UKRAINE V. RUSSIA:

EXAMINING DISINFORMATION NARRATIVES AROUND THE ICJ CASES



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Introduction and Executive Summary

This report examines pro-Russian disinformation narratives surrounding two rulings issued by the International Court of Justice (ICJ) in 2024 relating to two *Ukraine v. Russian Federation* cases, namely the *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*, which was filed by Ukraine in 2017; and the *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide,* which was filed by Ukraine in 2022 following the start of Russia's large-scale invasion.

Since 2014, Ukraine has used a coordinated lawfare strategy to fight back against Russian aggression beyond the battlefield through a series of lawsuits filed under private and public international law. Lawfare is the strategic use of law as a substitute for traditional military means to achieve an operational objective.[1] In parallel, Russia has sought to weaponize the information sphere against Ukraine by using disinformation campaigns to legitimize its unlawful invasion and undermine global support for Ukraine as part of its information warfare strategy. While Ukraine's lawfare strategy has helped isolate Russia on the international stage and provide a legal basis for sanctions, the media coverage of the two ICJ cases has also provided Russia with an opportunity to promote its false and misleading narratives to a wider audience.

The report commences by outlining some of the key stakes surrounding the pending ICJ Genocide case and analyzing the relationship between lawfare and informational warfare. It goes on to provide an in-depth analysis of the main narratives used by Russian authorities and Russian-affiliated actors to spread false claims and misleading information online following the ICJ's 2024 rulings. The report finds that the complexity inherent to international legal processes—relating, *inter alia,* to the receivability of evidence, the interpretation of international law, and the use of legal jargon—has provided fertile ground for Russian disinformation to thrive. The report also finds that mainstream media, by failing to fully report on the nuances of the ICJ rulings and through unconsidered omissions, have often inadvertently backed pro-Russian narratives. Based on these observations, the report concludes with some policy recommendations for legal bodies and media outlets to prevent the instrumentalization and misrepresentation of their rulings.

[1] Dunlap Jr C, "Lawfare today: A perspective", *Yale J. Int'l Aff..* 2008; 3: 146.

I. What is at Stake? Understanding the Legal and Extra-legal Implications of the ICJ Genocide Case

2024 was a momentous year for Ukraine's lawfare against Russia at the International Criminal Court of Justice (ICJ). On 31 January 2024, the ICJ delivered its final judgment on the *Application of the International Convention for the Suppression of the Financing of Terrorism (ICSFT) and of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)* case, which had been filed by Ukraine against Russia on 16 January 2017. Ukraine argued that Russia failed to adequately prevent and counter terrorist financing during its occupation of parts of the Donbas region; supplied arms to proxy forces there who targeted civilians and shot down a commercial airliner; and engaged in a campaign of racial discrimination in Crimea against Crimea Tatars and ethnic Ukrainians – which could amount to violations of both the ICSFT and the CERD.

Although the vast majority of Ukraine's claims were rejected, the ICJ's final judgment did find that Russia violated Article 9(1) of the ICSFT due to its failure to investigate individuals who allegedly committed terrorism financing offences based on information provided by Ukraine, and violated Articles 2(1)(a) and 5(e)(v) of the CERD by violating the rights of ethnic Ukrainians to have access to education in Ukrainian language in Crimea.[2] The ICJ also found that Russia violated its obligations under the 2017 provisional measures order by maintaining its ban on the Mejlis, the highest representative and executive organ of Crimean Tatars in Crimea, and breaching its obligations under the non-aggravation measure.[3]

A few days later, on 2 February 2024, the ICJ issued its judgment on the preliminary objections raised by Russia on jurisdiction and admissibility in the *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* ,[4] the second case Ukraine filed against Russia in the ICJ in response to the full-scale invasion in February 2022. Ukraine claims that Russia has falsely accused Ukraine of committing genocide against Russians/Russian-speakers on its territory, specifically in the Donetsk and Luhansk oblasts, and used this accusation to "justify" the full-scale invasion in February 2022.

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[2] ICJ, *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),* Judgment, 31 January 2024, available at https://www.icj-cij.org/node/203473

[3] ICJ, *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),* Order, 19 April 2017, available at https://www.icj-cij.org/node/105443

[4] ICJ, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide*, Preliminary Objections, 2 February 2024, available at https://www.icj-cij.org/sites/default/files/case-related/182/182-20240202-jud-01-00-en.pdf

Ukraine further elaborated on its case in a memorial submitted on 1 July 2022,[5] in which they requested the court to:

> "a. Adjudge and declare that the Court has jurisdiction over this dispute.
>
> b. Adjudge and declare that there is no credible evidence that Ukraine is responsible for committing genocide in violation of the Genocide Convention in the Donetsk and Luhansk oblasts of Ukraine.
>
> c. Adjudge and declare that the Russian Federation's use of force in and against Ukraine beginning on 24 February 2022 violates Articles I and IV of the Genocide Convention.
>
> d. Adjudge and declare that the Russian Federation's recognition of the independence of the so-called "Donetsk People's Republic" and "Luhansk People's Republic" on 21 February 2022 violates Articles I and IV of the Genocide Convention."

Although the ICJ did state in its judgment that Ukraine's argumentation in relation to the aforementioned Russian claims was "plausible" and ordered Russia to halt its invasion, the ruling on the validity of Ukraine's argument within the scope of the convention was disappointing,. The Court upheld Russia's objection that false allegations of genocide fell outside the scope of the Convention on Genocide. Still, the ICJ confirmed it has jurisdiction to determine whether there is any "credible evidence that Ukraine is responsible for committing genocide in violation of the Genocide Convention in the Donetsk and Luhansk oblasts of Ukraine".[6] Thus, in the merits stage of the case, the ICJ will only examine whether Ukraine committed genocide against Russians and Russian-speakers in Ukraine (specifically in eastern Ukraine) and not address the Russian crimes committed individually or holistically in Ukraine since the full-scale invasion.

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[5] ICJ, *Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* (Memorial Submitted by Ukraine) 1 July 2022, available at 182-20220701-wri-01-00-en.pdf (icj-cij.org)

[6] ICJ, *Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* (Memorial Submitted by Ukraine) 1 July 2022, para 178, available at 182-20220701-wri-01-00-en.pdf (icj-cij.org)

A. A reversal of Ukraine's burden of proof?

In the previous ICJ case of *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)*, it was held by the Court that:

> "The Court recalls the general principle that it is for the party alleging a fact to demonstrate its existence (see paragraph 79 above). Consequently, it is for Ukraine to demonstrate the existence of the facts alleged in support of its claims."[7]

However, in the Genocide case, Ukraine is claiming the absence of a fact – the absence of a genocide committed by Ukraine. Instead, it is Russia who first put forward allegations of genocide as part of its justification for its large-scale military invasion. Russia, as the party making the claims, should be the one to have to provide "credible evidence" that Ukraine committed genocide, even though it is the respondent and not the applicant of the case. This is further supported by the principle of good faith, which means it cannot be presumed that Ukraine committed genocide; rather, this claim must be proved by credible evidence. Moreover, in the declaration Judge Tomka made in the judgments of the Genocide case:

> "The Court has recognized that the principle of *onus probandi incumbit actori* is not an absolute one applicable in all circumstances. It has underlined that "[t]he determination of the burden of proof is in reality dependent on the subject-matter and the nature of each dispute brought before the Court; it varies according to the type of facts which it is necessary to establish for the purposes of the decision of the case". In particular, when faced with a submission or claim concerning a negative fact, the Court has shown some flexibility in its approach, and, on occasion, reversed or partly reversed the burden of proof such that the applicant would not be alone in shouldering it."[8]

Thus, even though the court has taken different approaches to each case based on their merits, the burden of proof could be reversed in the merits stage of this case by falling on Russia instead of Ukraine. According to Professor Marc Weller:

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[7] ICJ, *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)*, Judgement, 31 January 2024, para 168

[8] ICJ, *Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Declaration of Judge Tomka, 2 February 2024, para 17

> "At most, it can be expected to address any purported evidence already advanced by the Russian Federation. The Russian Federation in turn would need to produce any credible evidence that may be available. If, as it has argued, the decision to launch the invasion was based on its determination that genocide was occurring, it would presumably be in possession of such evidence."[9]

B. Russia's gambit: open-source evidence as "credible evidence"

In the merits stage of the Genocide case, the need for "credible evidence" is likely to be an important focal point.[10] Russia may seek to use the ambiguity of what constitutes "credible" evidence against Ukraine, both in the information space and in the legal proceedings. As Professor William Schabas stated on the matter:

> "Not "decisive" or "convincing" evidence, merely "credible" evidence. Does this mean it will lose the case if there is a single report of an isolated Ukrainian soldier making racist statements?"[11]

That being said, it is doubtful that isolated statements from anyone would amount to "credible evidence" of genocide, especially considering how complex and difficult it is to prove genocide. Both the *actus reus* and the *mens rea* have to be proven for the threshold to be met under international criminal law. *Actus reus* refers to the physical acts of destruction or "genocidal acts of a sufficiently wide-spread nature to amount to a campaign to destroy a protected population in whole or in part".[12] *Mens rea* refers to the intent to commit genocide, which has historically been more challenging to prove in court. Specifically, this element requires proving the existence of a conspiracy to commit genocide, which can be proven either by a formal agreement or inferred from coordinated actions by individuals who have a common purpose and are acting within a shared unified framework.[13]

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[9] Weller, M, 'Time for another Ukrainian Genocide Case?', *EJIL:Talk!*, 6 February 2024, available at https://www.ejiltalk.org/time-for-another-ukrainian-genocide-case/

[10] ICJ, *Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Judgement, 2 February 2024, para 178

[11] Schabas, W, 'The Damp Squib of Third Party Intervention in Ukraine v. Russia', *EJIL:Talk!*, 5 February 2024, available at https://www.ejiltalk.org/the-damp-squib-of-third-party-intervention-in-ukraine-v-russia/

[12] Weller, M, 'Time for another Ukrainian Genocide Case?', *EJIL:Talk!*, 6 February 2024, available at https://www.ejiltalk.org/time-for-another-ukrainian-genocide-case/

[13] Human Rights Watch, 'Genocide (Article 2)', 2004, available at: https://www.hrw.org/reports/2004/ij/ictr/3.htm

One approach Russia could follow is to take a page out of South Africa's book in its ICJ case against Israel.[14] When the South African delegation made its oral argument in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* on 11 February 2024,[15] It presented an online video. The video features soldiers of the Israeli Defence Forces calling for the occupation of Gaza and chanting slogans such as "wipe off the seed of Amalek". This slogan echoed the biblical reference made by the Prime Minister of Israel, Benjamin Netanyahu in November 2023.[16] South Africa presented this video as evidence of the State of Israel's genocidal intent against Palestinians, or more specifically, of the Israeli Defence Forces' awareness of the genocidal intent of their superiors. Social media-derived information was also cited in the ICJ's 26 January 2024 ruling following South Africa's request for an indication. More specifically, the Court quoted a single Twitter/X post made by Israeli officials.[17]

While it remains to be seen how such open source-derived information will be weighed during the merits stage of the *South Africa v. Israel* case, the Court's acknowledgement and near-unanimous agreement (with only one dissenting judge) on the value of social media-derived information as potential evidence suggest its growing acceptance in the realm of international justice.

Similarly, Russia could present open source-derived information in court as evidence of the *mens rea* of the alleged genocide committed by Ukraine against Russian-speakers in Donbas. It is very likely that Russia will use the isolated statements of controversial politicians and persons of influence in Ukraine, such as the recently deceased nationalist far-right politician Iryna Farion,[18] to build a false narrative of a discriminatory environment and exterminatory practices against

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[14] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, available at https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf

[15] *THE HAGUE – The International Court of Justice (ICJ) holds public hearings in the case South Africa v. Israel - Oral argument of South Africa*, *Kaltura*, at 1:02:58, available at https://cdnapisec.kaltura.com/index.php/extwidget/preview/partner_id/2503451/uiconf_id/43914941/entry_id/1_9ho2ixvs/embed/dynamic

[16] 'Netanyahu declares holy war against Gaza, citing the Bible', *Middle East Monitor*, 29 October 2023, available at https://www.middleeastmonitor.com/20231029-netanyahu-declares-holy-war-against-gaza-citing-the-bible/

[17] ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order, 26 January 2024, para 52, available at https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf

[18] Chiu, L., 'Ultra-Nationalist Firebrand Generates Outrage by Questioning Patriotism of Russian-Speaking Ukrainian Soldiers', *Kyiv Post*, 7 November 2023, available at https://www.kyivpost.com/post/23787

Russian-speakers in Ukraine. Russia has already done so in the past, including to justify its full-scale invasion of Ukraine.

This sort of nonfactual line of argumentation would most likely not be enough to convince the Court that there was "credible evidence" of genocide against Russian-speakers in Ukraine. However, if such statements are discussed at the ICJ level, then this would have a significant impact on the information environment. This would likely empower Russian information assets to further promote the Kremlin's narrative on "Nazi Ukrainians committing genocide against Russian-speakers in Donbas" and provide them with a new momentum to spread this narrative to a larger audience.

C. The possible out-of-court impact of Russia's informational lawfare against Ukraine

While it is highly unlikely that the Court will rule in favor of Russia, the ICJ Genocide case will still provide Russia with an opportunity to further propagate its untruthful narrative and delegitimize the Ukrainian regime as part of its wider information warfare strategy against Ukraine. As a result, the ICJ case might have a greater out-of-court impact than in-court impact.

Russia's information lawfare strategy—a combination of lawfare and information warfare—would be damaging to Ukraine on the international scene. Russia is likely to use the momentum offered by the ICJ Genocide case to reinforce its information operations specifically targeting Western audiences. There is indeed a growing group of people who are discontent with their country's material support to Ukraine amid escalating world tensions and worsening economic crises. Russia's informational lawfare could therefore accelerate the deterioration of Western support to Ukraine at a critical inflection point.

Since he took office on 20 January 2025, Donald Trump has echoed many of the Kremlin's talking points in his public interventions. For instance, he has used Russian narratives, such as "Volodymyr Zelenskyy is a dictator", to pressure Ukraine into making an unfavorable deal with Russia.[19] Given the president of the United States' long track record of propagating pro-Russian narratives, there is a risk that his administration could use Russian disinformation around the ICJ case as further justification to once again suspend, reduce or even withdraw entirely its

[19] Khalil, H., 'Zelensky says Trump living in Russian 'disinformation space', *BBC*, 19 February 2025, available at https://www.bbc.com/news/articles/cvg1508r8jro

support to Ukraine, and further pressure the country into an unfair and unsustainable peace deal.

While the exact strategy Russia will choose to adopt in court and in the informational space during the merits stage of the case is yet to be known, Russia has already actively deployed disinformation narratives in response to the ICJ's 2024 rulings on the two *Ukraine v. Russian Federation* cases. These past efforts could foreshadow the strategy Russia will adopt inside the courtroom and the content of future information operations surrounding ICJ Genocide case. The second section of the report will focus on analyzing some of the narratives already put forward by Russia and pro-Russian actors in 2024.

II. Methodology

The report uses a mixed-methods approach, combining qualitative content analysis and quantitative data collection to examine how disinformation narratives surrounding the ICJ ruling on U*kraine v. Russian Federation* emerged. During the data collection period, over 300 Twitter/X posts were gathered to create a systematic database of narratives on the subject. Some of these tweets were published by official accounts belonging to the Russian authorities; others were published by suspected pro-Russian accounts. The collection period spanned from 31 January 2024 to the end of February 2024. The data set includes view counts and engagement metrics, such as likes, shares, and replies on the platform. Aside from social media content, news articles from mainstream and Russian state-aligned media were also collected to compare narratives and statements on the two ICJ cases.

After the data collection, the tweets/X posts were analyzed on keywords to cluster into distinct recurring narratives and to cluster into positive or negative frames. To ensure the data privacy of the report, only publicly available content was collected. All data has been collected in an Excel spreadsheet and labeled. For referencing purposes, we have labeled the tweets by numbers, such as *[tweet #xx].*

III. Analyzing Online Disinformation Narratives Surrounding the Case

A. Disinformation from Russian authorities

Various Russian diplomats, as well as institutions, spread misleading claims about the ICJ ruling on the *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)*.

On 31 January 2024, the Russian Ministry of Foreign Affairs (MFA) issued a press release containing the following statements (emphasis added): [20]

- The International Court of Justice did not follow Kiev's lead and **refused in principle to recognize Russia as an aggressor state**. The Court also **dismissed Ukraine's insinuations that the [Donetsk People's Republic] DPR and the [Luhansk People's Republic] LPR are allegedly terrorist organizations**.

- In addition, the Court r**ejected Ukraine's claim under the ICSFT that Russia should be held responsible for the crash of Boeing Flight MH17** and did not accept the Ukrainians' allegations that the DPR was involved in the crash.[21] During the hearing, Russia presented compelling evidence of fatal flaws in the **pseudo-international investigation of the incident by the Joint Investigation Team** under the umbrella of the Dutch justice system.

The MFA statement was later shared by the Embassy of Russia in South Africa. A few other unaffiliated Twitter accounts also cited it as a source, but, even more significantly, the statement clearly became a basis for shaping the narrative in the discussion. For example, a majority of tweets stating that the ICJ did not recognize Russia to be a terrorist or aggressor state also state that the Court also did not recognize the so-called DPR and LNR to be terrorist organizations. The reverse is also true – a majority of tweets alleging the latter also state the former.

[20] *Press release on the UN International Court of Justice's refusal to designate Russia as an aggressor state and the DPR and LPR as terrorist organisations in response to Ukraine's allegations*, Russian MFA, January 2024, available at https://mid.ru/ru/foreign_policy/news/1928844/?lang=en

[21] In the context of the confrontation between Ukraine and Russia, the downing of Malaysia Airlines Flight 17 (MH17) is a tragic and significant event. In 2014, MH17, a passenger airplane traveling from Amsterdam to Kuala Lumpur, was shot down over eastern Ukraine, killing everyone on board. The downing has been attributed by Ukraine and several other nations to Russian-backed rebels, and thereby to Russia by extension.

Considering that both claims were mentioned in the same paragraph of the MFA's statement, this likely influenced the public discussion directly.

Other narratives—when not originating from an unfortunate articulation of the process by reputable media—can also be traced back to the Russian MFA statement. It is clear that before the statement was issued, the majority of tweets were focused on stating that Ukraine lost the case. After the statement, other narratives mimicking those of the Russian MFA became more abundant and prominent.

Three days later, on 2 February 2024, MFA's spokesperson Mariia Zakharova issued a comment on the ICJ ruling on the *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, making the following statements (emphasis added):[22]

- "The collective West's unprecedented interference in the case did not help Ukraine."
- "So now the court will review only one issue – whether Ukraine committed genocide in Donbas. In other words, **Kiev has put itself in the dock as part of its own claims**."

At that point, the narratives outlined in the following section already dominated the public discussion, so the impact of the commentary is unclear.

Other notable examples of Russian authorities spreading disinformation on Twitter include the Russian MFA in Crimea sharing television reports from Kremlin-controlled Crimean channels; Mikhail Ulyanov, Permanent Representative of Russia to International Organizations in Vienna, repeating the Russian MFA's claims about the international investigation into Flight MH17 being biased; and a 19 February 2024 tweet from the Russian Embassy, UK[23].

[22] *Foreign Ministry Spokeswoman Maria Zakharova's comment on the ruling of the UN International Court of Justice to reject Ukraine's accusations that Russia violated the Genocide Convention*, Russian MFA, February 2024, https://www.mid.ru/en/foreign_policy/news/1929312/

[23] Russian Embassy, UK. [@RussianEmbassy]. (2024, February 19). *Vassily #Nebenzia: The #ICJ stating that neither the #Donetsk nor the #Luhansk People's Republics are terrorist organizations. In other words, there were no terrorists in #Donbass, but only those who demanded to respect their legal rights. And whom #Kiev began to kill instead.* [Tweet]. Twitter. https://x.com/RussianEmbassy/status/1759604537214538002



B. Main narratives

The proliferation of misinformation within the public discourse regarding the ICJ decision on the *Ukraine v. Russian Federation* cases highlights the complexities present in interpreting international legal decisions. Several narratives emerge from a thorough examination of the collected tweets of the previously stated discourse.

These narratives highlight the intricacy of international legal proceedings and the vulnerability of these discussions to misinformation and disinformation, either through omission, simplification, or deception. The key narratives identified include but are not limited to: (1) comparison to Israel; (2) references to South Africa; (3) "definite victory for Russia"; and (4) "Ukraine lost the case".

C. Comparison to Israel

Exemplary tweets:

- *"The difference between Russia and Israel is the ICJ had ample evidence of Israeli war crimes. Instead of Russia being singled out, the ICJ should have had Ukraine in the docket*

for their continued killing of ethnic Russians in the Donbas. The ICJ serves politics, not justice." [tweet #49]

- *"Ukraine, just like Israel, is losing big at the ICJ against Russia!" [tweet #58]*

The above tweets suggest an apparent contrast between the ICJ's handling of Israeli actions compared to Russian actions in Ukraine, implying a fundamental misunderstanding of the Court's functioning. For example, statements claiming: "The difference between Russia and Israel is that the ICJ had ample evidence of Israeli war crimes" suggest an oversimplified view of complex international legal processes, ignoring the fact that the ICJ adjudicates on the specificity of the cases brought before it, referring to principles of international law and the evidence submitted by the parties to the dispute.

Subsequent claims that the ICJ "serves politics, not justice" are indicative of a larger trend of mistrust and cynicism toward international legal institutions.[24] Such remarks reinforce a misconception that the ICJ preferentially targets countries based on political reasons rather than legal merit, as opposed to its function as an unbiased judicial body created to resolve legal disputes between states under international law.

D. References to South Africa

Exemplary tweet:

- *"After South Africa, ICJ sides with Russia. The International Court of Justice (ICJ) rejected Kiev's claim to recognize Russia as an "aggressor state" and the Donetsk People's Republic (DPR) and Lugansk People's Republic (LPR) as "terrorist organizations". The judges are wise." [tweet #61]*

References to other international rulings or circumstances, such as the mention of South Africa in connection with the ICJ's proceedings, might potentially lead to misinterpretation. "After South Africa, ICJ sides with Russia" is a tweet that suggests an orderly endorsement by the ICJ, with a direct comparison or rationale between unrelated cases or rulings. This remark aims to evoke an emotional response rather than provide a factual argument. The loaded language used could potentially distort the public's understanding of the judicial process by misleading readers

[24] Tuchtfeld, E., 'In international law we (do not) trust', *Völkerrechtsblog*, 16 January 2023, available at https://voelkerrechtsblog.org/in-international-law-we-do-not-trust/

on the nature of ICJ decisions, which are case-specific and do not rely on precedents from other judgments.

Oversimplified interpretations of the ICJ's rulings are frequently the source of misinformation. For example, the interpretation of the ICJ ruling as unambiguously supporting Russia, particularly in dismissing Kyiv's arguments that Russia should be recognized as an "aggressor state" or the DPR and LPR labeled as "terrorist organizations," requires a more nuanced perspective. The ICJ's legal decisions are not a blanket support or opposition to one side's position over another; rather, they are intricate and based on particular legal frameworks and evidence.

E. "Definite victory for Russia."

Exemplary tweets:

- *"'Clearly a victory for Russia' as ICJ dismisses bulk of Ukraine's terror.." [tweet #53]*
- *"The ICJ ruling was a victory for Russia, but Reuters found a way to spin the loss of the ruling into a victory for Ukraine. World Court says Russia violated parts of U.N. anti-terrorism treaty in eastern Ukraine" [tweet #4]*

The narrative focuses on the ICJ's rejection of the Ukrainian claims by applying a strong interpretation of victory, downplaying all the nuances associated with all the findings by the ICJ on Russian violations of international law. The mentioning of 'victory' aims to provoke a strong emotive response in the reader, as it implies triumph and intends to dismiss other scenarios. The second exemplary tweet emphasizes this aspect of triumph by mentioning how the media is portraying the ruling to, in the tweeter's opinion, manipulate the public.

F. "Ukraine lost the case"

Exemplary tweets:

- *"Fact check ✅There is no evidence of genocide in Ukraine and the icj recently ruled against Ukraine" [tweet #216]*
- *"ICJ Rules Against Ukraine on Terrorism, MH17" [tweet #209]*

Similarly, the "Ukraine lost the case" narrative presents the ruling as a defeat for Ukraine. However, the claim downplays the nuances of the ICJ findings and the presented evidence. The language used in the tweets is straightforward, with the words "Fact Check" aiming to shape

readers' perceptions of the credibility of the ruling. The addition of a check emoji is likely to boost perceptions of the tweet's legitimacy.

G. Additional remarks

Falsifying the ICJ's mandate and decisions can have a big effect on how the public feels about international justice. Stories that suggest a biased position, such as claiming that Ukraine is "losing big at the ICJ against Russia," misrepresent the case's facts. This deceives the public and obscures the bigger picture of how international disputes are resolved by a legal system that protects the rule of law and strives for impartiality and justice.

IV. Disinformation on social media

A. Aspects of the case tweets (1-150)

After a thorough analysis of the 1-150 tweets, the following are the predominant themes emerging within media discourse regarding *Ukraine v. Russian Federation* court case: (1) allegations of genocide committed by Russia within Ukraine; (2) accusations of genocide against Russian-speaking individuals in Eastern Ukraine by Ukraine; (3) terrorism activities; and (4) the downing of Flight MH17.

The table below contains a sample of tweets highlighting each of the previously listed concepts. It is important to note that the *Ukraine v. Russian Federation* Twitter Collection database contains a larger number of instances according to the aspects of the case that have been found. Owing to document length constraints, a restricted range of examples has been provided below.

Aspect of the case	**Links to the exemplary tweets (emphasis added by authors)**
1. Allegations of genocide by Russia in Ukraine	"The ICJ on Wednesday mostly rejected Ukraine's claims that **Russia was financing "terrorism" in eastern Ukraine**, saying only that Moscow had failed to investigate alleged breaches:" https://twitter.com/mazzenilsson/status/1752814570119336163
2. Allegations of genocide by Ukraine of Russian-speakers in eastern Ukraine.	"The difference between Russia and Israel is that the ICJ had ample evidence of Israeli war crimes. Instead of Russia being singled out, the ICJ should have had Ukraine in the docket for their **continued killing of ethnic Russians in the Donbas.** The ICJ serves politics,

	not justice:" https://twitter.com/grantyoung49/status/1752758298221412795 "Ukraine were found guilty of genocide by the ICJ, while Russia in a separate case were found not guilty of genocide. But you want to kill every one who disagrees with your Neo Nazi perspective. You go, Tim, Nazi but dim." https://x.com/SimeonWardle/status/1757041911464870140
3 Terrorism activities (Ukraine's accusations against Russia and the ICJ denial of DPR and LPR as terrorist states)	"On charges **of both financing terrorism and racial targeting of Tartars**, Russia was exonerated:" https://twitter.com/MyLordBebo/status/1752806778486636911 "World Court **rejects most of Ukraine's terror financing and discrimination case against Russia**:" https://twitter.com/PluralismGlobal/status/1752793207358788065 "ICJ **rejects most of Ukraine's 'terrorism' case** against Russia Kyiv had accused Moscow of being a 'terrorist' state and claimed it funded separatists in eastern Ukraine:" https://twitter.com/paknewsnewyork/status/1752775747562045722
4 MH17 Downing (discussions and allegations about accountability)	"UN's International Court of Justice @CIJ_ICJ **clears Russia of financing terrorism in Ukraine** leading to downing of @MAS Malaysia Airlines' flight #MH17" https://twitter.com/sn26567/status/1752755752609993065 "Tellingly it also rejected Ukraine's request for Russia to pay reparations for attacks, including flight MH17:" https://twitter.com/thesiriusreport/status/1752741758750888414 "The ICJ pretty much **dismissed all of Ukraines allegations** against Russia today. This also affects Kiev's requests on Russian reparations for MH17." https://twitter.com/MResearchacc/status/1752800661375242531

B. Genocide allegations

Genocide by Russia in Ukraine: Several tweets refer to claims or worries of actions that may be (supposedly) considered genocide that was carried out in Ukraine by the Russian military or associated organizations, particularly in seized territory. Frequently, these conversations expand to examine the broader human cost of the battle and inquire how these actions compare to international legal norms for genocide.

Genocide by Ukraine of Russian-speakers in Eastern Ukraine: Russia responds by claiming that Ukraine is carrying out genocide against Eastern Ukrainians who speak Russian, utilizing these grave allegations as justification for its military incursions.

C. Terrorism allegations

The main topic of discourse is, in most cases, Ukraine's accusations of Russia supporting terrorism. It is alleged in the tweets that the separatist rebels in Eastern Ukraine are receiving everything from financial support to armaments and even logistical support. These groups are considered terrorist organizations by Ukraine. The Joint Investigation Team (JIT) found that Russia provided financial support to separatist rebel groups. In February 2024, it was found by the ICJ that Russia provided separatist groups with financial support but without terrorist intent.[25]

D. MH17 downing

References to MH17 within the tweets allude to conversations or claims concerning responsibility and the legal obligations of those concerned in the downing of MH17.

Aspects of the case tweets (151-309)

This section will dive into the themes and narratives identified in tweets numbered 151-309 concerning the *Ukraine v. Russian Federation* case. The analysis of the tweets aims to identify the angles taken to understand how public discourse is shaped and influenced by different interpretations concerning the ICJ's ruling. The predominant themes identified emerging in the discourse are: (1) media silence; (2) denial of Russian aggression; and (3) terrorism activities.

[25] 'World Court dismisses much of Ukraine's case against Russia', *Reuters*, February 2024, https://www.reuters.com/world/europe/world-court-rule-whether-russia-violated-international-treaties-ukraine-2024-01-31/

Aspect of the case	Links to exemplary tweets (emphasis added)
1. Media coverage during ICJ ruling	🧵🇷🇺🇺🇦 It is amusing how most of the Western media basically **ignored or played down** the ICJ ruling on Russia-Ukraine yesterday. The ICJ shut down almost ALL of Ukraine's claims and gave Russia a small slap on the hand for failing to investigate the funding of LPR/DPR militias. https://twitter.com/reivajyp7/status/1753198795154760018
2. Denial of Russian aggression	ICJ rejects **Kiev's claim** to recognize Russia as aggressor state https://twitter.com/gold_hadas/status/1753051157268721940 THE INTERNATIONAL COURT OF JUSTICE #ICJ HAS NOT RECOGNIZED #RUSSIA AS AN "#AGGRESSORCOUNTRY" The court also refused to recognize the #DPR and #LPR as "#terrorist #organizations" based on the (#false) accusations from #Ukraine. https://twitter.com/doyaksec/status/1754160736534667736 ICJ "did not follow Kyiv's lead and refused to recognise Russia as an 'aggressor state' on principle, and denied that the DPR and LPR [the Donetsk and Luhansk 'People's Republics'] are terrorist organisations". https://twitter.com/periucs/status/1754254407577763922
3. Terrorism activities (Ukraine accusing Russia	One more time:

of terrorist activities)	ICJ in his final Judgement stated: 1. Russia is NOT an Aggressor State. 2. DPR, LPR are NOT Terrorist organisations. That means that all these 7-8 years 🇺🇦Ukrainian Government and its 🇺🇸🇬🇧🇪🇺Donors have been Killing Peaceful Civilians, their own citizens. https://twitter.com/Nyetspasiba/status/1753722085619200163 The ICJ has denied all ukranian claims that DNR and LPR was bombing ukraine. But cool story. https://twitter.com/adeyevmadeyev/status/1755329480896233482 The ICJ rejected labeling Russia as an "aggressor state" or a "Terrorist state", womp womp. Furthermore, they accepted a case to investigate the organized genocide of Donbas ethnic Russians at the hands of Ukraine. https://twitter.com/Ruskyyyyyy/status/1755051923366174739

V. Disinformation in media articles

A. Articles containing disinformation

1. Definition of aligned media outlets

The term ‘aligned media outlets’ refers to news organizations that often reflect the perspectives and interests of specific states or political entities. While they might provide factual information, their reporting is typically influenced by the agendas of the states or entities they align with,

compromising their credibility and objectivity. Russia employs state controlled outlets such as RT and Sputnik to advance its narrative as a strategic tool to influence the media. Moreover, in their war on information, Russia weaponized the aligned media outlets to disseminate large quantities of false narratives and disinformation narratives further spreading misinformation.[26] State-aligned media report on events but shape and amplify the narratives that emerge on social media surrounding the ICJ case. By selectively reporting on key aspects of the ruling they aim to emphasize the outcomes and validate the claims such as the narratives discovered such as "Ukraine Lost the Case". Through the reinforcement of these narratives, through the media outlets, the disinformation is systematically embedded into the information ecosystem. Through the analysis of the commonalities in the retrieved articles surrounding the court cases, specific attention has been put on the use of language and mostly key loaded words evoking an emotional reaction.

2. Commonalities in articles and narrative angles

Upon reviewing various articles covering the ICJ ruling on Ukraine's case against Russia, several commonalities emerge. These articles often share narrative angles that align closely with specific geopolitical interests, particularly those of the Russian state. Here are the key commonalities observed:

Russian state-aligned narratives

Many articles highlight the dismissal of the majority of Ukraine's claims and frame the ICJ ruling as a significant victory for Russia, therefore emphasizing a favorable outcome for Russia. This narrative is prevalent in state-aligned media, reinforcing the perspective that Russia has been vindicated on the international stage. The articles often downplay or omit the ICJ's criticisms of Russia, such as the Court's acknowledgement that Russia failed to investigate potential terrorism financing adequately. This selective reporting helps to maintain a positive image of Russia, and can mislead readers by not providing a complete picture of the Court's decision. Furthermore, articles that amplify narratives promoted by Russian state media and diplomatic channels shape public discourse in a manner that supports Russia's geopolitical interests and undermines Ukraine's position.

[26] Jowett, G. S. & O'Donnell, V., *Propaganda & Persuasion*, SAGE Publications, 2018.

Discrediting Ukraine

A common theme is the effort to undermine Ukraine's credibility by portraying its legal actions as baseless or politically motivated, a narrative that aligns with the broader goal of discrediting Ukraine on the international stage and questioning the legitimacy of its claims. Some articles go even further by suggesting that Ukraine fabricated its claims to manipulate international opinion, thereby reinforcing the narrative that Ukraine is not trustworthy.

Questioning western media and legal institutions

Several articles cast doubt on the reliability of western media by suggesting that it is biased against Russia and complicit in spreading misinformation, a narrative that aims to foster mistrust among readers towards these outlets. At the same time, by questioning the integrity of the ICJ and other international legal bodies, these articles imply that these institutions are driven by political motives rather than legal merit, thereby fostering a broader narrative of mistrust in international justice.

B. Analysis of specific articles

1. "ICJ rejects most of Ukraine's 'terror' case against Russia", *TRT World*:[27]
    - This article emphasizes the rejection of most of Ukraine's claims while briefly acknowledging Russia's failure to investigate potential terrorism financing. The narrative aligns with Russia's portrayal of the ICJ ruling as a significant legal victory.
2. "ICJ Rules Against Ukraine on Terrorism, MH17", *Consortium News*:[28]
    - This piece similarly focuses on the dismissal of Ukraine's claims and the court's refusal to hold Russia accountable for the downing of Flight MH17. It underlines Russia's non-involvement, which is a central theme in Russian state narratives.
3. "ICJ rejects Ukraine's 2016 cases accusing Russia of terrorism", *Peoples Dispatch*:[29]

[27] 'ICJ rejects most of Ukraine's 'terror' case against Russia', *TRTWorld*, January 2024, available at https://www.trtworld.com/europe/icj-rejects-most-of-ukraines-terror-case-against-russia-16821608
[28] Joe Lauria, 'ICJ Rules Against Ukraine on Terrorism, MH17', *Consortium News*, 1 February 2024, available at https://consortiumnews.com/2024/02/01/icj-rules-against-ukraine-v-russia-on-terrorism-mh17/
[29] 'ICJ rejects Ukraine's 2016 cases accusing Russia of terrorism', *Peoples Dispatch*, 1 February 2024, available at https://peoplesdispatch.org/2024/02/01/icj-rejects-ukraines-2016-cases-accusing-russia-of-terrorism/

- This article highlights the rejection of Ukraine's accusations of terrorism and racial discrimination, framing the ICJ's decision as a broader vindication of Russia's actions in Donbass and Crimea.

4. "ICJ rejects Kiev's claim to recognize Russia as aggressor state", *Al Mayadeen English*:[30]
    - The emphasis here is on the ICJ's refusal to label Russia as an aggressor state and to recognize the DPR and LPR as terrorist organizations. This article supports the narrative that Ukraine's legal claims lack merit and are part of a politically motivated campaign.
5. "ICJ Drops Bombshell: Ukraine's Lies Exposed About Russia!", *TFIGlobal*:[31]
    - This article goes further by accusing Ukraine of fabricating claims and using the court case to manipulate international opinion. It underscores a narrative that positions Ukraine as deceptive and the ICJ's ruling as a complete repudiation of its allegations.

VI. Misleading articles containing bias and loaded words

Misleading articles on the subject are titled in a way that implies that Ukraine lost the case. For instance, while neither the titles nor the articles contain untrue information, by reading only the title and the first couple of paragraphs (which is often the case with articles shared on Twitter), a reader is left with an incomplete picture of the Court's decision, which is then easily further entrenched by the non-factual claims of some Twitter users.

For example, an article by Reuters titled "*Top UN court rejects most of Ukraine's 'terror' case against Russia*" opens with a summary of the ruling by mentioning the decisions and MH17.[32] From skimming the headline and this summary, the reader can quickly grasp the thrust of the article without reading further.

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[30] 'ICJ rejects Kiev's claim to recognize Russia as aggressor state', *Al Mayadeen English*, 1 February 2024, available at https://english.almayadeen.net/news/politics/icj-rejects-kiev-s-claim-to-recognize-russia-as-aggressor-st

[31] Atul, K. M., 'ICJ Drops Bombshell: Ukraine's Lies Exposed About Russia!', *TFIGlobal*, 20 February 2024, available at https://tfiglobalnews.com/2024/02/20/icj-drops-bombshell-ukraines-lies-exposed-about-russia/

[32] 'Top UN court rejects most of Ukraine's 'terror' case against Russia', *Reuters*, 31 January 2024, available at https://www.abc.net.au/news/2024-02-01/un-court-rejects-most-of-ukraine-case-against-russia/103412306

The most used item on Twitter was a *France 24* video report titled: *"'Clearly a victory for Russia' as ICJ dismisses bulk of Ukraine's terror case against Russia"*.[33] In it, the journalist states that the case was "clearly a victory for Russia", and only later mentions the reasons for some of the claims' rejection. The reporting omits crucial details that would present a more balanced view. Often in reporting, points are downplayed or omitted in the summaries and headings due to length constraints. Therefore, for readers to be able to grasp the context of the ruling and decisions, article titles need to be neutral and void of loaded language to avoid the spread of disinformation and misunderstanding of the context.

An *Al Jazeera* article titled "*ICJ rejects most of Ukraine's 'terrorism' case against Russia*" has a summary stating that "Kyiv had accused Moscow of being a 'terrorist' state and claimed it funded separatists in eastern Ukraine."[34] The summary is biased, using loaded language to evoke strong emotional responses. By using the words "accused" and putting "terrorist" in parentheses, it highlights the strong act of Ukraine's accusations and questions their legitimacy without adding context on the Court's decision. Moreover, the decision to frame it as a loss for Ukraine shows a lack of nuance that omits the Court's findings. By omitting the nuanced aspects of the ruling, such as the Court's acknowledgment of Russia's partial violations, the articles create a simplified and one-sided narrative that benefits Russia.

While the articles reviewed do not necessarily come from disreputable sources, their alignment with specific state narratives, selective reporting, and emphasis on particular angles contribute to a skewed portrayal of the ICJ's ruling. These articles serve to reinforce geopolitical narratives favorable to Russia and undermine the credibility of Ukraine and Western institutions. Understanding the context and motivations behind these articles is crucial for a comprehensive analysis of the information landscape surrounding the ICJ's decision.

By recognizing the commonalities in these narratives and their alignment with specific geopolitical interests, readers can develop a more critical perspective on the information presented and better understand the broader context of international legal disputes. This awareness is essential for navigating the complex media landscape and discerning the underlying motivations behind different narratives.

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[33] 'Clearly a victory for Russia' as ICJ dismisses bulk of Ukraine's terror case against Russia', *France 24*, 31 January 2024, available at https://www.youtube.com/watch?v=4uOVAjIYUaA

[34] 'ICJ rejects most of Ukraine's 'terrorism' case against Russia', *Al Jazeera*, 31 January 2024, available at https://1-e8259.azureedge.net/news/2024/1/31/icj-rejects-most-of-ukraines-terrorism-case-against-russia

VII. Policy Recommendations

We recommend that legal bodies ruling on cases such as *Ukraine v. Russian Federation* make information about their rulings and decisions more readily accessible for readers. Considering the variety of narratives concerning the *Ukraine v. Russian Federation* case, in both public discourse and in articles, increasing accessibility of rulings may contribute meaningfully to a reduction in disinformation. Some legal bodies such as the International Criminal Court (ICC) have committed to promoting access to justice, in part by improving access to information.[35] In a report delivered at the 47th session of the Human Rights Council on disinformation and freedom of expression, the UN Special Rapporteur called for holistic responses from states to disinformation.[36] While these recommendations are intended for states, independent legal bodies can also contribute meaningfully and address dis- and misinformation, particularly through the provision of factual information to free, independent, and diverse media outlets.

One of the commonalities observed in the narratives surrounding *Ukraine v. Russian Federation* includes that of selective reporting, wherein reporting focused on specific aspects of the ICJ ruling and omitted nuances through ways that are favourable to Russia's preferred narratives. Considering the increasing role of social media in facilitating public discourse, legal bodies such as the ICJ may want to consider 'translating' their rulings and decisions into language that is more accessible to individuals without legal knowledge, and to provide this information in a consistent way on social media platforms such as X/Twitter and through their website. Considering policies and legal decisions can be interpreted in a variety of ways by the individuals responsible for enacting them, this form of knowledge translation may lead to more successful implementation and diffusion of policies from legal bodies to other institutions.[37]

Beyond legal bodies, media outlets should consider adopting appropriate editorial and training policies to prevent the spread of misinformation. The rhetoric provided by media outlets highly influences people's beliefs and behaviors, and thus can significantly contribute to misinformation.[38] While the information presented within articles may be accurate, media

[35] International Criminal Court (ICC), 'Promoting Access to Justice', ICC, 2025, available at https://www.icc-cpi.int/get-involved/access-to-justice
[36] United Nations Human Rights Council Report by Special Rapporteur Irene Khan, UN Doc A/HRC/47/25, 13 April 2021
[37] Stone, D., 'Transfer and Translation of Policy', *Policy Studies,* 33: 6, pp.483-499, 2012, available at https://doi.org/10.1080/01442872.2012.695933
[38] Bateman, J. & Jackson, D., *Countering Disinformation Effectively: An Evidence-Based Policy Guide*, Carnegie Endowment for International Peace, 2024, available at https://carnegieendowment.org/research/2024/01/countering-disinformation-effectively-an-evidence-based-policy-guide?lang=en

outlets should consider if the titles of articles provide an accurate depiction of a trial's outcome. This is particularly relevant for media outlets which implement paywalls. If the freely available information presents a skewed depiction of a trial because relevant qualifying information is behind the paywall, the article may contribute to the proliferation of misinformation. Article titles should be representative of the content within an article, and should be neutral and without loaded language. On an organizational level, media outlets may consider providing information regarding common disinformation campaigns (e.g. state narratives in relation to Russia's war on Ukraine) to their journalists tasked with reporting on trials such as that of *Ukraine v. Russian Federation* at the ICJ. Considering the financial constraints of many media outlets, organizations may consider directing journalists to publicly available open-source intelligence tools and tutorials, such as that of OFU's OSINT Toolkit.