

**International legal concept of “effective control” of foreign territories
and lessons for Azerbaijan and Ukraine**

Abstract: In today's conditions, when the appetite of the aggressor remains unlimited, but one wants to appear civilized, new forms of occupation (hybrid occupation) arise, one of which receives the definition of «effective control». This concept is developed in the decisions of the European Court of Human Rights (ECHR), and in the future – in the resolutions of the Parliamentary Assembly of the Council of Europe (PACE). The concept proceeds from the fact that the notion of territorial jurisdiction is closely related to the state's ability to exercise real control over the territory. When a state does not exercise authority over part of its territory, which may occur as a result of armed occupation by another state that controls the territory, the responsibility for observing human rights in that territory rests with such a controlling state. Since this form of occupation concerns both Azerbaijan and Ukraine, and this is fixed in the legal documents of international institutions, it is advisable to draw certain parallels for the extraction of necessary lessons.

Keywords: Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (ECHR); European Court of Human Rights (ECHR); the Parliamentary Assembly of the Council of Europe; the Final Act of the Conference on Security and Cooperation in Europe (CSCE); an occupation; jurisdiction; effective control.

In the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the key goal, which was designated first in the list of objectives, the Parties to the Act were called to promote better relations among themselves and

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ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security (*here and further emphasized by the author*). Among the basic principles of safety in the Act are: sovereign equality; respect for the rights inherent in sovereignty; refraining from the threat or use of force; inviolability of frontiers; territorial integrity of States; some others. It follows that threats of the use of force or the actual use of force adversely affect the provision of human rights.

According to Art. 1 ECHR, the High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

Thus, the key to the obligations of States Parties to the Convention from the point of view of ensuring human rights is the exercise of jurisdiction over the respective territories. However, under the conditions of «hybrid occupation», the victim country can not actually exercise its jurisdiction because of opposition to the actual occupier, but, on the other hand, adhering to the tactics «we are not there», the occupant country tries to avoid responsibility. In order to avoid a vacuum of responsibility, international legal institutions are forced to develop new approaches, according to the requirements of the times. One such approach is the international legal concept of «effective control» of foreign territories. Separate questions of this problem are considered in articles [1, 2]. However, in connection with the relative novelty of the problem, such studies should be continued.

A theoretical basis for developing such approaches can be a thorough analysis of the hybrid methods of warfare developed, first of all, by the generals of the Russian Federation. Such an analysis is made, for example, by Academician of the National Academy of Sciences of Ukraine V. Gorbulin [3]. In his opinion, the «hybrid occupant» sets the goal of achieving political goals with minimal armed influence on the enemy. There are three groups of modern ways of conducting aggressive wars:

1. Traditional military means (use of regular military units and weapons, as well as special operations forces).

2. Quasi-militaristic activity (creation and support of illegal armed formations, support and radicalization of separatist movements, formal and informal private military companies).

3. The operations of non-militaristic influence, primarily through the method of special information operations and ‘active measures’ (including economic pressure, operations in cyberspace, diplomacy, manipulation of the information space).

Thus, in modern conditions, not only direct military occupation becomes a way of limiting the sovereignty of a victim of aggression.

The preamble of the Universal Declaration of Human Rights (UN, 10.12.1948) [4] states that all States should strive to ensure human rights – both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

In par. 1 of Art. 2 of the International Covenant on Civil and Political Rights (UN, 16.12.1966) [5] states that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant.

The above formulations show that the obligation to provide rights within the jurisdiction is not identical to the same security within the territory – the first may be wider than the second, and the opportunity – accordingly, already.

The concept of ‘floating’ jurisdiction, which changes as a result of hostilities, was developed by the ECHR in its Decision of 23.03.1995 in the case of “Loizidou v. Turkey” (Application № 15318/89) [6]. Specifically, the Decision of 23.03.1995 was devoted precisely to the problems of jurisdiction (later on this complaint, the Decision was adopted [7]). In particular, Decision [6] states:

– in this respect, the Court recalls Decision: although Article 1 sets limits on the reach of the Convention, the concept of ‘jurisdiction’ under this provision is not restricted to the national territory of the High Contracting Parties. In addition, the responsibility of Contracting Parties can be involved because of acts of their authorities, whether performed within or outside national boundaries, which

produce effects outside their own territory. Bearing in mind the object and purpose of the Convention, the responsibility of a Contracting Party may also arise when as a consequence of military action-whether lawful or unlawful-it exercises effective control of an area outside its national territory. The obligation to secure, in such an area, the rights and freedoms set out in the Convention derives from the fact of such control whether it be exercised directly, through its armed forces, or through a subordinate local administration (par. 62);

– the respondent Government have acknowledged that the applicant's loss of control of her property stems from the occupation of the northern part of Cyprus by Turkish troops and the establishment of the “TRNC”. Furthermore, it has not been disputed that the applicant was prevented by Turkish troops from gaining access to her property (par. 63);

– it follows that such acts are capable of falling within Turkish ‘jurisdiction’ within the meaning of Article 1 of the Convention. Whether the matters complained of are imputable to Turkey and give rise to State responsibility are questions which fall to be considered by the Court at the merits phase (par. 64).

When considering the ECHR of the complaint no. 48787/99 of the applicants in the case “*Ilascu and Others v. Moldova and Russia*” concerning human rights violations in Transnistria, the ‘hybrid occupant’, the Russian Federation behaved according to the typical principle “we are not there”, which was then widely used in situations in the Crimea and in the Donbass (Eastern Ukraine). Thus, in par. 305 of the judgment in this case [8]: “the Russian Government merely observed that the Moldovan Government was the only legitimate government of Moldova. As Transdniestrian territory was an integral part of the Republic of Moldova, only the latter could be held responsible for acts committed in that territory”.

Contrary to this position, the ECHR indicated:

– Article 1 of the Convention provides: “The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of [the] Convention”. It follows from Article 1 that member States must answer for any infringement of the rights and freedoms protected by the

Convention committed against individuals placed under their ‘jurisdiction’. The exercise of jurisdiction is a necessary condition for a Contracting State to be able to be held responsible for acts or omissions imputable to it which give rise to an allegation of the infringement of rights and freedoms set forth in the Convention. The Court refers to its case-law to the effect that the concept of “jurisdiction” for the purposes of Article 1 of the Convention must be considered to reflect the term’s meaning in public international law. From the standpoint of public international law, the words “within their jurisdiction” in Article 1 of the Convention must be understood to mean that a State’s jurisdictional competence is primarily territorial, but also that jurisdiction is presumed to be exercised normally throughout the State’s territory. This presumption may be limited in exceptional circumstances, particularly where a State is prevented from exercising its authority in part of its territory. That may be as a result of military occupation by the armed forces of another State which effectively controls the territory concerned, to acts of war or rebellion, or to the acts of a foreign State supporting the installation of a separatist State within the territory of the State concerned (Paragraphs 310-312 of the Decision);

– in order to be able to conclude that such an exceptional situation exists, the Court must examine on the one hand all the objective facts capable of limiting the effective exercise of a State’s authority over its territory, and on the other the State’s own conduct. The Court has accepted that in exceptional circumstances the acts of Contracting States performed outside their territory or which produce effects there may amount to exercise by them of their jurisdiction within the meaning of Article 1 of the Convention. According to the relevant principles of international law, a State’s responsibility may be engaged where, as a consequence of military action – whether lawful or unlawful – it in practice exercises effective control of an area situated outside its national territory. The obligation to secure, in such an area, the rights and freedoms set out in the Convention derives from the fact of such control, whether it be exercised directly, through its armed forces, or through a subordinate local administration (*ibid.*). Where a Contracting State

exercises overall control over an area outside its national territory its responsibility is not confined to the acts of its soldiers or officials in that area but also extends to acts of the local administration which survives there by virtue of its military and other support. A State may also be held responsible even where its agents are acting *ultra vires* or contrary to instructions. Under the Convention a State's authorities are strictly liable for the conduct of their subordinates; they are under a duty to impose their will and cannot shelter behind their inability to ensure that it is respected (Paragraphs 313, 314, 316, 319 of the Decision);

– the Court notes in the first place that Moldova asserted that it was not in control of part of its national territory, namely the region of Transdniestria. In the present case the Court notes that, having been proclaimed sovereign by its Parliament on 23 June 1990, and having become independent on 27 August 1991 and been subsequently recognised as such by the international community, the Republic of Moldova was immediately confronted with a secessionist movement in the region of Transdniestria. That movement grew stronger in December 1991, with the organisation of local elections, which were declared illegal by the Moldovan authorities. At the end of 1991 a civil war broke out between the forces of the Republic of Moldova and the Transdniestrian separatists, actively supported by at least some of the soldiers of the Fourteenth Army. In March 1992, in view of the seriousness of the situation, a State of emergency was declared. On the basis of all the material in its possession the Court considers that the Moldovan Government, the only legitimate government of the Republic of Moldova under international law, does not exercise authority over part of its territory, namely that part which is under the effective control of the Republic of Transnistria (“MRT”) (Paragraphs 323, 325, 330 of the Decision);

– the Court considers that where a Contracting State is prevented from exercising its authority over the whole of its territory by a constraining *de facto* situation, such as obtains when a separatist regime is set up, whether or not this is accompanied by military occupation by another State, it does not thereby cease to have jurisdiction within the meaning of Article 1 of the Convention over that part

of its territory temporarily subject to a local authority sustained by rebel forces or by another State. Nevertheless such a factual situation reduces the scope of that jurisdiction in that the undertaking given by the State under Article 1 must be considered by the Court only in the light of the Contracting State's positive obligations towards persons within its territory. The State in question must endeavour, with all the legal and diplomatic means available to it vis-à-vis foreign States and international organisations, to continue to guarantee the enjoyment of the rights and freedoms guaranteed by the Convention. In the present case, from the onset of hostilities in 1991-92, the Moldovan authorities never ceased complaining of the aggression they considered they had suffered and rejected the "MRT"'s declaration of independence. In the Court's opinion, when confronted with a regime sustained militarily, politically and economically by a power such as the Russian Federation (see paragraphs 111 to 161 above), there was little Moldova could do to re-establish its authority over Transdniestrian territory. That was evidenced by the outcome of the military conflict, which showed that the Moldovan authorities did not have the means to gain the upper hand in Transdniestrian territory against the rebel forces supported by Fourteenth Army personnel (Paragraphs 333, 341 of the Decision);

– throughout the clashes between the Moldovan authorities and the Transdniestrian separatists the leaders of the Russian Federation supported the separatist authorities by their political declarations. The Russian Federation drafted the main lines of the ceasefire agreement of 21 July 1992, and moreover signed it as a party. In the light of all these circumstances the Court considers that the Russian Federation's responsibility is engaged in respect of the unlawful acts committed by the Transdniestrian separatists, regard being had to the military and political support it gave them to help them set up the separatist regime and the participation of its military personnel in the fighting. In acting thus the authorities of the Russian Federation contributed both militarily and politically to the creation of a separatist regime in the region of Transdniestria, which is part of the territory of the Republic of Moldova. The Court next notes that even after the ceasefire

agreement of 21 July 1992 the Russian Federation continued to provide military, political and economic support to the separatist regime, thus enabling it to survive by strengthening itself and by acquiring a certain amount of autonomy vis-à-vis Moldova. The Court considers that on account of the above events the applicants came within the jurisdiction of the Russian Federation within the meaning of Article 1 of the Convention, although at the time when they occurred the Convention was not in force with regard to the Russian Federation (Paragraphs 381, 382, 384 of the Decision).

These legal positions were put in the basis of the ECHR Decision of 16.06.2015 on the case “Chiragov and Others v. Armenia” (complaint № 13216/05) [9]. The Resolution, in particular, says:

– article 42 of the Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907 (hereafter “the 1907 Hague Regulations”) defines belligerent occupation as follows «Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised». Accordingly, occupation within the meaning of the 1907 Hague Regulations exists when a state exercises actual authority over the territory, or part of the territory, of an enemy state. The requirement of actual authority is widely considered to be synonymous to that of effective control. Military occupation is considered to exist in a territory, or part of a territory, if the following elements can be demonstrated: the presence of foreign troops, which are in a position to exercise effective control without the consent of the sovereign. According to widespread expert opinion physical presence of foreign troops is a sine qua non requirement of occupation, i.e. occupation is not conceivable without «boots on the Ground» therefore forces exercising naval or air control through a naval or air blockade do not suffice (par. 96);

– accordingly, it is striking to note the statements of representatives of the Republic of Armenia which appear to go against the official stance that the armed forces of Armenia have not been deployed in the «NKR» or the surrounding

territories. The statement by Mr Manukyan, the former minister of defence, has already been mentioned (who recognized: the public declarations that the Armenian army had taken no part in the war had been purely for foreign consumption; you can be sure that whatever we said politically, the Karabakh Armenians and the Armenian Army were united in military actions. It was not important for me if someone was a Karabakhi or an Armenian; par. 62). Of even greater significance is the speech given by the incumbent president of Armenia, Mr Serzh Sargsyan, to leaders of the Ministry of Defence in January 2013, in which he declared that the goal of Armenian foreign policy was to achieve legal recognition of the victory attained by ‘our Army’ in the Nagorno-Karabakh war (par. 72). It should be noted as well that the Armenian Government in the present case have acknowledged, with reference to the 1994 military co-operation agreement, that the Armenian army and the “NKR” defence force co-operate in a defence alliance (par. 178);

– the Court need not solve this issue (on the number of soldiers from Armenia – the author's note) as, based on the numerous reports and statements presented above, it finds it established that the Republic of Armenia, through its military presence and the provision of military equipment and expertise, has been significantly involved in the Nagorno-Karabakh conflict from an early date. This military support has been – and continues to be – decisive for the conquest of and continued control over the territories in issue, and the evidence, not the least the 1994 military co-operation agreement, convincingly shows that the armed forces of Armenia and the “NKR” are highly integrated (par. 180);

– the Armenian Government have claimed that the “NKR” has its own legislation and its own independent political and judicial bodies. However, its political dependence on Armenia is evident not only from the mentioned interchange of prominent politicians, but also from the fact that its residents acquire Armenian passports for travel abroad as the “NKR” is not recognised by any State or international organisation (see par. 83 above). In regard to the legislation and the judiciary, there is further evidence of integration. The Armenian

Government have acknowledged that several laws of the “NKR” have been adopted from Armenian legislation. More importantly, the facts of the Court’s cases of Zalyan, Sargsyan and Serobyan v. Armenia (par. 76) show not only the presence of Armenian troops in Nagorno-Karabakh but also the operation of Armenian law enforcement agents and the exercise of jurisdiction by Armenian courts on that territory. The case of Mr Grigoryan (par. 77) provides a similar indication (par. 182);

– finally, the financial support given to the “NKR” from or via Armenia is substantial. The ICG reported that, in the 2005 “NKR” budget, only 26.7 per cent of expenditures were covered by locally collected revenues. An Armenian «inter-state loan» has provided the “NKR” with considerable amounts of money, in the years of 2004 and 2005 totalling USD 51,000,000. According to the ICG, relying on official sources, the loan made up 67.3% of the “NKR” budget in 2001 and 56.9% in 2004. While in place since 1993, as of 2005 nothing of the loan had been repaid (see paragraphs 80 and 81 above) (par. 183);

– all of the above reveals that the Republic of Armenia, from the early days of the Nagorno-Karabakh conflict, has had a significant and decisive influence over the “NKR”, that the two entities are highly integrated in virtually all important matters and that this situation persists to this day. In other words, the “NKR” and its administration survives by virtue of the military, political, financial and other support given to it by Armenia which, consequently, exercises effective control over Nagorno-Karabakh and the surrounding territories, including the district of Lachin. The matters complained of therefore come within the jurisdiction of Armenia for the purposes of Article 1 of the Convention. The Government’s objection concerning the jurisdiction of the Republic of Armenia over Nagorno-Karabakh and the surrounding territories is therefore dismissed (par. 186, 187).

Thus, the ECHR actually recognized the occupation of part of the territory of Azerbaijan (“NKR”) by Armenia and, accordingly, Armenia's responsibility for observing human rights in the said territory.

Since the Russian aggression against Ukraine in the Crimea and the Donbass,

Ukraine has found itself in a similar position. So, in the Resolution of the Parliamentary Assembly of the Council of Europe (PACE) of 12.10.2016 important provisions are fixed, in particular: PACE reiterates its position that the annexation of the Crimea by the Russian Federation (RF) and the military intervention of Russian troops in Eastern Ukraine violate international law and principles, Supported by the Council of Europe (CoE), as referred to in Assembly resolutions 2112 (2016); 2063 (2015); 1990 (2014); 1988 (2014) (Item 2); “DNR” and “LNR”, created with the support and control of the Russian Federation, do not have any legitimacy in accordance with Ukrainian or international law (Item 3); the well-documented role of the Russian military in taking control and control of these regions is confirmed, despite strong resistance to the legitimate authority of Ukraine, and the complete dependence of the “DNR” and “LNR” on the Russian Federation in terms of material, technical, financial and administrative (Item 5); victims of human rights violations do not have effective domestic remedies at their disposal, in particular, local ‘courts’ in the “DNR” and “LNR” have no legitimacy, independence and professionalism; Ukrainian courts in neighboring areas controlled by the government, which have jurisdiction over uncontrolled areas, are difficult to access, cannot access documents in DNR and LC, and cannot enforce their decisions in these territories (Item 7) (Cited by source [10]). In this regard, the PACE urged:

1. Relevant bodies, both in Ukraine and in the Russian Federation:

- 1.1. Effectively investigate all instances of serious human rights violations allegedly committed in all areas under their effective control.

- 1.2. To bring those responsible for these violations to justice, thereby preventing any other similar violations in the future.

- 1.3. To provide the maximum possible compensation to the victims of these violations...

2. Russian power:

- 2.1. To stop their repressive actions directed against persons loyal to the Ukrainian authorities in all areas under their effective control, including in the

Crimea; In particular, to restore the historical rights of the Crimean Tatars and to promote the restoration of the rule of law throughout the territory of eastern Ukraine.

2.2. At the same time, to ensure the protection of the fundamental rights of the population of the territories under the control of DNR and LC and to meet their basic needs and to use their de facto influence for this purpose.

2.3. To promote independent monitoring of the human rights situation in all Ukrainian territories under their effective control, including in the Crimea...

3. Ukrainian power:

3.1. Simplify, as far as possible, the daily lives of residents of uncontrolled territories and displaced persons from these areas by reducing administrative procedures for access to pensions and social assistance and facilitating people's access to justice by properly equipping and staffing the courts in areas under government control, Whose jurisdiction was extended to uncontrolled territories; Regularly review and weigh the decision of Ukraine to deviate from the implementation of the International Convention on Civil and Political Rights, as well as the European Convention on Human Rights, on the basis of the principles of necessity, proportionality and non-discrimination.

4. The international community: to continue to pay attention to the situation related to the observance of human rights and the humanitarian situation of persons living in territories not under Ukrainian control and refrain from making demands to Ukraine, the implementation of which will strengthen the illegal status quo.

5. International Criminal Court: exercise its jurisdiction to the extent that it is legally possible, based on Ukraine's declarations.

Thus, although the above formulations are outwardly favorable to the victims of aggression, victims are still required to properly document all violations of relevant international acts on the part of the aggressor, and to ensure proper legislative regulation. Thus, the Parliament of Ukraine – the Verkhovna Rada of Ukraine – adopted Resolution No. 254-VIII of 17.03.2015 “On the Recognition of Certain Regions, Towns, Towns and Villages of the Donetsk and Lugansk Regions

as Temporarily Occupied Territories” [11], although in fact more significant An act would be the recognition of such a status of these territories by law.

In the Report of the International Criminal Court on November 14, 2016 on Preliminary Examination Activities (2016) [12] in the part of the section “Ukraine”, subsection “Eastern Ukraine”, the authors try to implement the principle of equal responsibility, using the language: “both sides used of military weaponry, resources of the armed forces including airplanes and helicopters were deployed by the Ukrainian Government” (Item 168); “other incidents reported include several civilians allegedly killed or injured by firearms, attributed to both pro-government forces and armed groups” (Item 178); “torture or ill treatment was reportedly perpetrated by both sides in the context of the conflict, involving several hundred alleged victims...” (Item 182) and etc. In Item 179 it is stated that “in some cases it is alleged that shelling of such objects was deliberate or indiscriminate or that civilian buildings including schools have been improperly used for military purposes”, while shyly concealed, that such ‘use’ takes place on the part of the Russian-terrorist armed forces. As correctly noted in the article [13], this approach of ‘equal responsibility’ to the aggressor and the victim can not be recognized as justified. For example, the Ukrainian writer Ya. Valetov writes that “every person who died in the Donbas, on either side, on the conscience of those who unleashed this war... Not our soldiers in a foreign territory. Not our arms flow across the border. We do not feed separatists. We did not annex part of the territory of the neighboring country... Do not come these scoundrels to our land, and there would be no destroyed cities, no graves, no war... There would not be their intrusion, their interference, their feeding for the seppine evil and nothing. This was not. The country would have lived normally for a long time” [14].

From legal point of view, according to Art. 2 Resolutions 3314 (XXIX) of the UN General Assembly of 14.12.1974, the First use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression [15]. According to Art. 51 of the UN Charter [16], nothing in the present Charter shall impair the inherent right of individual or collective self-

defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

In practice, with respect to Azerbaijan and Ukraine, no effective measures of protection have been taken, except for concern, although in particular Ukraine was once given certain guarantees in accordance with the Budapest Memorandum. Therefore, countries that are victims of aggression, taking into account already existing international acts, should make full use of the whole range of political, diplomatic, legal measures to protect their national security and territorial integrity.

References

1. Belkin L. Problemi sotsial'nikh viplat na Donbasi u konteksti rishennya Evropeys'kogo Sudu z prav lyudini [Problems of social payments in Donbas in context of the decision of the European Court on Human Rights]. Yuridichna gazeta [Juridical newspaper]. 09.12.2014, no. 42-43 (436-437), pp. 36-37.

2. Belkin L.M. Problemi derzhavnoi yurisdiktsii u konteksti zabezpechennya prav gromadyan [Issues of state jurisdiction in context of ensuring of citizens' rights]. Yuridichna nauka i praktika: vikliki chasu: Materiali 5 Mizhdunarodnoi naukovo-praktichnoi konferentsii. [Juridical Science and Practice: Materials 5th Int. Sci. Prac. Conf.]. Natsional'nyi aviatsioniyi universitet [National Aviation University], Kiev, vol. 1, pp. 127-129.

3. Gorbulin V. Gibridna viyna: vse til'ki pochinaet'sya... [Hybrid Wars: it is only beginning...]. Available at: <http://gazeta.dt.ua/internal/gibridna-viyna-vse-tilki-pochinayetsya-.html> .

4. Vseobshchaya deklaratsiya prav cheloveka: Prinyata i provozglashena v rezolutsii 217 A (III) General'noy Assamblei OON ot 10.12.1948 [Universal Declaration of Human Rights (Adopted and declared by the UN General Assembly resolution 217 A (III)), on 10.12.1948]. Available at: <http://www.un.org/en/universal-declaration-human-rights/index>

5. International Covenant on Civil and Political Rights (General Assembly resolution 2200 A) of 16.12.1966. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

6. The judgment of the ECHR of 23.03.1995 on the case “Loizidou v. Turkey (1995)” (Application № 13216/05). Available at: http://seafarersrights.org/wp/wp-content/uploads/2014/11/EUROPE_CASE_LOIZIDOU-V-TURKEY_1995_ENG.pdf

7. The judgment of the ECHR of 18.12.1996 on the case “Loizidou v. Turkey (1996)” (Application № 13216/05). Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804cb0b5>

8. Ilashku i drugie protiv Moldovy i Rossii: Reshenie ESPC ot 08.07.2004 (zhaloba no. 48787/99) [The judgment of the ECHR of 08.07.2004 on the case “Ilascu and Others v. Moldova and Russia” (Application № 48787/99)]. Available at: http://sutyajnik.ru/rus/echr/judgments/ilascu_eng.html

9. The judgment of the ECHR of 16.06.2015 on the case “Chiragov and Others v. Armenia” (Application № 13216/05). Available at: <http://www.refworld.org/cases,ECHR,5582d29d4.html>

10. Istoricheskaya rezolutsiya PACE po Rossii: polniy tekst [Historical resolution on Russia: full text]. Available at: http://news.liga.net/news/politics/13142341-istoricheskaya_rezolyutsiya_pase_po_rossii_polnyy_tekst.htm

11. Pro vizannyya okremikh rayoniv, mist, selisch i sil Donetsskoi ta Luganskoy oblastey timchasovo okupovanimi teritoriyami: Postanova Verkhovnoi Radi Ukraini, vid 17.03.2015. no. 254-VIII. [On recognizing certain regions, cities, towns and villages in Donetsk and Lugansk regions temporarily occupied territories : Resolution of the Verkhovna Rada of Ukraine of 03.17.2015], no. 254-VIII. Available at: <http://zakon2.rada.gov.ua/laws/show/254-VIII>

12. Otchyot o deystviyakh po predvaritel'nomu rassledovaniyu (2016 g.). [Report on Preliminary Examination Activities (2016)]: International Criminal Court. Available at: https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.

pdf

13. Belkin L. Nerivni, abo chomu printsip rivnoi vidpovidal'nosti Ukraini ta Rosii za viynu na Donbasi e nepripustimim [Rough, or Why the principle of equal responsibility Ukraine and Russia for the war in the Donbas is unacceptable]. Yuridichna gazeta [Juridical newspaper]. 13.12.2016, no. 49-50 (547-548), pp. 32-33.

14. Valetov Y. Dlya nih ne suschestvuet Ukraini [Ukraine does not exist for them] // Obozrevatel' [Observer]. Available at: <https://www.obozrevatel.com/blogs/02849-dlya-nih-ne-suschestvuet-ukrainyi.htm>

15. Opredelenie agressii: Utverzhdeno Rezolutsieyi 3314 (XXIX) General'noy Assamblei OON ot 14.12.1974 [United Nations General Assembly Resolution 3314 (XXIX). Definition of Aggression, of 14.12.1974]. [Available at: https://en.wikisource.org/wiki/United_Nations_General_Assembly_Resolution_3314

16. Ustav Organizatsii Ob'edinennykh Natsiy i Ustav Mezhdunarodnogo Suda [Charter of the United Nations and the Charter of the International Court]. Available at: <http://www.icj-cij.org/documents/index.php?p1=4&p2=1>