immediately cease and desist from the policy of cultural erasure and take all necessary and appropriate measures to guarantee the full and equal protection of the law to all groups in Russian-occupied Crimea, including Crimean Tatars and ethnic Ukrainians;
- (b) Immediately restore the rights of the *Mejlis* of the Crimean Tatar People and of Crimean Tatar leaders in Russian-occupied Crimea;
- (c) Immediately restore the rights of the Crimean Tatar people in Russian-occupied Crimea to engage in cultural gatherings, including the annual commemoration of the *Sürgün*;
- (d) Immediately take all necessary and appropriate measures to end the disappearance and murder of Crimean Tatars in Russian-occupied Crimea, and to fully and adequately investigate the disappearances of Reshat Ametov, Timur Shaimardanov, Ervin Ibragimov, and all other victims;
- (e) Immediately take all necessary and appropriate measures to end unjustified and disproportionate searches and detentions of Crimean Tatars in Russian-occupied Crimea;
- (f) Immediately restore licenses and take all other necessary and appropriate measures to permit Crimean Tatar media outlets to resume operations in Russian-occupied Crimea;
- (g) Immediately cease interference with Crimean Tatar education and take all necessary and appropriate measures to restore education in the Crimean Tatar language in Russian-occupied Crimea;
- (h) Immediately cease interference with ethnic Ukrainian education and take all necessary and appropriate measures to restore education in the Ukrainian language in Russian-occupied Crimea;
- (i) Immediately restore the rights of ethnic Ukrainians to engage in cultural gatherings in Russian-occupied Crimea;
- (j) Immediately take all necessary and appropriate measures to permit the free operation of ethnic Ukrainian media in Russian-occupied Crimea; and
- (k) Make full reparation for all victims of the Russian Federation’s policy and pattern of cultural erasure through discrimination in Russian-occupied Crimea.”

197. On 16 January 2017, Ukraine also filed a request for the indication of provisional measures, stating that the purpose was to protect its rights pending the Court’s determination of the case on the merits. Public hearings on the request for the indication of provisional measures submitted by Ukraine were held from 6 to 9 March 2017 (see [A/72/4](#)).

198. On 19 April 2017, the Court delivered its Order on the request for the indication of provisional measures, the operative clause of which reads as follows:

“For these reasons:

The Court,

Indicates the following provisional measures,

(1) With regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

(a) By thirteen votes to three,

Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis;

In favour: President Abraham; Vice-President Yusuf; Judges Owada, Bennouna, Cançado Trindade, Greenwood, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford; Judge *ad hoc* Pocar;

Against: Judges Tomka, Xue; Judge *ad hoc* Skotnikov;

(b) Unanimously,

Ensure the availability of education in the Ukrainian language;

(2) Unanimously,

Both parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

199. By an Order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019 as the respective time-limits for the filing of a Memorial by Ukraine and a Counter-Memorial by the Russian Federation. The Memorial of Ukraine was filed within the time-limit thus fixed.

**14. Application for revision of the Judgment of 23 May 2008 in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) (Malaysia v. Singapore)**

200. On 2 February 2017, Malaysia filed an Application for revision of the Judgment rendered by the Court on 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. In that Judgment, the Court had found that (a) sovereignty over Pedra Branca/Pulau Batu Puteh belonged to Singapore; (b) sovereignty over Middle Rocks belonged to Malaysia; and (c) sovereignty over South Ledge belonged to the State in the territorial waters of which it was located.

201. Malaysia sought revision of the Court’s finding concerning sovereignty over Pedra Branca/Pulau Batu Puteh.

202. Malaysia based its Application for revision on Article 61 of the Statute of the Court, paragraph 1 of which provides that:

“An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence”.

203. In its Application, Malaysia contended that “there exist[ed] a new fact of such a nature as to be a decisive factor within the meaning of Article 61”. In particular, it referred to three documents discovered in the National Archives of the United Kingdom during the period 4 August 2016 to 30 January 2017, namely internal

الأمنشطة [التي تقوم بها نيكاراغوا في المنطقة الحدودية (كوستاريكا ضد نيكاراغوا)]". وبناءً على ذلك، طلبت كوستاريكا إلى المحكمة "أن تعلن أن على نيكاراغوا سحب معسكرها الواقع في أراضي كوستاريكا والالتزام التزاماً تاماً بالحكم الصادر في عام ٢٠١٥".

١٨٦ - وإقامة اختصاص محكمة العدل الدولية، استظهرت كوستاريكا بإعلانها الصادر في ٢٠ شباط/فبراير ١٩٧٣ بموجب الفقرة ٢ من المادة ٣٦ من النظام الأساسي للمحكمة، وبالإعلان الصادر عن نيكاراغوا في ٢٤ أيلول/سبتمبر ١٩٢٩ (والمعدل في ٢٣ تشرين الأول/أكتوبر ٢٠٠١) بموجب المادة ٣٦ من النظام الأساسي للمحكمة الدائمة للعدالة الدولية، ويُعتبر هذا الإعلان، في الفترة الباقية من مدة سريانه، بموجب الفقرة ٥ من المادة ٣٦ من النظام الأساسي لمحكمة العدل الدولية، قبولاً للولاية الجبرية لمحكمة العدل الدولية.

١٨٧ - وبالإضافة إلى ذلك، أكدت كوستاريكا أن المحكمة مختصة بالنظر في هذه القضية "وفقاً لأحكام الفقرة ١ من المادة ٣٦ من نظامها الأساسي، وبمقتضى مفعول المادة الحادية والثلاثين من المعاهدة الأمريكية للتسوية السلمية للمنازعات" ("المعروفة باسم ميثاق بوغوتا") المؤرخة ٣٠ نيسان/أبريل ١٩٤٨.

١٨٨ - وبموجب الأمر المؤرخ ٢ شباط/فبراير ٢٠١٧، حددت المحكمة تاريخ ٢ آذار/مارس ٢٠١٧ أجلاً لإيداع كوستاريكا مذكرةها و ١٨ نيسان/أبريل ٢٠١٧ أجلاً لإيداع نيكاراغوا مذكرة المضادة. وقد أودعت المذكرتان ضمن الأجلين المحددين.

١٨٩ - وبموجب الأمر نفسه، ضمت المحكمة الدعوى في القضيتين المتعلقة بتعيين الحدود البحرية في البحر الكاريبي والمحيط الهادئ (كوستاريكا ضد نيكاراغوا) (انظر الفقرات ١٣١ إلى ١٤١ أعلاه) وتعيين الحدود البرية في الجزء الشمالي من إسلا بورتوس (كوستاريكا ضد نيكاراغوا).

١٩٠ - وعقدت جلسات علنية في موضوع القضيتين المضمومتين في الفترة من ٣ إلى ١٣ تموز/يوليه ٢٠١٧ (انظر A/72/4).

١٩١ - وفي ٢ شباط/فبراير ٢٠١٨، أصدرت المحكمة حكمها في القضيتين المضمومتين (انظر الفقرة ١٤١ أعلاه).

### ١٣ - تطبيق الاتفاقية الدولية لقمع تمويل الإرهاب والاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري (أوكرانيا ضد الاتحاد الروسي)

١٩٢ - في ١٦ كانون الثاني/يناير ٢٠١٧، أودعت أوكرانيا عريضة تقيم بما دعوى ضد الاتحاد الروسي في ما يتعلق بانتهاكات مزعومة للاتفاقية الدولية لقمع تمويل الإرهاب المؤرخة ٩ كانون الأول/ديسمبر ١٩٩٩ والاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري المؤرخة ٢١ كانون الأول/ديسمبر ١٩٦٥.

١٩٣ - وأكدت أوكرانيا، على وجه الخصوص، أن الاتحاد الروسي، منذ عام ٢٠١٤، "يتدخل عسكرياً في أوكرانيا، وأنه يؤل أعمالاً إرهابية وينتهك حقوق الإنسان الواجبة لملايين المواطنين الأوكرانيين، بما في ذلك حق عدد كبير منهم في الحياة". وأكدت أوكرانيا أن الاتحاد الروسي حرض على تمرد مسلح ضد سلطة الدولة الأوكرانية ودعمه في الجزء الشرقي من البلد. وهي ترى أن الاتحاد الروسي، بأفعاله، انتهك المبادئ الأساسية للقانون الدولي، بما فيها ما يرد في الاتفاقية الدولية لقمع تمويل الإرهاب.

١٩٤ - وادعت أوكرانيا في عريضتها أيضاً أن الاتحاد الروسي قام في جمهورية القرم المتمتعة بالحكم الذاتي ومدينة سيفاستوبول " بانتهاك ميثاق الأمم المتحدة بصفاقة، مستولياً بالقوة العسكرية على جزء من الأراضي الخاضعة لسيادة أوكرانيا". وادعت أن "الاتحاد الروسي" دتر، في محاولة لإضفاء الشرعية على هذا العمل العدواني، "استثناءً" غير قانوني أحراه على عجل في مناخ من العنف والتهيب ضد الجماعات الإثنية غير الروسية". وبحسب أوكرانيا، تشكل هذه "الحملة المتعمدة للإبادة الثقافية التي أطلقها بالغزو والاستثناء، ويواصلها حتى اليوم، انتهاكاً للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري".

١٩٥ - وفي ما يتعلق باتفاقية مكافحة تمويل الإرهاب، التمسست أوكرانيا من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي، عبر أجهزته ووكلائه التابعين للدولة، وغير ذلك من أشخاص وكيانات ممارسون صلاحيات عامة، وكذلك عبر وكلاء يعملون وفق توجيهاته أو تحت إمرته وسيطرته، أخلّ بالتزاماته بموجب اتفاقية مكافحة تمويل الإرهاب:

(أ) بتوفير الأموال، بما في ذلك المساهمات العينية المقدمة في شكل سلاح وتدريب، للجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركييف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، في انتهاك للمادة ١٨؛

(ب) بعدم اتخاذ التدابير المناسبة من أجل الكشف عن الأموال المستخدمة لمساعدة الجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركييف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، وتحميد ومصادرة تلك الأموال، في انتهاك للمادتين ٨ و ١٨؛

(ج) بعدم التحقيق مع مموّلي الأعمال الإرهابية الذين يوجدون في أراضيه أو بعدم ملاحقتهم قضائياً أو تسليمهم، في انتهاك للمواد ٩ و ١٠ و ١١ و ١٨؛

(د) بعدم منح أوكرانيا أكبر قدر ممكن من العون القانوني في جميع التحقيقات الجنائية في تمويل الإرهاب، في انتهاك للمادتين ١٢ و ١٨؛

(هـ) بعدم اتخاذ جميع التدابير الممكنة لمنع ومكافحة أعمال تمويل الإرهاب التي ترتكبها جهات روسية خاصة أو عامة، في انتهاك للمادة ١٨.

والتمسست أوكرانيا كذلك من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي يتحمل مسؤولية دولية، بدعمه للإرهاب وعدم منع تمويله بالمعنى المقصود في الاتفاقية، عن الأعمال الإرهابية التي ارتكبها أعوانه في أوكرانيا، بما في ذلك ما يلي:

(أ) إسقاط طائرة الخطوط الجوية الماليزية في رحلتها MH17؛

(ب) القصف المدفعي للمدنيين، في مدن منها فولنوفاخا وماريوبول وكراماتورسك؛

(ج) التفجيرات الموجهة ضد المدنيين، في مدن منها خاركييف.

والتمسست أوكرانيا من المحكمة "أن تأمر الاتحاد الروسي بالوفاء بالتزامات المترتبة عليه بموجب اتفاقية مكافحة تمويل الإرهاب، وبما يلي على وجه الخصوص:

(أ) أن يكف فوراً ودون مشروط عن تقديم جميع أشكال الدعم - وتحديدًا توفير المال والسلاح ووسائل التدريب - إلى الجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها؛

(ب) أن يبذل فوراً قصارى جهده للتأكد من سحب جميع الأسلحة المقدمة إلى تلك الجماعات المسلحة من أوكرانيا؛

(ج) أن يراقب فوراً حدوده مراقبة سليمة بغية منع وقوع المزيد من أعمال تمويل الإرهاب، بما في ذلك الإمداد بالأسلحة، المنطلقة من أراضي الاتحاد الروسي إلى أراضي أوكرانيا؛

(د) أن يكف فوراً عن نقل الأموال والأسلحة وسائر الموارد الأخرى من أراضي الاتحاد الروسي والقرم المحتلة لإيصالها إلى الجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، بطرق منها تجميد جميع الحسابات المصرفية المستخدمة لتمويل هذه الجماعات؛

(هـ) أن يمنع فوراً تمويل الإرهاب في أوكرانيا من قبل ممثلين عن الاتحاد الروسي، وتحديدًا السيد سيرغي شويغو، وزير دفاع الاتحاد الروسي؛ والسيد فلاديمير جيرينوفسكي، نائب رئيس مجلس الدوما؛ والسيدان سيرغي ميرونوف وغينادي زيوغانوف، النائبان في مجلس الدوما؛ وأن يقاضي هؤلاء الأشخاص أو أي شخص آخر متورط في تمويل الإرهاب؛

(و) أن يتعاون تعاوناً كاملاً وفورياً مع أوكرانيا في جميع طلبات المساعدة، القائمة والمقبلة، بشأن التحقيقات في أعمال تمويل الإرهاب المرتبطة بالجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، وبشأن حظر هذا التمويل؛

(ز) أن يقدم تعويضاً كاملاً عن الضرر الناجم عن إسقاط طائرة الخطوط الجوية الماليزية في رحلتها MH17؛

(ح) أن يقدم تعويضاً كاملاً عن الضرر الناجم عن قصف المدنيين في فولنوفاخا؛

(ط) أن يقدم تعويضاً كاملاً عن الضرر الناجم عن قصف المدنيين في ماروبول؛

(ي) أن يقدم تعويضاً كاملاً عن الضرر الناجم عن قصف المدنيين في كراماتورسك؛

(ك) أن يقدم تعويضاً كاملاً عن الضرر الناجم عن التفجيرات الموجهة ضد المدنيين في خاركيف؛

(ل) أن يقدم تعويضاً كاملاً عن الضرر الناجم عن جميع الأعمال الإرهابية الأخرى التي تسبب فيها الاتحاد الروسي أو يسترها أو دعمها بتمويله للإرهاب وعدم منع هذا التمويل أو التحقيق فيه".

١٩٦ - وفي ما يتعلق بالاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، التمسّت أوكرانيا من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي، عبر أجهزته ووكالاته التابعين للدولة، وغير ذلك من أشخاص

وكيانات يمارسون صلاحيات عامة، منها سلطات أمر الواقع التي تدير الاحتلال الروسي غير المشروع للقرم، وكذلك عبر وكلاء يعملون وفق توجيهاته أو تحت إمرته وسيطرته، أحلّ بالتزاماته بموجب الاتفاقية:

(أ) بممارسة التمييز وسوء المعاملة بصورة ممنهجة ضد جماعات تثار القرم والأشخاص المنحدرين من أصل أوكراني في القرم، في إطار سياسة دولة تقوم على الإبادة الثقافية لفئات غير محظية تُعتبر معارضة لنظام الاحتلال؛

(ب) بتنظيم استفتاء غير قانوني في سياق من العنف والتهريب ضد الجماعات الإثنية غير الروسية، دون بذل أدنى جهد للتوصل إلى حل توافقي وشامل لحماية هذه الجماعات، حيث شكّل ذلك خطوة أولى نحو حرمان تلك الجماعات من حماية القانون الأوكراني وإخضاعها لنظام المهينة الروسي؛

(ج) بجرمان تثار القرم من وسائل التعبير عن هويتهم السياسية والثقافية، بصورة أساسية من خلال اضطهاد زعمائهم وحظر مجلسهم؛

(د) بمنع تثار القرم من التجمع للاحتفاء والاحتفال بمناسبات ثقافية مهمة؛

(هـ) بتدبير حملة اختفاء وقتل ضد تثار القرم والسماح بتنفيذها؛

(و) بمضايقة جماعات تثار القرم عن طريق إخضاعها لنظام تفتيش واحتجاز تعسفي؛

(ز) بإسكات وسائل الإعلام التابعة لتثار القرم؛

(ح) بجرمان تثار القرم من إمكانية تلقي التعليم بلغتهم وفي مؤسساتهم التعليمية الأهلية؛

(ط) بجرمان الأشخاص المنحدرين من أصل أوكراني من إمكانية تلقي التعليم بلغتهم؛

(ي) بمنع الأشخاص المنحدرين من أصل أوكراني من التجمع للاحتفاء والاحتفال بمناسبات ثقافية مهمة؛

(ك) بإسكات وسائل الإعلام التابعة للأشخاص المنحدرين من أصل أوكراني.“

والتمست أوكرانيا من المحكمة أيضاً “أن تأمر الاتحاد الروسي بالوفاء بالتزامات المترتبة عليه بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، وبما يلي على وجه الخصوص:

(أ) أن يكف ويتوقف فوراً عن سياسة الإبادة الثقافية، ويتخذ جميع التدابير اللازمة والمناسبة لكفالة تمتع كل الجماعات الموجودة في القرم والخاضعة للاحتلال الروسي، بما في ذلك تثار القرم والأشخاص المنحدرين من أصل أوكراني، بحماية قانونية كاملة ومتساوية؛

(ب) أن يعيد فوراً إرساء حقوق مجلس تثار القرم وزعمائهم في القرم الخاضعة للاحتلال الروسي؛

(ج) أن يعيد فوراً إرساء حقوق تثار القرم، في القرم الخاضعة للاحتلال الروسي، في المشاركة في التجمعات الثقافية، بما في ذلك الاحتفال السنوي بذكرى السرجون؛

(د) أن يتخذ فوراً جميع التدابير اللازمة والمناسبة لوقف حالات الاختفاء والقتل التي يتعرض لها تثار القرم، في القرم الخاضعة للاحتلال الروسي، ويفتح تحقيقاً شاملاً وواثقاً في اختفاء السادة رشاد أحمدوف وتيمور شاميردانوف وإرفين إبراهيموف وسائر الضحايا؛

- (هـ) أن يتخذ فوراً جميع التدابير اللازمة والمناسبة لإحهاء عمليات التفتيش والاحتجاز غير المبررة وغير المناسبة الممارسة في حق تثار القرم، في القرم الخاضعة للاحتلال الروسي؛
- (و) أن يرّد فوراً تراخيص وسائل الإعلام التابعة لتثار القرم، ويتخذ سائر التدابير اللازمة والمناسبة لتمكينها من استئناف أنشطتها في القرم الخاضعة للاحتلال الروسي؛
- (ز) أن يتوقف فوراً عن التدخل في تعليم تثار القرم، وأن يتخذ سائر الخطوات اللازمة والمناسبة لإعادة توفير التعليم بلغتهم في القرم الخاضعة للاحتلال الروسي؛
- (ح) أن يتوقف فوراً عن التدخل في تعليم الأشخاص المنحدرين من أصل أوكراني، وأن يتخذ سائر الخطوات اللازمة والمناسبة لاستئناف التعليم بلغتهم في القرم الخاضعة للاحتلال الروسي؛
- (ط) أن يعيد فوراً إرساء حقوق الأشخاص المنحدرين من أصل أوكراني في المشاركة في التجمعات الثقافية في القرم الخاضعة للاحتلال الروسي؛
- (ي) أن يتخذ فوراً جميع التدابير اللازمة والمناسبة لتمكين وسائل الإعلام التابعة للأشخاص المنحدرين من أصل أوكراني من مباشرة أنشطتها بحرية في القرم الخاضعة للاحتلال الروسي؛
- (ك) أن يقدم الجبر الكامل عن الأضرار التي لحقت بجميع ضحايا سياسة ونظام الإبادة الثقافية من خلال التمييز الذي يمارسه الاتحاد الروسي في القرم الخاضعة للاحتلال.
- ١٩٧ - وفي ١٦ كانون الثاني/يناير ٢٠١٧، قدّمت أوكرانيا أيضاً طلباً بالإشارة بتدابير تحفظية، مؤكدة أن الهدف منها هو حماية حقوقها إلى حين صدور حكم المحكمة في موضوع القضية. وعقدت في الفترة من ٦ إلى ٩ آذار/مارس ٢٠١٧ الجلسات العلنية المتعلقة بطلب الإشارة بتدابير تحفظية الذي قدّمته أوكرانيا (انظر A/72/4).
- ١٩٨ - وفي ١٩ نيسان/أبريل ٢٠١٧، أصدرت المحكمة حكمها بشأن طلب الإشارة بتدابير تحفظية، وجاء في منظوقه ما يلي:
- ”ل هذه الأسباب،
- فإن المحكمة،
- تشير باتخاذ التدابير التحفظية التالية:
- (١) في ما يتعلق بالحالة في القرم، يجب على الاتحاد الروسي، وفقاً لالتزاماته بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري،
- (أ) بأغلبية ثلاثة عشر صوتاً مقابل ثلاثة أصوات،
- أن تمتنع عن مواصلة العمل بالقيود المفروضة على قدرة جماعات تثار القرم على المحافظة على هيئاتها التمثيلية، بما فيها المجلس، أو فرض قيود جديدة عليها؛
- المؤيدون: الرئيس أبراهام؛ ونائب الرئيس يوسف؛ والقضاة أوودا، وبنونة، وكانسادو ترينداد، وغرينود، ودونوهيو، وغايا، وسبوتيندي، ومانداري، وروبنسون، وكراوفورد؛ والقاضي الخاص بوكار؛
- المعارضون: القاضيان تومكا وشوي؛ والقاضي الخاص سكوتنيكوف؛

(ب) بالإجماع،

كفالة إتاحة التعليم باللغة الأوكرانية؛

(٢) بالإجماع،

ينبغي لكلا الطرفين الامتناع عن أي عمل قد يؤدي إلى تفاقم أو توسيع نطاق النزاع المعروض على المحكمة أو جعله أكثر استعصاءً على الحل“.

١٩٩ - وبأمر مؤرخ ١٢ أيار/مايو ٢٠١٧، حدد رئيس المحكمة تاريخ ١٢ حزيران/يونيه ٢٠١٨ أجلاً لإيداع أوكرانيا مذكرتها وتاريخ ١٢ تموز/يوليه ٢٠١٩ أجلاً لإيداع الاتحاد الروسي مذكرته المضادة. وقد أودعت أوكرانيا مذكرتها في الأجل المحدد.

١٤ - طلب إعادة النظر في الحكم الذي أصدرته المحكمة في ٢٣ أيار/مايو ٢٠٠٨ في القضية المتعلقة بالسيادة على بيدرا برانكا/بولو وباتو بوتيه، وميدل روكس، وساووث ليدج (ماليزيا/سنغافورة) (ماليزيا ضد سنغافورة)

٢٠٠ - في ٢ شباط/فبراير ٢٠١٧، أودعت ماليزيا عريضة تطلب فيها إعادة النظر في الحكم الذي أصدرته المحكمة في ٢٣ أيار/مايو ٢٠٠٨ في القضية المتعلقة بالسيادة على بيدرا برانكا/بولو وباتو بوتيه، وميدل روكس، وساووث ليدج (ماليزيا/سنغافورة). وفي ذلك الحكم، استنتجت المحكمة: (أ) أن السيادة على بيدرا برانكا/بولو وباتو بوتيه تعود إلى سنغافورة؛ (ب) وأن السيادة على ميدل روكس تعود إلى ماليزيا؛ (ج) وأن السيادة على ساوث ليدج تعود إلى الدولة التي تقع هذه المنطقة في مياها الإقليمية.

٢٠١ - والتست ماليزيا إعادة النظر في استنتاج المحكمة بشأن السيادة على بيدرا برانكا/بولو وباتو بوتيه.  
٢٠٢ - واستندت ماليزيا في عريضةها المقدمة لإعادة النظر في الحكم إلى المادة ٦١ من النظام الأساسي للمحكمة، التي تنص الفقرة الأولى فيها على أنه:

”لا يقبل التماس إعادة النظر في الحكم، إلا بسبب تكشف واقعة حاسمة في الدعوى كان يجهلها عند صدور الحكم ككل من المحكمة والطرف الذي يلمس إعادة النظر، على ألا يكون جهل الطرف المذكور لهذه الواقعة ناشئاً عن إهمال منه“.

٢٠٣ - ودفعت ماليزيا في عريضةها بأنه ”توجد واقعة حاسمة جديدة تدخل ضمن معنى المادة ٦١“. وأشارت على وجه الخصوص إلى ثلاث وثائق اكتشفت في دار المحفوظات الوطنية بالمملكة المتحدة خلال الفترة من ٤ آب/أغسطس ٢٠١٦ إلى ٣٠ كانون الثاني/يناير ٢٠١٧، تتمثل تحديداً في مراسلات داخلية للسلطات الاستعمارية في سنغافورة في عام ١٩٥٨، وتقرير حادث قدمه في عام ١٩٥٨ ضابطاً في البحرية البريطانية، وخريطة مشروحة للعمليات البحرية تعود إلى ستينيات القرن العشرين.

٢٠٤ - وبرسالة مؤرخة ٢٨ أيار/مايو ٢٠١٨، أبلغت ماليزيا المحكمة أن الطرفين اتفقا على وقف الدعوى. وأحيلت نسخة من هذه الرسالة إلى وكيل سنغافورة، الذي أكد، في رسالة مؤرخة ٢٩ أيار/مايو ٢٠١٨، اتفاق حكومة بلده بشأن وقف الدعوى. وبناء على ذلك، أصدرت المحكمة أمراً في ٢٩ أيار/مايو ٢٠١٨ يحيط علماً بوقف الدعوى وأمر بحذف القضية من الجدول العام.

## APPENDIX 2: Application of International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. Emirates) 2017-2018

A/73/4

(e) Venezuela [was] internationally responsible for violations of Guyana's sovereignty and sovereign rights, and for all injuries suffered by Guyana as a consequence."

231. By an Order dated 19 June 2018, the Court decided that the written pleadings in the case must first address the question of the jurisdiction of the Court and fixed 19 November 2018 and 18 April 2019 as the respective time-limits for the filing of a Memorial by Guyana and a Counter-Memorial by the Bolivarian Republic of Venezuela.

232. The Court took this decision following a meeting held on 18 June 2018 with representatives of the parties.

### 18. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*

233. On 11 June 2018, Qatar instituted proceedings against the United Arab Emirates with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, to which both States are parties.

234. In its Application, Qatar asserted that the United Arab Emirates had enacted and implemented a series of discriminatory measures directed at Qataris based expressly on their national origin that remain in effect to this day, resulting in alleged human rights violations.

235. According to the Applicant, on and following 5 June 2017, the United Arab Emirates had expelled all Qataris within its borders; prohibited them from entering or passing through the Emirates; closed United Arab Emirates airspace and seaports to Qatar and Qataris; interfered with the rights of Qataris who own property in the United Arab Emirates; limited the rights of Qataris to any speech deemed to be in support of or opposed to the actions against Qatar; and shut down the local offices of Al Jazeera Media Network, and blocked the transmission of Al Jazeera and other Qatari media outlets.

236. As basis for the Court's jurisdiction, the Applicant invoked Article 36, paragraph 1, of the Statute of the Court and Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination.

237. The Applicant requests the Court "to adjudge and declare that the United Arab Emirates, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and control, had violated its obligations under Articles 2, 4, 5, 6, and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination by taking, *inter alia*, the following unlawful actions:

(a) Expelling, on a collective basis, all Qataris from, and prohibiting the entry of all Qataris into, the United Arab Emirates on the basis of their national origin;

(b) Violating other fundamental rights, including the rights to marriage and choice of spouse, freedom of opinion and expression, public health and medical care, education and training, property, work, participation in cultural activities, and equal treatment before tribunals;

(c) Failing to condemn and instead encouraging racial hatred against Qatar and Qataris and failing to take measures that aim to combat prejudices, including by *inter alia*: criminalizing the expression of sympathy toward Qatar and Qataris; allowing, promoting, and financing an international anti-Qatar public and social media campaign; silencing Qatari media; and calling for physical attacks on Qatari entities; and

(d) Failing to provide effective protection and remedies to Qataris to seek redress against acts of racial discrimination through courts and institutions of the United Arab Emirates

238. Accordingly, Qatar requested the Court “to order the United Arab Emirates to take all steps necessary to comply with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and, *inter alia*:

(a) Immediately cease and revoke the Discriminatory Measures, including but not limited to the directives against ‘sympathizing’ with Qataris, and any other national laws that discriminate *de jure* or *de facto* against Qataris on the basis of their national origin;

(b) Immediately cease all other measures that incite discrimination (including media campaigns and supporting others to propagate discriminatory messages) and criminalize such measures;

(c) Comply with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination to condemn publicly racial discrimination against Qataris, pursue a policy of eliminating racial discrimination, and adopt measures to combat such prejudice;

(d) Refrain from taking any further measures that would discriminate against Qataris within its jurisdiction or control;

(e) Restore rights of Qataris to, *inter alia*, marriage and choice of spouse, freedom of opinion and expression, public health and medical care, education and training, property, work, participation in cultural activities, and equal treatment before tribunals, and put in place measures to ensure those rights are respected;

(f) Provide assurances and guarantees of non-repetition of the illegal conduct of the United Arab Emirates; and

(g) Make full reparation, including compensation, for the harm suffered as a result of the actions of the United Arab Emirates in violation of the International Convention on the Elimination of All Forms of Racial Discrimination.

239. On 11 June 2018, Qatar also filed a request for the indication of provisional measures to protect against further, irreparable harm ... the rights of Qataris and their families under the International Convention on the Elimination of All Forms of Racial Discrimination ... and to prevent aggravation or extension of the dispute, pending final judgment in the case.

240. Qatar requested the Court to indicate the following provisional measures:

(a) The United Arab Emirates shall cease and desist from any and all conduct that could result, directly or indirectly, in any form of racial discrimination against Qatari individuals and entities by any organs, agents, persons, and entities exercising Emirates governmental authority in its territory, or under its direction or control. In particular, the Emirates shall immediately cease and desist from violations of the human rights of Qataris under the International Convention on the Elimination of All Forms of Racial Discrimination, including by:

(i) Suspending operation of the collective expulsion of all Qataris from, and ban on entry into, the Emirates on the basis of national origin;

(ii) Taking all necessary steps to ensure that Qataris (or persons with links to Qatar) are not subjected to racial hatred or discrimination, including by condemning hate speech targeting Qataris, ceasing publication of anti-Qatar statements and caricatures, and refraining from any other incitement to racial discrimination against Qataris;

(iii) Suspending the application of its Federal Decree -Law no. (5) of 2012, On Combatting Cybercrimes, to any person who 'shows sympathy ... towards Qatar' and any other domestic laws that (*de jure* or *de facto*) discriminate against Qataris;

(iv) Taking the measures necessary to protect freedom of expression of Qataris in the Emirates, including by suspending the United Arab Emirates closure and blocking of transmissions by Qatari media outlets;

(v) Ceasing and desisting from measures that, directly or indirectly, result in the separation of families that include a Qatari, and taking all necessary steps to ensure that families separated by the Discriminatory Measures are reunited (in the Emirates, if that is the family's preference);

(vi) Ceasing and desisting from measures that, directly or indirectly, result in Qataris being unable to seek medical care in the Emirates on the grounds of their national origin and taking all necessary steps to ensure that such care is provided;

(vii) Ceasing and desisting from measures that, directly or indirectly, prevent Qatari students from receiving education or training from Emirates institutions, and taking all necessary steps to ensure that students have access to their educational records;

(viii) Ceasing and desisting from measures that, directly or indirectly, prevent Qataris from accessing, enjoying, utilizing, or managing their property in the Emirates, and taking all necessary steps to ensure that Qataris may authorize valid powers of attorney in the Emirates, renew necessary business and worker licenses, and renew their leases; and

(ix) Taking all necessary steps to ensure that Qataris are granted equal treatment before tribunals and other judicial organs in the Emirates, including a mechanism to challenge any discriminatory measures;

{ (b) The United Arab Emirates shall abstain from any measure that might aggravate, extend, or make more difficult resolution of this dispute; and

(c) The United Arab Emirates shall abstain from any other measure that might prejudice the rights of Qatar in the dispute before the Court."

241. The public hearings on the request for the indication of provisional measures were held from 27 to 29 June 2018.

242. At the end of the second round of oral observations, Qatar confirmed its request for the indication of provisional measures; the Agent of the United Arab Emirates, for his part, concluded on behalf of his Government that, for the reasons explained during these hearings, the United Arab Emirates requested the Court to reject the request for the indication of provisional measures submitted by Qatar.

243. On 23 July 2018, the Court delivered its Order on the request for the indication of provisional measures, the operative clause of which reads as follows:

"For these reasons,

The Court,

Indicates the following provisional measures:

(1) By eight votes to seven,

The United Arab Emirates must ensure that

(i) Families that include a Qatari, separated by the measures adopted by the United Arab Emirates on 5 June 2017, are reunited;

(ii) Qatari students affected by the measures adopted by the United Arab Emirates on 5 June 2017 are given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wish to continue their studies elsewhere; and

(iii) Qataris affected by the measures adopted by the United Arab Emirates on 5 June 2017 are allowed access to tribunals and other judicial organs of the Emirates;

In favour: *President* Yusuf; *Vice-President* Xue; *Judges* Abraham, Bennouna, Caçado Trindade, Sebutinde, Robinson; *Judge ad hoc* Daudet;

Against: *Judges* Tomka, Gaja, Bhandari, Crawford, Gevorgian, Salam; *Judge ad hoc* Cot;

(2) By eleven votes to four,

Both parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

In favour: *President* Yusuf; *Vice-President* Xue; *Judges* Tomka, Abraham, Bennouna, Caçado Trindade, Gaja, Sebutinde, Bhandari, Robinson; *Judge ad hoc* Daudet;

Against: *Judges* Crawford, Gevorgian, Salam; *Judge ad hoc* Cot.”

244. By an Order dated 25 July 2018, the President of the Court, having taken into account the views of the parties, fixed 25 April 2019 and 27 January 2020 as the respective time-limits for the filing of a Memorial by Qatar and a Counter-Memorial by the United Arab Emirates.

**19. *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar)***

245. On 4 July 2018, Bahrain, Egypt, Saudi Arabia and the United Arab Emirates filed a joint Application constituting an appeal against the decision rendered by the Council of the International Civil Aviation Organization (ICAO) on 29 June 2018 in proceedings initiated by Qatar against these four States on 30 October 2017, pursuant to Article 84 of the Convention on International Civil Aviation (the Chicago Convention).

246. It is stated in the joint Application that in 2013 and 2014, following years of diplomatic activities, the Member States of the Gulf Cooperation Council adopted a series of instruments and undertakings referred to collectively as the Riyadh Agreements, under which Qatar committed to cease supporting, financing or harbouring persons or groups presenting a danger to national security, in particular terrorist groups. The Applicants further stated that, on 5 June 2017, after Qatar had allegedly failed to abide by its commitments, they had adopted a range of counter-measures with the aim of inducing compliance by Qatar. They noted that those measures included the airspace restrictions that formed the subject of the application against them submitted by Qatar to the ICAO Council, pursuant to Article 84 of the Chicago Convention (Application (A)).

247. Bahrain, Egypt, Saudi Arabia and the United Arab Emirates further pointed out that, on 19 March 2018, they had raised two preliminary objections to Qatar's Application (A), contending that the ICAO Council lacked jurisdiction to adjudicate the claims submitted by Qatar, or, in the alternative, that the claims were inadmissible. In their first preliminary objection, they argued that the dispute would require the ICAO Council to determine issues that fell outside its jurisdiction, since to rule on

”أ) أن قرار التحكيم لعام ١٨٩٩ صلاحيته قائمة وله طابع ملزم لغيانا وفنزويلا، وأن الحدود التي أسفر عنها قرار التحكيم واتفاق عام ١٩٠٥ صحيحة وذات طابع ملزم لغيانا وفنزويلا؛

ب) أن غيانا تتمتع بكامل السيادة على الإقليم الواقع بين بحر إيسيكويو والحدود التي وضعها قرار التحكيم لعام ١٨٩٩ واتفاق عام ١٩٠٥، وأن فنزويلا تتمتع بكامل السيادة على الإقليم الواقع غرب الحدود المذكورة؛ وأن غيانا وفنزويلا ملزمتان بالاحترام المتبادل التام والكامل لسيادتهما وسلاتهما الإقليمية، استناداً إلى الحدود الناشئة عن قرار التحكيم لعام ١٨٩٩ واتفاق عام ١٩٠٥؛

ج) أنه يجب على فنزويلا أن تنسحب فوراً من النصف الشرقي لجزيرة أنكوكو ووقف احتلالها، وأن تفعل الشيء نفسه فيما يتعلق بأي إقليم آخر يعترف قرار التحكيم لعام ١٨٩٩ واتفاق عام ١٩٠٥ بسيادة غيانا الإقليمية عليه؛

د) أن على فنزويلا الامتناع عن التهديد باستخدام القوة أو استخدامها ضد أي شخص طبيعي أو اعتباري تأذن غيانا له بالاضطلاع بأي نشاط اقتصادي أو تجاري في إقليم غيانا على النحو المحدد في قرار التحكيم لعام ١٨٩٩ واتفاق عام ١٩٠٥، أو في أي حيز بحري ناشئ عن ذلك الإقليم تمارس غيانا السيادة عليه أو تملك فيه حقوقاً سيادية، والامتناع عن عرقلة أي نشاط تضطلع به غيانا أو يتم بإذنها في المناطق المذكورة؛

هـ) أن فنزويلا مسؤولة دولياً عن الانتهاكات المرتكبة ضد سيادة غيانا وحقوقها السيادية وعن كل الأضرار اللاحقة بغيانا نتيجة لها.“

٢٣١ - وبأمر مؤرخ ١٩ حزيران/يونيه ٢٠١٨، قررت المحكمة أن تتناول المذكرات الخطية في القضية المتعلقة بقرار التحكيم الصادر في ٣ تشرين الأول/أكتوبر ١٨٩٩ (غيانا ضد فنزويلا) مسألة اختصاص المحكمة، وحددت تاريخ ١٩ تشرين الثاني/نوفمبر ٢٠١٨ أجلاً لإيداع غيانا لمذكرتها وتاريخ ١٨ نيسان/أبريل ٢٠١٩ أجلاً لإيداع جمهورية فنزويلا البوليفارية لمذكرتها المضادة.

٢٣٢ - واتخذت المحكمة هذا القرار على إثر اجتماع عقده رئسها في ١٨ حزيران/يونيه ٢٠١٨ مع ممثلي الطرفين.

#### ١٨ - تطبيق الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري (قطر ضد الإمارات العربية المتحدة)

٢٣٣ - في ١١ حزيران/يونيه ٢٠١٨، أودعت قطر عريضة تقيم بما دعوى ضد الإمارات العربية المتحدة بشأن انتهاكات مزعومة للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري المؤرخة ٢١ كانون الأول/ديسمبر ١٩٦٥، التي تعد كلتا الدولتين طرفاً فيها.

٢٣٤ - وأكدت قطر في عريضتها أن الإمارات العربية المتحدة اعتمدت ونفذت مجموعة من التدابير التمييزية، لا تزال سارية حتى الآن، تستهدف القطريين وتستند بشكل صريح إلى أصلهم الوطني، الأمر الذي أدى في رآبها إلى انتهاكات لحقوق الإنسان.

٢٣٥ - ودفع الطرف المدعي بأن الإمارات العربية المتحدة عمدت، في ٥ حزيران/يونيه ٢٠١٧، إلى طرد جميع القطريين الموجودين داخل حدودها، وحظرت عليهم دخول أراضي الإمارات العربية المتحدة

أو عبورها، وأغلقت دون قطر والقطريين المجال الجوي للإمارات العربية المتحدة وموانئها، وعرقلت حقوق القطريين الذين لهم أملاك في الإمارات العربية المتحدة، وقيدت حق القطريين في التعبير عن دعم قطر أو عن معارضتهم للتدابير المتخذة ضدها، وأغلقت المكاتب الإقليمية لشبكة قناة الجزيرة الإعلامية، ومنعت قناة الجزيرة وغيرها من المنابر الإعلامية القطرية من بث برامجها.

٢٣٦ - وإقامة اختصاص المحكمة، استظهر الطرف المدعي بالفقرة ١ من المادة ٣٦ من النظام الأساسي للمحكمة والمادة ٢٢ من الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري.

٢٣٧ - والنمس المدعي من المحكمة أن تقرر وتعلن أن الإمارات العربية المتحدة أخلت، عبر أجهزتها ووكلائها والجهات الأخرى من الأشخاص والكيانات التي تمارس السلطة العامة، وعبر وكلاء آخرين يتصرفون بتعليمات أو بتوجيه منها أو تحت مراقبتها، بالالتزامات التي تقع على عاتقها بموجب المواد ٢ و ٤ و ٥ و ٦ و ٧ من الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، باتخاذها على الخصوص التدابير غير القانونية التالية:

(أ) طرد جميع القطريين بصورة جماعية، وحظر دخول أراضي الإمارات العربية المتحدة على جميع المواطنين القطريين بالاستناد إلى أصلهم الوطني؛

(ب) انتهاك حقوق أساسية أخرى، بما في ذلك الحق في الزواج واختيار الزوج، والحق في حرية الرأي والتعبير، والحق في الصحة والرعاية الطبية، والحق في التعليم والتدريب المهني، والحق في الملكية، والحق في العمل، والحق في المشاركة في الأنشطة الثقافية، والحق في المساواة في المعاملة أمام المحاكم؛

(ج) الامتناع عن إدانة الكراهية العنصرية ضد قطر والقطريين، بل تشجيعها، والامتناع عن اتخاذ تدابير لمكافحة التحيز، بما في ذلك من خلال تجريم أي تعبير عن التعاطف مع قطر والقطريين، والإذن بمحملة دولية تستهدف تأليب الرأي العام ووسائل التواصل الاجتماعي ضد قطر والترويج لتلك الحملة وتمويلها، وإسكات صوت وسائط الإعلام القطرية، والدعوة إلى هجمات ضد الكيانات القطرية؛

(د) الامتناع عن حماية المواطنين من أعمال التمييز العنصري وعن توفير سبل انتصاف فعالة لهم لجبر الضرر اللاحق بهم نتيجة مثل هذه الأفعال أمام المحاكم والهيئات الأخرى التابعة للإمارات العربية المتحدة.

٢٣٨ - وبناء على ذلك، التمس قطر من المحكمة أن تأمر الإمارات العربية المتحدة باتخاذ جميع التدابير اللازمة للوفاء بالتزاماتها بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، ولا سيما:

(أ) وقف العمل بالتدابير التمييزية السارسة في الوقت الراهن وإلغائها على الفور، بما في ذلك على سبيل المثال لا الحصر، التوجيهات القاضية بحظر التعاطف مع القطريين وأي تشريعات وطنية تمييزية بحكم القانون أو بحكم الواقع تجاه القطريين استناداً إلى أصلهم الوطني؛

(ب) وقف العمل على الفور بأي تدابير أخرى تخرض على التمييز (بما في ذلك الحملات الإعلامية ودعم نشر الرسائل ذات الطابع التمييزي) وتجريم تلك التدابير؛

(ج) الوفاء بالتزاماتها بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري المتمثلة في الإدانة العلنية للتمييز العنصري ضد القطريين، واتباع سياسة تهدف إلى القضاء على التمييز العنصري، واتخاذ تدابير للتصدي لأشكال التحيز المماثلة؛

(د) الامتناع عن اتخاذ أي إجراء آخر قد يكون تمييزيا ضد المواطنين القطريين الخاضعين لولايتها أو لسلطتها؛

(هـ) تمتع القطريين مجددا بحقوقهم، بما في ذلك الحق في الزواج واختيار الزوج، والحق في حرية الرأي والتعبير، والحق في الصحة والرعاية الطبية، والحق في التعليم والتدريب المهني، والحق في الملكية، والحق في العمل، والحق في المشاركة في الأنشطة الثقافية، والحق في المساواة في المعاملة أمام المحاكم، واتخاذ تدابير تستهدف ضمان احترام تلك الحقوق؛

(و) إعطاء ضمانات وتأكيدات بعدم تكرار سلوكها غير المشروع؛

(ز) حبر الضرر الكامل الناتج عن أفعالها المرتكبة انتهاكا للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، بسبل منها التعويض.

٢٣٩ - وفي ١١ حزيران/يونيه ٢٠١٨، قدمت قطر أيضا طلبا بالإشارة بتدابير تحفظية من أجل حماية الحقوق التي يتمتع بها القطريون وأسرههم بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري من أي ضرر حديد لا يمكن حيدره، وتجنب تفاقم أو اتساع نطاق النزاع في انتظار صدور الحكم النهائي في القضية.

٢٤٠ - والتمست قطر من المحكمة أن تشير بالتدابير التحفظية التالية:

(أ) على الإمارات العربية المتحدة أن تتوقف وتمتنع عن جميع الأفعال التي قد تؤدي، بصورة مباشرة أو غير مباشرة، إلى أي شكل من أشكال التمييز العنصري ضد القطريين أو الكيانات التابعة لقطر، على يد أي جهات من الهيئات أو الوكلاء أو الأشخاص أو الكيانات التي تمارس السلطة العامة في إقليمها، أو بتوجيه منها أو تحت مراقبتها. وعلى الإمارات العربية المتحدة، خاصة، أن تكف أو تمتنع فورا عن ارتكاب جميع الأعمال التي تشكل انتهاكا لحقوق الإنسان التي يتمتع بها القطريون بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، بما في ذلك:

١' وضع حد للتدابير الرامية إلى طرد جميع القطريين من الإمارات العربية المتحدة جماعيا وإلى حظر دخول إقليمها استنادا إلى الأصل الوطني على جميع القطريين؛

٢' اتخاذ جميع التدابير اللازمة لضمان عدم استهداف أي قطري (أو أي شخص له صلة بقطر) بأعمال تمييزية أو أعمال ترتكب بدافع الكراهية بناء على اعتبارات عنصرية، ولا سيما إدانة خطابات الكراهية ضد القطريين، ووقف أي منشور ينتقد قطر أو يرسمها في شكل كاريكاتوري، والامتناع عن أي شكل من أشكال التحريض على التمييز العنصري ضد القطريين؛

٣' وقف تطبيق أحكام المرسوم بقانون اتحادي رقم ٥ لسنة ٢٠١٢ بشأن مكافحة جرائم تقنية المعلومات على أي شخص "يعبر عن تعاطفه مع قطر"، وأي تشريعات وطنية تمييزية (بحكم القانون أو بحكم الواقع) تجاه القطريين؛

٤' اتخاذ جميع التدابير اللازمة لحماية حرية القطريين الموجودين في الإمارات العربية المتحدة في التعبير، بما في ذلك إلغاء إجراءات إغلاق المنابر الإعلامية القطرية ومنع بث برامجها؛

- ٥' وقف وإلغاء التدابير التي يترتب عليها، بشكل مباشر أو غير مباشر، فصل الأسر التي يكون أحد أفرادها قطرياً، واتخاذ جميع الترتيبات اللازمة للمثل الأسر التي تم تفريق أعضائها نتيجة تطبيق تدابير تمييزية (في الإمارات العربية المتحدة، إذا كانوا يفضلون ذلك)؛
- ٦' وقف وإلغاء التدابير التي يترتب عليها، بشكل مباشر أو غير مباشر، حرمان القطريين من سبل الحصول على الرعاية الطبية في الإمارات العربية المتحدة بسبب انتمائهم الوطني، واتخاذ كافة الترتيبات اللازمة لتمكينهم من الحصول على الرعاية الطبية؛
- ٧' وقف وإلغاء التدابير التي يترتب عليها، بصورة مباشرة أو غير مباشرة، منع الطلبة القطريين من التعليم أو التدريب المهني في مؤسسات الإمارات العربية المتحدة، واتخاذ كافة الترتيبات اللازمة لتمكينهم من الحصول على ملفاتهم الجامعية؛
- ٨' وقف وإلغاء التدابير التي يترتب عنها، بصورة مباشرة أو غير مباشرة، منع القطريين من الوصول إلى ممتلكاتهم في الإمارات العربية المتحدة أو الاستفادة منها أو استخدامها أو إدارة شؤونها، واتخاذ كافة الترتيبات اللازمة لتمكينهم من التصرف بصورة صحيحة عن طريق الوكالة في الإمارات العربية المتحدة، والعمل على تحديد ما يلزم من التراخيص التجارية وتراخيص العمل الخاصة بهم، وتحديد عقود الإيجار التي أبرموها؛
- ٩' اتخاذ جميع الترتيبات اللازمة لضمان مساواة القطريين مع غيرهم في المعاملة أمام المحاكم وغيرها من الهيئات القضائية في الإمارات العربية المتحدة، بما يشمل الاحتكام إلى آلية تمكنهم من الطعن في أي تدابير تمييزية؛
- (ب) يجب على الإمارات العربية المتحدة أن تمتنع عن اتخاذ أي إجراء من شأنه أن يؤدي إلى تفاقم هذا النزاع أو يوسع نطاقه أو يجعل تسويته أكثر استعصاء؛
- (ج) يجب على الإمارات العربية المتحدة أن تمتنع عن اتخاذ أي إجراء من شأنه أن يمس بحقوق القطريين في إطار هذا النزاع“.
- ٢٤١ - وعُقدت من ٢٧ إلى ٢٩ حزيران/يونيه ٢٠١٨ جلسات علنية بشأن طلب الإشارة بتدابير تحفظية.
- ٢٤٢ - وعلى إثر الجولة الثانية من الملاحظات الشفوية، أكدت قطر طلبها الإشارة بتدابير تحفظية، بينما خلص وكيل الإمارات العربية المتحدة من جانبها، باسم حكومته:
- ”بأن الإمارات العربية المتحدة تلتزم من المحكمة، بناء على الأسباب المعروضة أمامها، رفض طلب الإشارة بتدابير تحفظية الذي قدمته قطر“.
- ٢٤٣ - وفي ٢٣ تموز/يوليه ٢٠١٨، أصدرت المحكمة أمرها بشأن طلب الإشارة بتدابير تحفظية، وجاء في منطوقه ما يلي:
- ”ل هذه الأسباب،
- فإن المحكمة،
- تشير باتخاذ التدابير التحفظية التالية:

(١) بأغلبية ثمانية أصوات مقابل سبعة،

يجب على الإمارات العربية المتحدة أن تكفل القيام بما يلي:

١' لم تمثل الأسر القطرية - الإماراتية التي تم تفريق أعضائها نتيجة للتدابير التي اتخذتها الإمارات العربية المتحدة في ٥ حزيران/يونيه ٢٠١٧؛

٢' تمكين الطلبة القطريين المتضررين بالتدابير التي اتخذتها الإمارات العربية المتحدة في ٥ حزيران/يونيه ٢٠١٧ من إكمال تعليمهم في الإمارات العربية المتحدة أو من الحصول على ملفهم المدرسي أو الجامعي إذا كانوا يرغبون في الدراسة في أماكن أخرى؛

٣' تمكين القطريين المتضررين بالتدابير التي اتخذتها الإمارات العربية المتحدة في ٥ حزيران/يونيه ٢٠١٧ من اللجوء إلى المحاكم والهيئات القضائية الأخرى التابعة لتلك الدولة؛

المؤيدون: الرئيس يوسف؛ ونائبة الرئيس شوي؛ والقضاة أبراهام، وبنونة، وكانسادو ترينداد، وسيبوتيندي، وروبسون؛ والقاضي الخاص دوديه؛

المعارضون: القضاة تومكا، وغايا، وبانداري، وكراوفورد، وغيفورغيان، وسلام؛ والقاضي الخاص كوت؛

(٢) بأغلبية أحد عشر صوتاً مقابل أربعة،

ينبغي لكلا الطرفين الامتناع عن أي عمل قد يؤدي إلى تفاقم أو توسيع نطاق النزاع المعروض على المحكمة أو جعله أكثر استعصاءً على الحل.

المؤيدون: الرئيس يوسف؛ ونائبة الرئيس شوي؛ والقضاة تومكا، وأبراهام، وبنونة، وكانسادو ترينداد، وغايا، وسيبوتيندي، وبانداري، وروبسون، والقاضي الخاص دوديه؛

المعارضون: القضاة كراوفورد، وغيفورغيان، وسلام؛ والقاضي الخاص كوت؛.

٢٤٤ - وبأمر مؤرخ ٢٥ تموز/يوليه ٢٠١٨، حددت المحكمة، مع مراعاة آراء الطرفين، تاريخ ٢٥ نيسان/أبريل ٢٠١٩ أحلاً لإيداع قطر مذكرتها وتاريخ ٢٧ كانون الثاني/يناير ٢٠٢٠ أحلاً لإيداع الإمارات العربية المتحدة مذكرتها المضادة.

١٩ - **طعن في اختصاص مجلس منظمة الطيران المدني الدولي بموجب المادة ٨٤ من اتفاقية الطيران المدني الدولي (الإمارات العربية المتحدة والبحرين ومصر والمملكة العربية السعودية ضد قطر)**

٢٤٥ - في ٤ تموز/يوليه ٢٠١٨، أودعت الإمارات العربية المتحدة والبحرين ومصر والمملكة العربية السعودية عريضة مشتركة، بموجب المادة ٨٤ من اتفاقية الطيران المدني الدولي (اتفاقية شيبكاغو)، تطعن بموجبها في القرار الصادر في ٢٩ حزيران/يونيه ٢٠١٨ عن مجلس منظمة الطيران المدني الدولي في دعوى رفعتها قطر ضد تلك الدول الأربع في ٣٠ تشرين الأول/أكتوبر ٢٠١٧.

### APPENDIX 3: Application of International Convention for the Suppression of All Forms of Racial Discrimination (Georgia v. Russian Federation) 2010 – 2011

---

the time-limits for the filing of those pleadings. The Reply of Ecuador was filed within the time-limit thus fixed.

9. *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*

160. On 12 August 2008, the Republic of Georgia instituted proceedings against the Russian Federation on the grounds of “its actions on and around the territory of Georgia in breach of CERD [the 1965 International Convention on the Elimination of All Forms of Racial Discrimination]”. In its Application, Georgia “also seeks to ensure that the individual rights” under the Convention “of all persons on the territory of Georgia are fully respected and protected”.

161. Georgia claimed that the Russian Federation, “through its State organs, State agents, and other persons and entities exercising governmental authority, and through the South Ossetian and Abkhaz separatist forces and other agents acting on the instructions of, and under the direction and control of the Russian Federation, is responsible for serious violations of its fundamental obligations under CERD, including Articles 2, 3, 4, 5 and 6”. According to Georgia, the Russian Federation “violated its obligations under CERD during three distinct phases of its interventions in South Ossetia and Abkhazia”, in the period from 1990 to August 2008.

---

162. Georgia requested the Court to order “the Russian Federation to take all steps necessary to comply with its obligations under CERD”.

163. As a basis for the jurisdiction of the Court, Georgia relied on Article 22 of the Convention on the Elimination of All Forms of Racial Discrimination. It also reserved its right to invoke, as an additional basis of jurisdiction, Article IX of the Genocide Convention, to which Georgia and the Russian Federation are parties.

164. Georgia’s Application was accompanied by a request for the indication of provisional measures, in order to preserve its rights under CERD “to protect its citizens against violent discriminatory acts by Russian armed forces, acting in concert with separatist militia and foreign mercenaries” (see Annual Report 2008-2009 *et seq.*).

165. Public hearings were held from 8 to 10 October 2008 to hear the oral observations of the Parties on the request for the indication of provisional measures.

166. On 15 October 2008, the Court handed down an Order in which it indicated provisional measures for both Parties (see Annual Report 2008-2009 *et seq.*).

167. By an Order of 2 December 2008, the President fixed 2 September 2009 as the time-limit for the filing of a Memorial

---

by Georgia and 2 July 2010 as the time-limit for the filing of a Counter-Memorial by the Russian Federation. The Memorial of Georgia was filed within the time-limit thus prescribed.

168. On 1 December 2009, within the time-limit set in Article 79, paragraph 1, of the Rules of Court, the Russian Federation filed preliminary objections in respect of jurisdiction. Pursuant to Article 79, paragraph 5, of the Rules of Court, the proceedings on the merits were then suspended.

169. By an Order of 11 December 2009, the Court fixed the time-limit for the filing by Georgia of a written statement containing its observations and submissions on the preliminary objections in respect of jurisdiction raised by the Russian Federation; it set that time-limit at 1 April 2010. Georgia's written statement was filed within the time-limit thus prescribed.

170. Public hearings on the preliminary objections were held from 13 to 17 September 2010. At the end of the hearings, the Agents of the Parties presented the following submissions to the Court:

For the Russian Federation:

“For the reasons advanced in the written Preliminary Objections and during the oral pleadings, the Russian Federation requests the Court to adjudge and declare that it lacks jurisdiction over the claims brought against the Russian

---

Federation by Georgia, referred to it by the Application of Georgia of 12 August 2008.”

For Georgia:

“For the reasons advanced in the *Written Statement of Georgia on Preliminary Objections* and during the oral pleadings Georgia respectfully requests the Court:

1. to dismiss the preliminary objections presented by the Russian Federation;
2. to hold that the Court has jurisdiction to hear the claims presented by Georgia and that these claims are admissible.”

171. On 1 April 2011, the Court delivered its Judgment on the preliminary objections raised by the Russian Federation. The operative part of the Judgment reads as follows:

“For these reasons,

THE COURT,

(1) (a) by twelve votes to four,

*Rejects* the first preliminary objection raised by the Russian Federation;

IN FAVOUR: *President* Owada; *Judges* Al-Khasawneh, Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna, Cançado Trindade, Yusuf, Greenwood, Donoghue; *Judge ad hoc* Gaja;

---

AGAINST: *Vice-President* Tomka; *Judges* Koroma, Skotnikov, Xue;

(b) by ten votes to six,

*Upholds* the second preliminary objection raised by the Russian Federation;

IN FAVOUR: *Vice-President* Tomka; *Judges* Koroma, Al-Khasawneh, Keith, Sepúlveda-Amor, Bennouna, Skotnikov, Yusuf, Greenwood, Xue;

AGAINST: *President* Owada; *Judges* Simma, Abraham, Cañado Trindade, Donoghue; *Judge ad hoc* Gaja;

(2) by ten votes to six,

*Finds* that it has no jurisdiction to entertain the Application filed by Georgia on 12 August 2008.

IN FAVOUR: *Vice-President* Tomka; *Judges* Koroma, Al-Khasawneh, Keith, Sepúlveda-Amor, Bennouna, Skotnikov, Yusuf, Greenwood, Xue;

AGAINST: *President* Owada; *Judges* Simma, Abraham, Cañado Trindade, Donoghue; *Judge ad hoc* Gaja.”

172. In its Judgment, the Court, recalling that, by Order of 15 October 2008, it had indicated certain provisional measures, stated that this Order ceased to be operative upon the delivery of the Judgment on the preliminary objections. It added however

---

that the Parties had a duty to comply with their obligations under CERD, of which they were reminded in the said Order.

**10. *Application of the Interim Accord of 13 September 1995 (the former Yugoslav Republic of Macedonia v. Greece)***

173. On 17 November 2008, the former Yugoslav Republic of Macedonia instituted proceedings against Greece for what it describes as “a flagrant violation of [Greece’s] obligations under Article 11” of the Interim Accord signed by the Parties on 13 September 1995.

174. In its Application, the former Yugoslav Republic of Macedonia requests the Court “to protect its rights under the Interim Accord and to ensure that it is allowed to exercise its rights as an independent State acting in accordance with international law, including the right to pursue membership of relevant international organisations”.

175. The former Yugoslav Republic of Macedonia requests the Court to order Greece to “immediately take all necessary steps to comply with its obligations under Article 11, paragraph 1” and “to cease and desist from objecting in any way, whether directly or indirectly, to the Applicant’s membership of the North Atlantic Treaty Organisation and/or of any other ‘international, multilateral and regional organizations and institutions’ of which

١٥٨ - وبأمر مؤرخ ٣٠ أيار/مايو ٢٠٠٨، حددت المحكمة تاريخ ٢٩ نيسان/أبريل ٢٠٠٩ أحلا لإيداع إكوادور لمذكرتها وتاريخ ٢٩ آذار/مارس ٢٠١٠ أحلا لإيداع كولومبيا لمذكرتها المضادة. وقد أودعت المذكرتان في الأجلين المحددين.

١٥٩ - وبأمر مؤرخ ٢٥ حزيران/يونيه ٢٠١٠، أصدرت المحكمة توجيهاتها بشأن تقديم إكوادور مذكرة جوابية وتقديم كولومبيا مذكرة تعقيبية. وحددت تاريخي ٣١ كانون الثاني/يناير ٢٠١١ و ١ كانون الأول/ديسمبر ٢٠١١ أجلين لإيداع المذكرتين السالفتي الذكر. وقد أودعت إكوادور مذكرتها الجوابية في الأجل المحدد.

#### ٩ - تطبيق الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري (جورجيا ضد الاتحاد الروسي)

١٦٠ - أقامت جورجيا في ١٢ آب/أغسطس ٢٠٠٨ دعوى لدى المحكمة ضد الاتحاد الروسي بسبب "أعماله في إقليم جورجيا وما حوله التي تمثل خرقاً للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري لعام ١٩٦٥". وفي عريضتها "تلمس [جورجيا] أيضاً كفالة احترام الحقوق الفردية" الواجبة بمقتضى الاتفاقية "لجميع الأشخاص الموجودين في إقليم جورجيا وحمايتهم احتراماً تاماً".

١٦١ - وادعت جورجيا أن الاتحاد الروسي، "من خلال أجهزته الحكومية، ووكلائه الحكوميين، وغيرهم من الأشخاص والكيانات الذين يمارسون سلطة حكومية، ومن خلال القوات الانفصالية لأوسيتيا الجنوبية وأبخازيا، وغيرهم من الوكلاء الذين يعملون بناء على تعليمات الاتحاد الروسي وتحت توجيهه وسيطرته، مسؤول عن ارتكاب انتهاكات خطيرة لالتزاماته الأساسية بموجب [الاتفاقية]، بما في ذلك المواد ٢ و ٣ و ٤ و ٥ و ٦ منها". واستناداً إلى جورجيا فإن الاتحاد الروسي "قد انتهك التزاماته بموجب [الاتفاقية] خلال ثلاث مراحل منفصلة من تدخلاته في أوسيتيا الجنوبية وأبخازيا"، في الفترة الممتدة من عام ١٩٩٠ إلى آب/أغسطس ٢٠٠٨.

١٦٢ - وطلبت جورجيا إلى المحكمة أن تأمر "الاتحاد الروسي باتخاذ جميع الإجراءات اللازمة للامتثال لالتزاماته بموجب الاتفاقية".

١٦٣ - وإقامة اختصاص المحكمة، استندت جورجيا إلى المادة ٢٢ من الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري. كما احتفظت بحقها في الاستظهار، كأساس إضافي لإقامة الاختصاص، بالمادة التاسعة من اتفاقية منع جريمة الإبادة الجماعية والمعاقبة عليها، وجورجيا والاتحاد الروسي طرفان فيها.

١٦٤ - وشفعت جورجيا عريضتها بطلب للإشارة بتدابير تحفظية بمهدف الحفاظ على حقها بموجب الاتفاقية الدولية "في حماية مواطنيها من الأعمال التمييزية العنيفة التي تمارسها القوات المسلحة الروسية، التي تعمل بالاتفاق مع الميليشيات الانفصالية والمرترقة الأجنب" (انظر التقرير السنوي للفترة ٢٠٠٨-٢٠٠٩ وما يليه).

١٦٥ - وعقدت جلسات علنية في الفترة من ٨ إلى ١٠ تشرين الأول/أكتوبر ٢٠٠٨ للاستماع إلى الملاحظات الشفوية للطرفين بشأن طلب الإشارة بتدابير تحفظية.

١٦٦ - وفي ١٥ تشرين الأول/أكتوبر ٢٠٠٨، أصدرت المحكمة أمراً أشارت فيه بتدابير تحفظية للطرفين (انظر التقرير السنوي للفترة ٢٠٠٨-٢٠٠٩ وما يليها).

١٦٧ - وبأمر صادر في ٢ كانون الأول/ديسمبر ٢٠٠٨، حدد الرئيس تاريخ ٢ أيلول/سبتمبر ٢٠٠٩ أحلا لإيداع مذكرة جورجيا و ٢ تموز/يوليه ٢٠١٠ أحلا لإيداع المذكرة المضادة للاتحاد الروسي. وقد أودعت مذكرة جورجيا في غضون الأجل المقرر لها.

١٦٨ - وفي ١ كانون الأول/ديسمبر ٢٠٠٩، وفي غضون الأجل المقرر في الفقرة ١ من المادة ٧٩ من لائحة المحكمة، قدم الاتحاد الروسي دفوعه الابتدائية فيما يتعلق بالاختصاص. وجرى بناء على ذلك تعليق الإجراءات المتعلقة بجوهر الدعوى عملاً بالفقرة ٥ من المادة ٧٩ من اللائحة.

١٦٩ - وبأمر مؤرخ في ١١ كانون الأول/ديسمبر ٢٠٠٩، حددت المحكمة تاريخ ١ نيسان/أبريل ٢٠١٠ أحلا لتقديم جورجيا بياناً خطياً يتضمن ملاحظاتها واستنتاجاتها بشأن الدفع الابتدائية المقدمة من الاتحاد الروسي فيما يتعلق بالاختصاص. وقد أودع بيان جورجيا الخطي في غضون الأجل المحدد له.

١٧٠ - وعقدت جلسات علنية بشأن الدفع الابتدائية من ١٣ إلى ١٧ أيلول/سبتمبر ٢٠١٠. وفي ختام الجلسات، قدم وكلاء الطرفين الاستنتاجات التالية إلى المحكمة:

بالنسبة للاتحاد الروسي:

للأسباب المدلى بها في الدفع الابتدائية الخطية وخلال المرافعات الشفوية، يطلب الاتحاد الروسي إلى المحكمة أن تقر وتعلن عدم اختصاصها بالنظر في الطلبات التي قدمتها جورجيا ضد الاتحاد الروسي، والمشار إليها بعريضة جورجيا المؤرخة ١٢ آب/أغسطس ٢٠٠٨.

بالنسبة لجورجيا:

لأسباب المدلى بها في البيان الخطي لجورجيا بشأن الدفوع الابتدائية وخلال المرافعات الشفوية، تطلب جورجيا إلى المحكمة بكل احترام:

- (١) أن ترفض الدفوع الابتدائية التي قدمها الاتحاد الروسي؛  
 (٢) أن تحكم باختصاص المحكمة بالنظر في الطلبات التي قدمتها جورجيا وبمقبولية تلك الطلبات.

١٧١ - وفي ١ نيسان/أبريل ٢٠١١، أصدرت المحكمة حكمها بشأن الدفوع الابتدائية التي قدمها الاتحاد الروسي. وتنص فقرة المنطوق من الحكم على ما يلي:

ولهذه الأسباب،

فإن المحكمة،

- (١) (أ) بأغلبية اثني عشر صوتاً مقابل أربعة أصوات،

ترفض الدفوع الابتدائي الأول الذي قدمه الاتحاد الروسي؛

المؤيدون:

الرئيس أووادا؛ والقضاة الخصاونة، وسيمما، وأبراهام، وكيث، وسيبولفيدا - أمور، وبنونة، وكانسادو ترينداد، ويوسف، وغرينود، ودونوهيو؛ والقاضي الخاص غايا؛

المعارضون:

نائب الرئيس تومكا؛ والقضاة كوروما، وسكوتنيكوف، وشوي؛

- (ب) بأغلبية عشرة أصوات مقابل ستة،

تؤيد الدفوع الابتدائي الثاني الذي قدمه الاتحاد الروسي؛

المؤيدون:

نائب الرئيس تومكا؛ والقضاة كوروما، والخصاونة، وكيث، وسيبولفيدا - أمور، وبنونة، وسكوتنيكوف، ويوسف، وغرينود، وشوي؛

المعارضون:

الرئيس أووادا؛ والقضاة سيمما، وأبراهام، وكانسادو ترينداد، ودونوهيو؛ والقاضي الخاص غايا؛

(٢) بأغلبية عشرة أصوات مقابل ستة،

تقضي بأنه ليس لها اختصاص النظر في العريضة التي أودعتها جورجيا في ١٢ آب/أغسطس ٢٠٠٨.

المؤيدون:

نائب الرئيس تومكا؛ والقضاة كوروما، والخصاونة، وكيث، وسيبولفيدا - أمور، وبنونة، وسكوتنيكوف، ويوسف، وغرينوود، وشوي؛

المعارضون:

الرئيس أوادا؛ والقضاة سيما، وأبراهام، وكنسادو ترينداد، ودونوهيو؛ والقاضي الخاص غايا.

١٧٢ - وذكرت المحكمة في حكمها، بأنه كانت قد أشارت بتدابير تحفظية بموجب الأمر المؤرخ ١٥ تشرين الأول/أكتوبر ٢٠٠٨، فصرحت بأن هذا الأمر يتوقف سريانه بمجرد صدور الحكم بشأن الدفع الابتدائية. غير أنها أضافت بأن على الطرفين واجب الوفاء بالالتزامات بموجب الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري والتي ذكر بها الطرفان في الأمر المذكور.

١٠ - تطبيق الاتفاق المؤقت المؤرخ ١٣ أيلول/سبتمبر ١٩٩٥ (جمهورية مقدونيا اليوغوسلافية السابقة ضد اليونان)

١٧٣ - في ١٧ تشرين الثاني/نوفمبر ٢٠٠٨، أقامت جمهورية مقدونيا اليوغوسلافية السابقة لدى المحكمة دعوى ضد اليونان بسبب ما وصفته بأنه "انتهاك صارخ للالتزامات [اليونان] بموجب المادة ١١" من الاتفاق المؤقت الذي وقعه الطرفان في ١٣ أيلول/سبتمبر ١٩٩٥.

١٧٤ - وطلبت جمهورية مقدونيا اليوغوسلافية السابقة في عريضتها إلى المحكمة "حماية حقوقها بموجب الاتفاق المؤقت، وكفالة السماح لها بممارسة حقوقها بصفتها دولة مستقلة تتصرف وفقاً لأحكام القانون الدولي، بما في ذلك حقها التماس عضوية المنظمات الدولية ذات الصلة".

١٧٥ - وطلبت جمهورية مقدونيا اليوغوسلافية السابقة إلى المحكمة أن تأمر اليونان "بأن تتخذ على الفور جميع الإجراءات اللازمة للامتثال للالتزامات بموجب الفقرة ١ من المادة ١١" و "بأن تتوقف وتكف عن الاعتراض بأي شكل من الأشكال، سواء بصورة مباشرة أو غير مباشرة، على انضمام الطرف المدعي إلى منظمة حلف شمال الأطلسي

## APPENDIX 4: Application of International Convention for the Suppression of Financing of Terrorism and of International Convention of All Forms of Racial Discrimination (Ukraine v. Russian Federation) 2016-2017

A/72/4

Judgment of the Court of 16 December 2015 in the *Certain Activities* case. Consequently, Costa Rica further requests the Court to declare that Nicaragua must withdraw its military camp situated in Costa Rican territory and fully comply with the Court's 2015 Judgment."

*For Nicaragua:*

"[F]or the reasons explained in the Written and Oral phase, Nicaragua ... requests the Court to:

1. Adjudge and declare that:
  - a) the stretch of coast abutting the Caribbean Sea which lies between the Harbor Head Lagoon and the mouth of the San Juan River constitutes Nicaraguan territory;
  - b) the military camp set up by Nicaragua is located on Nicaraguan territory; and consequently;
  - c) the requests and submissions of the Republic of Costa Rica are rejected in their entirety."

245. The Court has begun its deliberations. It will deliver its decision at a public sitting, the date of which will be announced in due course.

### 16. *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*

246. On 16 January 2017, Ukraine filed an Application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

247. Ukraine asserts in particular that, since 2014, the Russian Federation has "interven[ed] militarily in Ukraine, financ[ed] acts of terrorism, and violat[ed] the human rights of millions of Ukraine's citizens, including, for all too many, their right to life". Ukraine claims that in eastern Ukraine, the Russian Federation has instigated and sustained an armed insurrection against the authority of the Ukrainian State. It considers that, by its actions, the Russian Federation is flouting fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism (the "Terrorism Financing Convention").

248. In its Application, Ukraine further claims that, in the Autonomous Republic of Crimea and City of Sevastopol, the Russian Federation "brazenly defied the U.N. Charter, seizing a part of Ukraine's sovereign territory by military force". It claims that, "[i]n an attempt to legitimize its act of aggression, the Russian Federation engineered an illegal 'referendum', which it rushed to implement amid a climate of violence and intimidation against non-Russian ethnic groups". According to Ukraine, this "deliberate campaign of cultural erasure, beginning with the invasion and referendum and continuing to this day, violates the International Convention on the Elimination of All Forms of Racial Discrimination ('CERD')".

249. As regards the Terrorism Financing Convention, Ukraine requests the Court

"to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, and through other agents acting on its instructions or under its direction and

A/72/4

control, has violated its obligations under the Terrorism Financing Convention by:

- (a) Supplying funds, including in-kind contributions of weapons and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals, in violation of Article 18;
- (b) Failing to take appropriate measures to detect, freeze, and seize funds used to assist illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals, in violation of Articles 8 and 18;
- (c) Failing to investigate, prosecute, or extradite perpetrators of the financing of terrorism found within its territory, in violation of Articles 9, 10, 11, and 18;
- (d) Failing to provide Ukraine with the greatest measure of assistance in connection with criminal investigations of the financing of terrorism, in violation of Articles 12 and 18; and
- (e) Failing to take all practicable measures to prevent and counter acts of financing of terrorism committed by Russian public and private actors, in violation of Article 18."

Ukraine also requests the Court "to adjudge and declare that the Russian Federation bears international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism under the Convention, for the acts of terrorism committed by its proxies in Ukraine, including:

- (a) The shoot-down of Malaysian Airlines Flight MH17;
- (b) The shelling of civilians, including in Volnovakha, Mariupol, and Kramatorsk; and
- (c) The bombing of civilians, including in Kharkiv."

Ukraine requests the Court "to order the Russian Federation to comply with its obligations under the Terrorism Financing Convention, including that the Russian Federation:

- (a) Immediately and unconditionally cease and desist from all support, including the provision of money, weapons, and training, to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals;
- (b) Immediately make all efforts to ensure that all weaponry provided to such armed groups is withdrawn from Ukraine;
- (c) Immediately exercise appropriate control over its border to prevent further acts of financing of terrorism, including the supply of weapons, from the territory of the Russian Federation to the territory of Ukraine;
- (d) Immediately stop the movement of money, weapons, and all other assets from the territory of the Russian Federation and occupied Crimea to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals, including by freezing all bank accounts used to support such groups;

50/68

17-14050

- (e) Immediately prevent all Russian officials from financing terrorism in Ukraine, including Sergei Shoigu, Minister of Defense of the Russian Federation; Vladimir Zhirinovskiy, Vice-Chairman of the State Duma; Sergei Mironov, member of the State Duma; and Gennadiy Zyuganov, member of the State Duma, and initiate prosecution against these and other actors responsible for financing terrorism;
- (f) Immediately provide full cooperation to Ukraine in all pending and future requests for assistance in the investigation and interdiction of the financing of terrorism relating to illegal armed groups that engage in acts of terrorism in Ukraine, including the Donetsk People's Republic, the Luhansk People's Republic, the Kharkiv Partisans, and associated groups and individuals;
- (g) Make full reparation for the shoot-down of Malaysian Airlines Flight MH17;
- (h) Make full reparation for the shelling of civilians in Volnovakha;
- (i) Make full reparation for the shelling of civilians in Mariupol;
- (j) Make full reparation for the shelling of civilians in Kramatorsk;
- (k) Make full reparation for the bombing of civilians in Kharkiv; and
- (l) Make full reparation for all other acts of terrorism the Russian Federation has caused, facilitated, or supported through its financing of terrorism, and failure to prevent and investigate the financing of terrorism."

250. As regards the CERD, Ukraine requests the Court

- "to adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, including the *de facto* authorities administering the illegal Russian occupation of Crimea, and through other agents acting on its instructions or under its direction and control, has violated its obligations under the CERD by:
  - (a) Systematically discriminating against and mistreating the Crimean Tatar and ethnic Ukrainian communities in Crimea, in furtherance of a state policy of cultural erasure of disfavored groups perceived to be opponents of the occupation regime;
  - (b) Holding an illegal referendum in an atmosphere of violence and intimidation against non-Russian ethnic groups, without any effort to seek a consensual and inclusive solution protecting those groups, and as an initial step toward depriving these communities of the protection of Ukrainian law and subjecting them to a regime of Russian dominance;
  - (c) Suppressing the political and cultural expression of Crimean Tatar identity, including through the persecution of Crimean Tatar leaders and the ban on the *Mejlis* of the Crimean Tatar People;
  - (d) Preventing Crimean Tatars from gathering to celebrate and commemorate important cultural events;
  - (e) Perpetrating and tolerating a campaign of disappearances and murders of Crimean Tatars;
  - (f) Harassing the Crimean Tatar community with an arbitrary regime of searches and detention;
  - (g) Silencing Crimean Tatar media;
  - (h) Suppressing Crimean Tatar language education and the community's educational institutions;

- (i) Suppressing Ukrainian language education relied on by ethnic Ukrainians;
- (j) Preventing ethnic Ukrainians from gathering to celebrate and commemorate important cultural events; and
- (k) Silencing ethnic Ukrainian media.”
- It also requests the Court “to order the Russian Federation to comply with its obligations under the CERD, including:
- (a) Immediately cease and desist from the policy of cultural erasure and take all necessary and appropriate measures to guarantee the full and equal protection of the law to all groups in Russian-occupied Crimea, including Crimean Tatars and ethnic Ukrainians;
- (b) Immediately restore the rights of the *Mejlis* of the Crimean Tatar People and of Crimean Tatar leaders in Russian-occupied Crimea;
- (c) Immediately restore the rights of the Crimean Tatar people in Russian-occupied Crimea to engage in cultural gatherings, including the annual commemoration of the *Sürgün*;
- (d) Immediately take all necessary and appropriate measures to end the disappearance and murder of Crimean Tatars in Russian-occupied Crimea, and to fully and adequately investigate the disappearances of Reshat Ametov, Timur Shaimardanov, Ervin Ibragimov, and all other victims;
- (e) Immediately take all necessary and appropriate measures to end unjustified and disproportionate searches and detentions of Crimean Tatars in Russian-occupied Crimea;
- (f) Immediately restore licenses and take all other necessary and appropriate measures to permit Crimean Tatar media outlets to resume operations in Russian-occupied Crimea;
- (g) Immediately cease interference with Crimean Tatar education and take all necessary and appropriate measures to restore education in the Crimean Tatar language in Russian-occupied Crimea;
- (h) Immediately cease interference with ethnic Ukrainian education and take all necessary and appropriate measures to restore education in the Ukrainian language in Russian-occupied Crimea;
- (i) Immediately restore the rights of ethnic Ukrainians to engage in cultural gatherings in Russian-occupied Crimea;
- (j) Immediately take all necessary and appropriate measures to permit the free operation of ethnic Ukrainian media in Russian-occupied Crimea; and
- (k) Make full reparation for all victims of the Russian Federation’s policy and pattern of cultural erasure through discrimination in Russian-occupied Crimea.”

251. On 16 January 2017, Ukraine also filed a request for the indication of provisional measures, stating that the purpose was to protect its rights pending the Court’s determination of the case on the merits.

252. With respect to the Terrorism Financing Convention, Ukraine requested the Court to order the following provisional measures:

- “(a) The Russian Federation shall refrain from any action which might aggravate or extend the dispute under the Terrorism Financing Convention before the Court or make this dispute more difficult to resolve.

- (b) The Russian Federation shall exercise appropriate control over its border to prevent further acts of terrorism financing, including the supply of weapons from the territory of the Russian Federation to the territory of Ukraine.
- (c) The Russian Federation shall halt and prevent all transfers from the territory of the Russian Federation of money, weapons, vehicles, equipment, training, or personnel to groups that have engaged in acts of terrorism against civilians in Ukraine, or that the Russian Federation knows may in the future engage in acts of terrorism against civilians in Ukraine, including but not limited to the 'Donetsk People's Republic,' the 'Luhansk People's Republic,' the 'Kharkiv Partisans,' and associated groups and individuals.
- (d) The Russian Federation shall take all measures at its disposal to ensure that any groups operating in Ukraine that have previously received transfers from the territory of the Russian Federation of money, weapons, vehicles, equipment, training, or personnel will refrain from carrying out acts of terrorism against civilians in Ukraine."

253. With respect to the CERD, Ukraine asked the Court to order the following provisional measures:

- "(a) The Russian Federation shall refrain from any action which might aggravate or extend the dispute under CERD before the Court or make it more difficult to resolve.
- (b) The Russian Federation shall refrain from any act of racial discrimination against persons, groups of persons, or institutions in the territory under its effective control, including the Crimean peninsula.
- (c) The Russian Federation shall cease and desist from acts of political and cultural suppression against the Crimean Tatar people, including suspending the decree banning the *Mejlis* of the Crimean Tatar People and refraining from enforcement of this decree and any similar measures, while this case is pending.
- (d) The Russian Federation shall take all necessary steps to halt the disappearance of Crimean Tatar individuals and to promptly investigate those disappearances that have already occurred.
- (e) The Russian Federation shall cease and desist from acts of political and cultural suppression against the ethnic Ukrainian people in Crimea, including suspending restrictions on Ukrainian-language education and respecting ethnic Ukrainian language and educational rights, while this case is pending."

254. The public hearings on the request for the indication of provisional measures submitted by Ukraine were held from Monday 6 to Thursday 9 March 2017.

255. At the end of the second round of oral observations, Ukraine confirmed the provisional measures it had asked the Court to indicate; the Agent of the Russian Federation, for his part, made the following concluding statement on behalf of his Government:

"In accordance with Article 60 of the Rules of the Court for the reasons explained during these hearings the Russian Federation requests the Court to reject the request for the indication of provisional measures submitted by Ukraine."

256. On 19 April 2017, the Court delivered its Order on the request for the indication of provisional measures, the operative clause of which reads as follows:

"For these reasons:

THE COURT,

*Indicates* the following provisional measures,

1) With regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

(a) By thirteen votes to three,

Refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the *Mejlis*;

IN FAVOUR: President Abraham; Vice-President Yusuf; Judges Owada, Bennouna, Cançado Trindade, Greenwood, Donoghue, Gaja, Sebutinde, Bhandari, Robinson, Crawford; Judge ad hoc Pocar;

AGAINST: Judges Tomka, Xue; Judge ad hoc Skotnikov;

(b) Unanimously,

Ensure the availability of education in the Ukrainian language;

2) Unanimously,

Both parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

257. By an Order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019 as the respective time limits for the filing of a Memorial by Ukraine and a Counter-Memorial by the Russian Federation.

**17. Application for revision of the Judgment of 23 May 2008 in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore) (Malaysia v. Singapore)**

258. On 2 February 2017, Malaysia filed an Application for revision of the Judgment rendered by the Court on 23 May 2008 in the case concerning *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*. In that Judgment, the Court found that (1) sovereignty over Pedra Branca/Pulau Batu Puteh belonged to Singapore; (2) sovereignty over Middle Rocks belonged to Malaysia; and (3) sovereignty over South Ledge belonged to the State in the territorial waters of which it was located.

259. Malaysia seeks revision of the Court’s finding concerning sovereignty over Pedra Branca/Pulau Batu Puteh.

260. Malaysia bases its Application for revision on Article 61 of the Statute of the Court, paragraph 1 of which provides that:

“[a]n application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence”.

261. In its Application, Malaysia contends that “there exists a new fact of such a nature as to be a decisive factor within the meaning of Article 61”. In particular, it refers to three documents discovered in the National Archives of the United Kingdom during the period 4 August 2016 to 30 January 2017, namely internal correspondence of the Singapore colonial authorities in 1958, an incident report filed in 1958 by a British naval officer and an annotated map of naval operations from the 1960s.

١٦ - تطبيق الاتفاقية الدولية لقمع تمويل الإرهاب والاتفاقية الدولية للقضاء على التمييز العنصري بكافة أشكاله (أوكرانيا ضد الاتحاد الروسي)

٢٤٦ - في ١٦ كانون الثاني/يناير ٢٠١٧، أودعت أوكرانيا عريضة تقيم بها دعوى ضد الاتحاد الروسي في ما يتعلق بالانتهاكات المزعومة للاتفاقية الدولية لقمع تمويل الإرهاب المؤرخة ٩ كانون الأول/ديسمبر ١٩٩٩ والاتفاقية الدولية للقضاء على التمييز العنصري بكافة أشكاله المؤرخة ٢١ كانون الأول/ديسمبر ١٩٦٥.

٢٤٧ - وتؤكد أوكرانيا، على وجه الخصوص، أن الاتحاد الروسي، منذ عام ٢٠١٤، "يتدخل عسكرياً في أوكرانيا، وأنه يمول أعمالاً إرهابية وينتهك حقوق الإنسان الواجبة لملايين المواطنين الأوكرانيين، بما في ذلك حق عدد كبير منهم في الحياة". وتؤكد أوكرانيا أن الاتحاد الروسي حرّض على تمرد مسلح ضد سلطة الدولة الأوكرانية ودعمه في الجزء الشرقي من البلد. وهي ترى أن الاتحاد الروسي، بأفعاله، ينتهك المبادئ الأساسية للقانون الدولي، بما فيها ما يرد في الاتفاقية الدولية لقمع تمويل الإرهاب (المشار إليه في ما يلي باسم "اتفاقية مكافحة تمويل الإرهاب").

٢٤٨ - وتدعي أوكرانيا في عريضتها أيضاً أن الاتحاد الروسي قام في جمهورية القرم المتمتعة بالحكم الذاتي ومدينة سيفاستوبول "بانتهاك ميثاق الأمم المتحدة بصفافقة، مستولياً بالقوة العسكرية على جزء من الأراضي الخاضعة لسيادة أوكرانيا". وهي تدعي أن "[الاتحاد الروسي] دبر، في محاولة لإضفاء الشرعية على هذا العمل العدواني، 'استفتاء' غير قانوني أجراه على عجل في مناخ من العنف والترهيب ضد الجماعات الإثنية غير الروسية". وبحسب أوكرانيا، تشكل هذه "الحملة المتعمدة للإبادة الثقافية التي أطلقتها بالغزو والاستفتاء، ويواصلها حتى اليوم، انتهاكاً للاتفاقية الدولية للقضاء على التمييز العنصري بكافة أشكاله (المشار إليها في ما بعد باسم 'اتفاقية القضاء على التمييز العنصري')".

٢٤٩ - وفي ما يتعلق باتفاقية مكافحة تمويل الإرهاب، تلتزم أوكرانيا من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي، عبر أجهزته ووكلائه التابعين للدولة، وغير ذلك من أشخاص وكيانات ممارسون صلاحيات عامة، وكذلك عبر وكلاء يعملون وفق توجيهاته أو تحت إمرته وسيطرته، أخلّ بالتزاماته بموجب اتفاقية مكافحة تمويل الإرهاب:

(أ) بتوفير الأموال، بما في ذلك المساهمات العينية المقدمة في شكل سلاح وتدريب، للجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، في انتهاك للمادة ١٨؛

(ب) بعدم اتخاذ التدابير المناسبة من أجل الكشف عن الأموال المستخدمة لمساعدة الجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، وتجميد ومصادرة تلك الأموال، في انتهاك للمادتين ٨ و ١٨؛

(ج) بعدم التحقيق مع ممّولي الأعمال الإرهابية الذين يوجدون في أراضيه أو بعدم ملاحقتهم قضائياً أو تسليمهم، في انتهاك للمواد ٩ و ١٠ و ١١ و ١٨؛

- (د) بعدم منح أوكرانيا أكبر قدر ممكن من العون القانوني في جميع التحقيقات الجنائية في تمويل الإرهاب، في انتهاك للمادتين ١٢ و ١٨؛
- (هـ) بعدم اتخاذ جميع التدابير الممكنة لمنع ومكافحة أعمال تمويل الإرهاب التي ترتكبها جهات روسية خاصة أو عامة، في انتهاك للمادة ١٨.
- وتلتزم أوكرانيا كذلك من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي يتحمل مسؤولية دولية، بدعمه للإرهاب وبعدم منع تمويله بالمعنى المقصود في الاتفاقية، عن الأعمال الإرهابية التي ارتكبها أعوانه في أوكرانيا، بما في ذلك ما يلي:
- (أ) تدمير طائرة الخطوط الجوية الماليزية في رحلتها MH17؛
- (ب) القصف المدفعي على المدنيين، في مدن منها فولنوفاخا وماريوبول وكراماتورسك؛
- (ج) التفجيرات الموجهة ضد المدنيين، في مدن منها خاركييف.
- وتلتزم أوكرانيا من المحكمة "أن تأمر الاتحاد الروسي بالوفاء بالالتزامات المترتبة عليه بموجب اتفاقية مكافحة تمويل الإرهاب، وبما يلي على وجه الخصوص:
- (أ) أن يكف فوراً وغير مشروط عن تقديم جميع أشكال الدعم - وتحديدًا توفير المال والسلاح ووسائل التدريب - إلى الجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركييف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها؛
- (ب) أن يبذل فوراً قصارى جهده للتأكد من سحب جميع الأسلحة المقدمة إلى تلك الجماعات المسلحة من أوكرانيا؛
- (ج) أن يراقب فوراً حدوده مراقبة سليمة بغية منع وقوع المزيد من أعمال تمويل الإرهاب، بما في ذلك الإمداد بالأسلحة، المنطلقة من الأراضي الروسية إلى الأراضي الأوكرانية؛
- (د) أن يكف فوراً عن نقل الأموال والأسلحة وسائر الموارد الأخرى من أراضي الاتحاد الروسي والقرم المحتلة لإيصالها إلى الجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية وجماعة أنصار خاركييف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، بطرق منها تجميد جميع الحسابات المصرفية المستخدمة لتمويل هذه الجماعات؛
- (هـ) أن يمنع فوراً تمويل الإرهاب في أوكرانيا من قبل ممثلين عن الاتحاد الروسي، وتحديدًا السيد سيرغي شويغو وزير دفاع الاتحاد الروسي؛ والسيد فلاديمير جيرينوفسكي، نائب رئيس مجلس الدوما؛ والسيدان سيرغي ميرونوف وغينادي زيوغانوف، النائبان في مجلس الدوما؛ وأن يقاضي هؤلاء الأشخاص أو أي شخص آخر متورط في تمويل الإرهاب؛
- (و) أن يتعاون تعاوناً كاملاً وفورياً مع أوكرانيا في جميع طلبات المساعدة، القائمة والمقبلة، بشأن التحقيقات في أعمال تمويل الإرهاب المرتبطة بالجماعات المسلحة غير القانونية الضالعة في أعمال إرهابية في أوكرانيا، بما فيها جمهورية دونيتسك الشعبية وجمهورية لوهانسك الشعبية

وجماعة أنصار خاركيف وغير ذلك من الجماعات أو الأشخاص المرتبطين بها، وكذلك أن يحظر هذا التمويل؛

- (ز) أن يقدم الجبر الكامل للضرر الناجم عن تدمير طائرة الخطوط الجوية الماليزية في رحلتها MH17؛
- (ح) أن يقدم الجبر الكامل للضرر الناجم عن قصف المدنيين في فولنوفاخا؛
- (ط) أن يقدم الجبر الكامل للضرر الناجم عن قصف المدنيين في ماريوبول؛
- (ي) أن يقدم الجبر الكامل للضرر الناجم عن قصف المدنيين في كراماتورسك؛
- (ك) أن يقدم الجبر الكامل للضرر الناجم عن التفجيرات الموجهة ضد المدنيين في خاركيف؛
- (ل) أن يقدم الجبر الكامل للضرر الناجم عن جميع الأعمال الإرهابية الأخرى التي تسبب فيها الاتحاد الروسي أو يسرها أو دعمها بتمويله للإرهاب وعدم منع هذا التمويل أو التحقيق فيه".
- ٢٥٠ - وفي ما يتعلق باتفاقية القضاء على التمييز العنصري، تلتزم أوكرانيا من المحكمة "أن تقرر وتعلن أن الاتحاد الروسي، عبر أجهزته ووكالاته التابعين للدولة، وغير ذلك من أشخاص وكيانات يمارسون صلاحيات عامة، منها سلطات أمر الواقع التي تدير الاحتلال الروسي غير المشروع للقرم، وكذلك عبر وكلاء يعملون وفق توجيهاته أو تحت إمرته وسيطرته، أخلّ بالتزاماته بموجب اتفاقية القضاء على التمييز العنصري؛
- (أ) ممارسة التمييز وسوء المعاملة بصورة ممنهجة ضد جماعات تثار القرم والأشخاص المنحدرين من أصل أوكراني في القرم، في إطار سياسة دولة تقوم على الإبادة الثقافية لفئات غير محظية تُعتبر معارضة لنظام الاحتلال؛
- (ب) تنظيم استفتاء غير قانوني في سياق من العنف والتهريب ضد الجماعات الإثنية غير الروسية، دون بذل أذن جهد للتوصل إلى حل توافقي وشامل لحماية هذه الجماعات، حيث شكّل ذلك خطوة أولى نحو حرمان تلك الجماعات من حماية القانون الأوكراني وإخضاعها لنظام الهيمنة الروسي؛
- (ج) بحرمان تثار القرم من وسائل التعبير عن هويتهم السياسية والثقافية، بصورة أساسية من خلال اضطهاد زعمائهم وحظر مجلسهم؛
- (د) منع تثار القرم من التجمع للاحتفاء والاحتفال بمناسبات ثقافية مهمة؛
- (هـ) بتدبير حملة اختفاء وقتل ضد تثار القرم والسماح بتنفيذها؛
- (و) بمضايقة جماعات تثار القرم عن طريق إخضاعها لنظام عمليات تعسفي من عمليات التفتيش والاحتجاز؛
- (ز) بإسكات وسائل الإعلام التابعة لتثار القرم؛
- (ح) بحرمان تثار القرم من إمكانية تلقي التعليم بلغتهم وفي مؤسساتهم التعليمية الأهلية؛
- (ط) بحرمان الأشخاص المنحدرين من أصل أوكراني من إمكانية تلقي التعليم بلغتهم؛

- (ي) يمنع الأشخاص المنحدرين من أصل أوكراني من التجمع للاحتفاء والاحتفال بمناسبة ثقافية مهمة؛
- (ك) بإسكات وسائل الإعلام التابعة للأشخاص المنحدرين من أصل أوكراني.“
- (ل) وتلتزم أوكرانيا من المحكمة “أن تأمر الاتحاد الروسي بالوفاء بالالتزامات المترتبة عليه بموجب اتفاقية القضاء على التمييز العنصري، وبما يلي على وجه الخصوص:
- (أ) أن يكف ويتوقف فوراً عن سياسة الإبادة الثقافية، ويتخذ جميع التدابير اللازمة والمناسبة لكفالة تمتع كل الجماعات الموجودة في القرم الخاضعة للاحتلال الروسي، بما في ذلك تار القرم والأشخاص المنحدرين من أصل أوكراني، بحماية قانونية كاملة ومتساوية؛
- (ب) أن يعيد فوراً إرساء حقوق مجلس تار القرم وزعمائهم في القرم الخاضعة للاحتلال الروسي؛
- (ج) أن يعيد فوراً إرساء حقوق تار القرم، في القرم الخاضعة للاحتلال الروسي، في المشاركة في التجمعات الثقافية، بما في ذلك الاحتفال السنوي بذكرى السرجون؛
- (د) أن يتخذ فوراً جميع التدابير اللازمة والمناسبة لوقف حالات الاختفاء والقتل التي يتعرض لها تار القرم، في القرم الخاضعة للاحتلال الروسي، ويفتح تحقيقاً شاملاً ووفياً في اختفاء السادة رشاد أحمدوف وتيمور شاميردانوف وإرفين إبراهيموف وسائر الضحايا؛
- (هـ) أن يتخذ فوراً جميع التدابير اللازمة والمناسبة لإنهاء عمليات التفتيش والاحتجاز غير المررة وغير المتناسبة الممارسة في حق تار القرم، في القرم الخاضعة للاحتلال الروسي؛
- (و) أن يرد فوراً تراخيص وسائل الإعلام التابعة لتار القرم، ويتخذ سائر التدابير اللازمة والمناسبة لتمكينها من استئناف أنشطتها في القرم الخاضعة للاحتلال الروسي؛
- (ز) أن يتوقف فوراً عن التدخل في تعليم تار القرم، وأن يتخذ سائر الخطوات اللازمة والمناسبة لإعادة توفير التعليم بلغتهم في القرم الخاضعة للاحتلال الروسي؛
- (ح) أن يتوقف فوراً عن التدخل في تعليم الأشخاص المنحدرين من أصل أوكراني، وأن يتخذ سائر الخطوات اللازمة والمناسبة لاستئناف التعليم بلغتهم في القرم الخاضعة للاحتلال الروسي؛
- (ط) أن يعيد فوراً إرساء حقوق الأشخاص المنحدرين من أصل أوكراني في المشاركة في التجمعات الثقافية في القرم الخاضعة للاحتلال الروسي؛
- (ي) أن يتخذ فوراً جميع التدابير اللازمة والمناسبة لتمكين وسائل الإعلام التابعة للأشخاص المنحدرين من أصل أوكراني من مباشرة أنشطتها بحرية في القرم الخاضعة للاحتلال الروسي؛
- (ك) أن يقدم الجبر الكامل عن الأضرار التي لحقت بجميع ضحايا سياسة ونظام الإبادة الثقافية من خلال التمييز الذي يمارسه الاتحاد الروسي في القرم الخاضعة للاحتلاله.“
- ٢٥١ - وفي ١٦ كانون الثاني/يناير ٢٠١٧، قدّمت أوكرانيا أيضاً طلباً بالإشارة بتدابير تحفظية، مؤكدة أن الهدف منها حماية حقوقها إلى حين صدور حكم المحكمة بشأن موضوع القضية.

٢٥٢ - وفي ما يتعلق باتفاقية مكافحة تمويل الإرهاب، التمسست أوكرانيا من المحكمة أن تفرض التدابير التحفظية التالية:

- (أ) على الاتحاد الروسي أن يمتنع عن أي عمل قد يؤدي إلى تفاقم أو اتساع نطاق النزاع المعروف على المحكمة بمقتضى اتفاقية مكافحة تمويل الإرهاب، أو إلى جعل ليله أكثر استعصاء؛
- (ب) على الاتحاد الروسي أن يراقب حدوده مراقبة سليمة بغية منع وقوع أي عمل من أعمال تمويل الإرهاب، بما في ذلك الإمداد بالأسلحة انطلاقاً من الأراضي الروسية إلى الأراضي الأوكرانية؛
- (ج) على الاتحاد الروسي أن يوقف ويمنع جميع عمليات نقل المال أو السلاح أو المركبات أو المعدات أو وسائل التدريب أو الأفراد من أراضيه إلى جماعات ضلعت في أعمال إرهاب ضد المدنيين في أوكرانيا أو يعلم الاتحاد الروسي أنها يمكن أن تضلع في أعمال من هذا القبيل في المستقبل، وهي، على سبيل الذكر لا حصر، "جمهورية دونيتسك الشعبية" و "جمهورية لوهانسك الشعبية" وجماعة "أنصار خاركييف" وغير ذلك من الجماعات أو الأشخاص المرتبطين بها؛
- (د) على الاتحاد الروسي أن يتخذ كل ما في وسعه من تدابير لكفالة امتناع كل الجماعات النشطة في أوكرانيا، التي استفادت سابقاً من عمليات نقل المال أو السلاح أو المركبات أو المعدات أو وسائل التدريب أو الأفراد انطلاقاً من أراضيه، عن الضلوع في أعمال إرهابية ضد المدنيين في أوكرانيا.

٢٥٣ - وفي ما يتعلق باتفاقية القضاء على التمييز العنصري، التمسست أوكرانيا من المحكمة أن تشير بالتدابير التحفظية التالية:

- (أ) على الاتحاد الروسي أن يمتنع عن أي عمل قد يؤدي إلى تفاقم أو اتساع نطاق النزاع المعروف على المحكمة بمقتضى اتفاقية القضاء على التمييز العنصري، أو إلى جعل ليله أكثر استعصاء؛
- (ب) على الاتحاد الروسي أن يمتنع عن جميع أعمال التمييز العنصري ضد الأشخاص أو الجماعات أو المؤسسات في الأراضي الخاضعة لسيطرته الفعلية، وتحديدًا في شبه جزيرة القرم؛
- (ج) على الاتحاد الروسي أن يكف ويمنع عن ممارسة جميع أعمال القمع السياسي والثقافي في حق شعب تار القرم، وتحديدًا عن طريق تعليق المرسوم الذي حظر عمل المجلس، والامتناع عن تنفيذ هذا المرسوم وأي تدابير أخرى مماثلة، إلى حين البت في هذه القضية؛
- (د) على الاتحاد الروسي أن يتخذ جميع التدابير اللازمة لوضع حد للحالات اختفاء تار القرم وللتحقيق فوراً في الحالات التي وقعت بالفعل؛

(هـ) على الاتحاد الروسي أن يكف ويمتنع عن ممارسة جميع أعمال القمع السياسي والثقافي ضد الأشخاص المنحدرين من أصل أوكراني في القرم، وتحديدًا عن طريق إزالة القيود المفروضة على التعليم باللغة الأوكرانية واحترام حقوق هذه الفئة في ما يتعلق باللغة والتعليم، إلى حين البت في هذه القضية“.

٢٥٤ - وقد عُقدت في الفترة الممتدة من يوم الاثنين الموافق ٦ آذار/مارس إلى يوم الخميس الموافق ٩ آذار/مارس ٢٠١٧ الجلسات العلنية المتعلقة بطلب الإشارة بتدابير تحفظية الذي قدّمته أوكرانيا.

٢٥٥ - وفي نهاية الجولة الثانية من الملاحظات الشفوية، أكدت أوكرانيا التدابير التحفظية التي كانت قد التمسّت من المحكمة الإشارة بها؛ وأدلى وكيل الاتحاد الروسي، من جانبه، بالتصريح التالي باسم حكومته: ”وفقاً للمادة ٦٠ من لائحة المحكمة، يلتمس الاتحاد الروسي من المحكمة، للأسباب الموضحة خلال الجلسات، أن ترفض طلب أوكرانيا الإشارة بتدابير تحفظية“.

٢٥٦ - وفي ١٩ نيسان/أبريل ٢٠١٧، أصدرت المحكمة حكمها بشأن طلب الإشارة بتدابير تحفظية، وجاء في منطوقه ما يلي:

”لهذه الأسباب،

فإن المحكمة،

تشير باتخاذ التدابير التحفظية التالية بصورة مؤقتة:

(١) في ما يتعلق بالحالة في القرم، يجب على الاتحاد الروسي، وفقاً لالتزاماته بموجب الاتفاقية الدولية للقضاء على التمييز العنصري بكافة أشكاله،

(أ) بأغلبية ثلاثة عشر صوتاً مقابل ثلاثة أصوات،

أن يمتنع عن مواصلة العمل بالقيود المفروضة على قدرة جماعات تثار القرم على المحافظة على هيئاتها التمثيلية، بما فيها المجلس، أو فرض قيود جديدة عليها؛

المؤيدون: الرئيس أبراهام؛ ونائب الرئيس يوسف؛ والقضاة أودا، وبنونة، وكانسادو ترينداد، وغرينوود، ودونوهيو، وغايا، وسبيوتيندي، وبمانداري، وروبنسون، وكراوفورد؛ والقاضي الخاص بوكار؛

المعارضون: القاضيان تومكا وشوي؛ والقاضي الخاص سكوتنيكوف؛

(ب) بالإجماع،

كفالة إتاحة التعليم باللغة الأوكرانية؛

(٢) بالإجماع،

ينبغي لكلا الطرفين الامتناع عن أي عمل قد يؤدي إلى تفاقم أو توسيع نطاق النزاع المعروض على المحكمة أو جعله أكثر استعصاءً على الحل“.

٢٥٧ - وبأمر مؤرخ ١٢ أيار/مايو ٢٠١٧، حدد رئيس المحكمة تاريخ ١٢ حزيران/يونيه ٢٠١٨ أجلاً لإيداع أوكرانيا مذكرةً و ١٢ تموز/يوليه ٢٠١٩ أجلاً لإيداع الاتحاد الروسي مذكرةً المضادة.

## CURRICULUM VITAE

**Name and Surname:** Suha Al-OGAIDI

**Place and Date of Birth:** Iraq- Baghdad 01/12/1985

**Education:**

<b>Degree</b>	<b>Field</b>	<b>University</b>	<b>Year</b>
<b>Undergraduate</b>	Translation studies	Mustansiriya University	2007
<b>Graduate</b>	Private Student/ Translation studies	Gazi University	2017
<b>Graduate</b>	Translation studies	Atilim University	2019

**Work Experience:**

<b>Work Place</b>	<b>Position</b>	<b>Year</b>
Austrian Airlines	Operator	2010
Ministry of Power	Legal Translator	2011-2015

**Foreign Languages:** English, Turkish

**E-mail:** suhasalah123@yahoo.com

**Phone:** 05310133738

**Date:** 23/8/2019

## TRANSLATION OF LEXICAL ITEMS IN THE CONVENTIONS OF THE COURT OF JUSTICE: A CASE STUDY

### ORIJINALLIK RAPORU

% <b>14</b>	% <b>8</b>	% <b>3</b>	% <b>12</b>
BENZERLIK ENDEKSI	İNTERNET KAYNAKLARI	YAYINLAR	ÖĞRENCİ ÖDEVLERİ

### BİRİNCİL KAYNAKLAR

<b>1</b>	<b>Submitted to TechKnowledge Turkey</b> Öğrenci Ödevi	% <b>4</b>
<b>2</b>	<b>www.icj-cij.org</b> İnternet Kaynağı	% <b>2</b>
<b>3</b>	<b>scholar.najah.edu</b> İnternet Kaynağı	% <b>1</b>
<b>4</b>	<b>www.jostrans.org</b> İnternet Kaynağı	% <b>1</b>
<b>5</b>	<b>en.wikipedia.org</b> İnternet Kaynağı	% <b>1</b>
<b>6</b>	<b>Submitted to American Intercontinental University Online</b> Öğrenci Ödevi	<% <b>1</b>
<b>7</b>	<b>www.euroasiapub.org</b> İnternet Kaynağı	<% <b>1</b>
<b>8</b>	<b>Submitted to Universiti Sains Malaysia</b> Öğrenci Ödevi	<% <b>1</b>
<b>9</b>	<b>Submitted to Higher Education Commission Pakistan</b> Öğrenci Ödevi	<% <b>1</b>
<b>10</b>	<b>Submitted to Fachhochschule fuer Wirtschaft Berlin</b> Öğrenci Ödevi	<% <b>1</b>