Request for Advisory Opinion by Rencontre Africaine pour la Défense des Droits de l'Homme (Advisory Opinion) (2017) 2 AfCLR 594

Application 002/2014, *Request for Advisory Opinion by Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO)*

Advisory Opinion, 28 September 2017. Done in English and French, the French text being authoritative.

Judges: ORE, KIOKO, NIYUNGEKO, GUISSE, BEN ACHOUR, BOSSA and MATUSSE

The Court held that it did not have jurisdiction to consider a request for an Advisory Opinion by an NGO which was not recognised by the African Union.

Jurisdiction (request advisory opinion, African organisation, 30-32, recognized by the African Union, 36, 37)

Separate opinion: BEN ACHOUR

Jurisdiction (request for advisory opinion, 8, 9)

Separate opinion: MATUSSE

Procedure (decision, 13, 15, 20)

I. The Applicant

1. This Request dated 18 June 2014, was filed at the Registry on 19 June 2014 by *Rencontre Africain pour la Défense des Droits de L'homme* (hereinafter referred to as "the Applicant").

2. The Applicant states that it is a Non-Governmental Human Rights Organisation founded in 1990 in Senegal by Africans of different origins, whose main mission is to "promote, defend and protect human rights in Africa and across the world."

II. Circumstances and subject of the request

3. The Applicant avers that as part of fulfilling its mission, it is "… seized whenever a legal fact, where the violation of human rights and certain provisions of national, regional and international legal instruments occurs. This is the case with unconstitutional changes of government and human rights violations in a State Party to regional and international instruments, such as violations of freedom of movement, freedom of expression, demonstration, meeting and participation, attacks on the independence of the judiciary, torture, crimes against humanity, violations of international law and international humanitarian law." Through this request for Advisory Opinion, the Applicant is of the

view, aims at achieving greater "... efficiency in its actions and ensure better information of the victims..."

4. The Request for Advisory Opinion is based on three key questions:

5. Firstly, the Applicant requests the Court for clarification as to whether, in light of Article 13 of the African Charter on Human and Peoples' Rights (herein-after referred to as "the Charter"); Article 23 of the African Charter on Democracy, Elections and Governance (hereinafter referred to as "the African Charter on Democracy); Article 4 of the Constitutive Act of the African Union; and Article 25 of the International Covenant on Civil and Political Rights (hereinafter referred to as "the ICCPR"):

a. It is possible to institute legal action before the Commission or the Court against a State following an unconstitutional change of government, especially since no national court has the jurisdiction to examine such an action.

b. If so, which entity would be entitled to initiate such action; the citizens of the country concerned, or any African Non-Governmental human rights Organisation recognized by the African Union and within what time limit?

c. If, following an unconstitutional change of government, presidential elections are organized, will this new factor obviate any action against the State under accusation for the aforesaid change of government?

6. Secondly, the Applicant prays the Court to clarify:

a. The meaning of the expression "serious or massive violations of human and peoples' rights", referred to in Article 58(1) of the Charter;

b. Whether the foregoing provision involves only the direct responsibility of the State or whether it also applies to the State's indirect responsibility, where the violations in question stem from acts committed by pro-government militia or from the inaction of the State; and

c. What criteria should apply in determining the emergency situation referred to in Article 58(3) of the Charter.

7. Thirdly, the Applicant prays the Court to provide clarification on the question as to whether the fairness and impartiality of the justice system as contemplated by Article 7 of the Charter, Article 14 of the ICCPR and the Commission Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003) are compatible with the expression of political support to government by the judiciary or by its senior officers, particularly when such support is expressed collectively (through demonstration) or in the discharge of the judicial function

through various forms of zealous actions, such as the establishment of special chambers to try opposition figures, or the refusal to investigate complaints brought by persons suspected of being hostile to the ruling government.

III. Procedure before the Court

8. The Request for Advisory Opinion dated 18 June 2014, was received at the Registry on 19 June 2014.

9. By a letter dated 23 September 2014, the Registry notified the Applicant of the registration of its Request for Advisory Opinion and urging it to comply with Rule 68 of the Rules of Court (hereinafter referred to as "the Rules") and to resubmit the same within 30 days, if it so wishes.

10. On 8 November 2014, the Applicant filed an amended Request.

11. By a letter dated 17 March 2015, the Registry, pursuant to the provisions of Rule 68 (3) of the Rules, enquired from the Commission whether the subject of the Request relates to any matter pending before it.

12. On 8 June 2015, the Registry transmitted the Request and the annexes to the entities listed under Rule 69 of the Rules.

13. By an email of 13 May 2015, the Commission confirmed that the subject of the Request does not relate to any matter pending before it.

14. At its 38th Ordinary Session held from 31 August to 9 September 2015, pursuant to Rule 70 of the Rules**,** the Court decided to extend to 10 October, 2015, the period initially set for submission of written pleadings by the entities listed in Rule 69 of the Rules.

15. By a letter dated 25 September 2015, the Registry notified the entities in Rule 69 of the Rules that pursuant to Rule 70 of the Rules**,** the Court had extended to 10 October 2015 the period initially set for submission of written pleadings.

16. At its 39th Ordinary Session held from 9 to 22 November 2015, the Court decided, on its own, to extend to 31 January 2016, the period for submission of written pleadings by the entities referred to in Rule 69 of the Rules.

17. By a letter dated 5 January 2016, the Registry notified the entities listed in Rule 69 of the Rules that period for submission of written pleadings has been extended to 15 February 2016.

18. On 30 April 2016, the Registry received written submissions from the Republic of Kenya.

19. Since the Republic of Kenya filed its written observations out of time (see paragraphs 17 and 18 of the instant Opinion), the Court decided, *suo motu,* to accept the said observations in terms of Rules 70(1) of its Rules.

20. At its 41st Ordinary Session, held from 16 May to 3 June 2016, the Court decided to close the procedure for the filing of written submissions.

IV. Jurisdiction of the Court

21. In accordance with the provisions of Rule 39, which is applied by virtue of Rule 72 of the Rules, "The Court shall apply, *mutatis mutandis*, the provisions of Part IV of these Rules to the extent that it deems them to be appropriate and acceptable".
22. In accordance with Rule 39 of the Rules, "The Court shall conduct preliminary examination of its jurisdiction…"
23. From the provisions of these Rules, the Court must determine whether it has jurisdiction to give an opinion on the Request before it.
24. In determining whether it has personal jurisdiction in the instant matter, the Court must satisfy itself that the Applicant is amongst the entities entitled to request for advisory opinion under Article 4(1) of the Protocol to the African Charter on Human and peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as the "Protocol").

IV. Applicant's arguments

25. The Applicant contends that, under Article 4 of the Protocol and Rules 26(b) and 68 of its Rules, the Court has jurisdiction *ratione personae* to examine the Request as it is filed by an organisation recognized by the African Union by virtue of its Observer Status before the Commission.

A. Submissions of the Republic of Kenya

26. The Republic of Kenya, recalling the provisions of Articles 5(3) and 34(6) of the Protocol, holds that seizure of the Court by individuals and Non-Governmental Organisations is contemplated by the texts, and as such, does not contest the Applicant's entitlement to bring a Request for Advisory Opinion before the Court.

B. The position of the Court

27. Article 4(1) of the Protocol provides that "At the request of a Member State of the [African Union], the AU], any of its organs, or any African organization recognised by the [AU], the Court may provide an opinion on any legal matter relating to the Charter or any other relevant human rights instruments…"

28. The fact that the NGO which filed the request does not fall within the first three categories within the meaning of Article 4(1) of the Protocol is not contested.

29. The first question which arises is whether the NGO is of the fourth category, that is, whether it is an "African organisation" within the meaning of Article 4(1) of the Protocol.

30. On this issue, the Court has, in its Advisory Opinion Socio-Economic Rights and Accountability Project (SERAP) established that the term "organisation" used in Article 4(1) of the Protocol covers both non-governmental organisations and inter-governmental organisations.[1]

31. As regards the appellation "African", the Court has established that an organisation may be considered as "African" if it is registered in an African country and has branches at the sub-regional, regional or continental levels, and if it carries out activities beyond the country where it is registered.[2]

32. The Court notes that the Applicant is registered in Senegal and with its Observer Status before the Commission, is entitled to carry out its activities beyond the country in which it is registered. The Court concludes that the Applicant is an "African Organisation" in terms of Article 4(1) of the Protocol.

33. The second question that follows is whether the Applicant is recognised by the African Union.

34. The Court notes that the Applicant has relied on its Observer Status before the Commission to contend that it is recognised by the African Union.

35. In this respect, the Court has, in the afore-mentioned SERAP Advisory Opinion, indicated that Observer Status before any African Union organ does not amount to recognition by the latter. It has thus established that only the NGOs recognised by the African Union itself are covered by Article 4(1) of the Protocol.[3]

36. The Court has further established that recognition of NGOs by the African Union is through the granting of Observer Status or the signing of a Memorandum of Understanding and Cooperation between the African Union and those NGOs.[4]

37. In the instant case, the Applicant has not claimed and has not provided proof as to its Observer Status before the African Union or

1 Request for Advisory Opinion by *Socio-Economic Rights and Accountability Project* (SERAP), Request No. 001/2013, Advisory Opinion of 26 May 2017, Para 46.

2 *Idem*, para 48.

3 *Idem*, para 53.

4 *Idem*, para 64.

that it has signed any Memorandum of Understanding with the Union.

38. From the foregoing, the Court finds that, although the Applicant is an African organisation within the meaning of Article 4(1) of the Protocol, it lacks the second essential condition required by this provision as a basis for the Court's jurisdiction, namely, to be "recognised by the African Union".

39. For the above reasons,

The Court

Unanimously:

i. *Finds* that it is not able to give the Advisory Opinion which was requested of it.

Separate opinion: BEN ACHOUR

1. The four opinions rendered on 28 September 2017, reproduces *in extenso* the grounds adduced in the SERAP Opinion of 26 May 2017. That individual opinion merely affirms the opinion we had expressed in the SERAP Opinion.

2. The Court once again finds itself unable to address the four requests for Advisory Opinion and is constrained to not respond to the legal issues of utmost significance raised by the NGOs[1] in regard to the interpretation of the African Charter on Human and Peoples' Rights (hereinafter referred to as "the Charter") and the Protocol to the Charter establishing the African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol"), or other relevant human rights instruments in Africa such as the African Charter on Democracy, Elections and Governance or the Protocol to the Charter on the Rights of Women in Africa (the Maputo Protocol).

3. I am by an large in agreement with the reasoning and justifications developed by the Court on the four Opinions in its ruling that "recognition

1 The NGOs concerned are:

- Centre for Human Rights of the University of Pretoria (CHR) & the Coalition of African Lesbians;
- African Association for the Defence of Human Rights (ASADHO);
- Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO);
- The Centre of Human Rights, University of Pretoria; Federation of Women Lawyers in Kenya ; Women Advocates Research and Documentation Centre and Zimbabwe Women Lawyers Association.

of NGOs by the African Union is subject to the granting of Observer Status or the signing of a Protocol or Cooperation Agreement between the African Union and the NGOs concerned" (paragraph 54 of the Opinion on the Centre and the Coalition).

4. The Court had no choice and could not have done otherwise. Its hands were "tied" by the explicit terms of Article 4(1) of its Protocol[2] and by the restrictive practice of the Union in matters of granting observer status to NGOs.

5. In the four Opinions rendered on 28 September 2017 at the request of several NGOs, all having observer status before the African Commission on Human and Peoples' Rights, the Court came up against the concept of "African organisation recognized by the African Union", as used in Article 4(1) of the Protocol.

6. It is noteworthy that Article 4(1) of the Protocol on institutions entitled to seek the Court's Advisory Opinion is paradoxically more restrictive than Article 5(3) of the Protocol on NGOs entitled to refer cases to the Court. Whereas Article 4(1) provides that "At the request [...] of any African organization recognized by the OAU, the Court may provide an opinion on any legal matter relating to the Charter or any other relevant human rights instrument", Article 5(3) of the Protocol states that "the Court may entitle relevant non-governmental organizations (NGOs) with observer status before the Commission ... to institute cases directly before it, in accordance with Article 34(6) of this Protocol".

7. Review of this article shows that, in the case of NGOs, referrals in contentious matters are less restrictive than in matters of Advisory Opinion because in seizing the Court on contentious matters, the NGO merely needs to have an observer status with the Commission[3], whereas it needs to be *recognised* by the AU to seek the Court's advisory opinion.

8. The novelty in the four Opinions rendered on 28 September 2017, lies in the formulation of the operative provisions. Instead of stating, as it did in the SERAP Opinion, that the Court "declares that it has no personal jurisdiction to issue the Opinion sought", the Court, in the four Opinions of 28 September 2017, states "that it cannot issue the Advisory Opinion requested of it", thus adopting the position of the

2 "At the request of a Member State of the OAU, the OAU, any of its organs or any African organization recognized by the OAU, the Court may provide an Opinion on any legal matter relating to the Charter or any other relevant human rights instrument, provided that the subject matter of the Opinion is not related to a matter being examined by the Commission".

3 Clearly on condition that the State has subscribed to the jurisdiction clause set forth in Article 34 (6) of the Protocol.

International Court of Justice (ICJ) Advisory Opinion of 8 July 1996 on the *Legality of the threats of use of nuclear weapons,* which Opinion we had advocated in the case of SERAP.

9. In conclusion, we wish to reiterate our hope that the African Union will amend Article 4 (1) of the Protocol with a view to opening up possibilities for referrals to AfCHPR and relaxing the conditions required of NGOS to bring their request for Advisory Opinion within the ambit of the Court's jurisdiction; or, the way of amendment being uncertain, to broaden its criteria for granting observer status to include NGOs with similar status before the Banjul Commission.

Separate opinion: MATUSSE

1. The Court, unanimously, held that it did not have jurisdiction *ratione personae* to issue the Advisory Opinion requested by RADDOH, yet names the procedure by which it arrived at that conclusion an "Advisory Opinion", a view that I do not endorse. I, hereby, set my separate opinion on record on the following grounds:

I. The form of the Court's acts

2. The legal instruments governing the Court, namely, the Protocol[1] and the Rules of the Court are silent regarding the designation of each of the different forms that its acts may take. That notwithstanding, the practice that has become the norm is the use of the following terms: "Order", "Ruling", "Decision" and "Judgment".

3. When adopting the terms hereinabove, the Court has not been consistent in its practice in that it has used the same expression to designate different things at different times, as demonstrated herein below.

1 Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights.

II. The practice of the Court

4. In the Requests for Advisory Opinion Nos. 002/2011,[2] 001/2012[3] and 001/2014,[4] the Court used the expression "Order" to designate the act through which it struck out the request due to the fact that the applicants had either given up on them or had lost interest in pursuing the matter.

5. In the Request for Advisory Opinion No. 002/2012,[5] the Court used the expression "Order" to hold that it was not going to entertain the request due to the fact that the same was pending before the African Commission on Human and People's Rights (the Commission).

6. In the Request for Advisory Opinion No. 001/2015,[6] the Court used the expression "Order" to strike out the request for failure, on the part of the author, to specify the legal provision of the Charter or of any other human rights instrument in relation to which the Court's Opinion was sought, as provided for under Rule 68(2) of the Court's Rules.

7. In the Request for Advisory Opinion No. 002/2013,[7] the Court pronounced itself on the merits of the request by means of an "Advisory Opinion".

8. In other words, in instances where the Court did not get to the examination of the merits of the request and decided to strike it out due to either lack of interest on the part of the author or to failure to comply with the requirements laid down in Article 68, the Court has preferred the term "Order".

9. In contentious matters, the Court issued an "Order" to declare that it lacked jurisdiction to examine the matter,[8] to hold that it was to

2 Request for Advisory Opinion by Advocate Marcel Ceccaldi on behalf of the Great Socialist People's Libyan Jamahiriya, Judgement of 30 March 2012.

3 Request for Advisory Opinion by The Socio-Economic Rights & Accountability Project (SERAP), "Order" of 15 March 2013.

4 Request No 001/2014 - Coalition on the International Criminal Court Ltd/gte(ciccn),Legal Defence & Assistance Project Ltd/gte (LEDAP), Civil Resource Development & Documentation Center (Cirddoc) and Women Advocates Documentation Center Ltd/gte(WARDC), "Order" of 05 June 2015.

5 Request No 002/2012 - The Pan African Lawyers' Union (PALU) and Southern African Litigation Centre (SALC), "Order" of 15 March 2013.

6 Request No 001/2015 - Coalition on International Criminal Court LTD/GTE, "Order" of 29 November 2015.

7 Request No 002/2013 - The African Committee of Experts on the Rights and Welfare of the Child on the Standing of the African Committee of Experts on the Rights and Welfare of the Child before the African Court on Human and Peoples' Rights, "Order" of 05 December 2014.

8 App. No. 019/2015 – *Femi Falana v African Commission on Human and Peoples' Rights*, "Order" of 20 November 2015.

continue examining the matter,[9] to decide that it was going to merge the applications[10] and to strike the application due to lack of interest on the part of the applicant to pursue the matter.[11]

10. Still in respect to contentious matters, the Court used a Judgment to declare that some applications were inadmissible,[12] and to declare that it lacked jurisdiction.[13] The expression "Order" is also used in most of the Orders for Provisional Measures that the Court has issued.[14]

11. The Court has extensively used the expression "Decision" to declare that it lacked jurisdiction in contentious matters.[15]

III. Analysis

12. In the instant case, the Court found that it lacks jurisdiction *ratione personae*, and yet it designated the act by which it arrived at that conclusion an "Advisory Opinion", which looks, at least, contradictory.

13. For me, the Court either has jurisdiction hence moves on to issue

9 App. No. 016/2015 – *General Kayumba Nyamwasa And Others v Republic of Rwanda*, "Order" of 03 June 2016.

10 App. Nos. 009&011/2011 – *Tanganyika Law Society and Legal and Human Rights Centre and Reverend Christopher R. Mtikila v United Republic of Tanzania*, "Order" of 22 September 2011.

11 App. No. 002/2015 – *Collectif Des Anciens Travailleurs du Laboratoire (ALS) v Republic of Mali*, "Order" of 05 September 2016.

12 App. No. 003/2012 – *Peter Joseph Chacha v United Republic of Tanzania*, "Ruling" of 28 March 2014; App. No. 003/2011 – *Urban Mkandawire v Republic of Malawi*, "Judgment" of 21 June 2013.

13 App. No 001/2008: *Michelot Yogogombaye v Republic of Senegal*, "Judgment" of 15 December 2009; App: No. 001/2011 – *Femi Falana v African Union*, "Judgement" of 26 June 2012.

14 Namely: APP. No. 016/2015 – *General Kayumba Nyamwasa And Others v Republic of Rwanda*, "Order" of 24 March 2017. App. No. 004/2013 – *Lohe Issa Konate v Burkina Faso*, "Order" of 04 October 2013; App. No. 002/2013 – *The African Commission on Human and Peoples' Rights v Libya*, "Order" of 15 March 2013.

15 App. No. 002/2011 – *Soufiane Ababou v Peoples' Democratic Republic of Algeria,* "Decision" of 16 June 2011; App. No. 005/2011 – *Daniel Amare and Mulugeta Amare v Republic of Mozambique and Mozambique Airlines*, "Decision" of 16 June 2011; App. No. 006/2011 – *Association des Juristes d'Afrique pour la Bonne Gouvernance v Republic of Cote d' Ivoire*, "Decision" of 16 June 2011; App. No. 007/2011 – *Youssef Ababou v Kingdom of Morocco*, "Decision" of 02 September 2011; App. No. 008/2011 – *Ekollo M. Alexandre v Republic of Cameroon and Federal Republic of Nigeria*, "Decision" of 23 September 2011; App. No. 010/2011 – *Efoua Mbozo'o Samuel v Pan African Parliament*, "Decision" of 30 September 2011; App. No. 012/2011 – *Convention Nationale des Syndicats du Secteur Education (CONASYSED) v Republic of Gabon*, "Decision" of 15 December 2011; App. No. 002/2012 – *Delta International Investments S.A, Mr and Mrs A.G.L De Lange v Republic of South Africa,* «Decision» of 30 March 2013; App. No. 004/2012 – *Emmanuel Joseph Uko and Others v Republic of South Africa*, "Decision" of 30 Marche 2012; App. No. 005/2012 – *Amir Adam Timan v The Republic of Sudan*, "Decision" of 30 March 2012.

the Advisory Opinion, or it lacks jurisdiction, in which case it issues no Advisory Opinion.

14. My fellow judges might have been influenced by the fact that, in its Request, SERAP asks the Court to take a position with regard to its *locus standi* to seize the Court in terms of Article 4(1) of the Protocol. Meanwhile, this is an issue that would, in any case, be examined by the Court, since, according to Article 39(1) of the Rules, applicable by virtue of Article 72 of the Rules, "[The] Court shall *conduct preliminary examination* of its jurisdiction and the admissibility of the application ..." (my emphasis), before it can adjudicate on any case brought before it.

15. In my view, Article 39(1) of the Rules requires the Court to conduct preliminary examination in order to ascertain its jurisdiction and the admissibility of the application, a proceeding that under no circumstance can be termed, *per se*, an "Advisory Opinion", even if, in instances where the Court has jurisdiction, the decision on jurisdiction and admissibility becomes part of the Advisory Opinion issued, as it was the case in the Request for Advisory Opinion No. 002/2013.

16. It is, therefore, my understanding that preliminary examination, as envisaged under Article 39(1) of the Rules, is clearly different from issuing an Advisory Opinion, even though, sometimes, may form part of the issued Advisory Opinion.

17. In other words, when the Court, as a result of the preliminary examination so conducted holds that it has no jurisdiction, by no means it can still term the act by which it arrives to that conclusion an Advisory Opinion.

18. In terms of comparative law, when the Inter-American Court of Human Rights (TIDH) decides not to issue an Advisory Opinion, it adopts a form of "Resolución"[16] in lieu of an "Opinión Consultiva" (*Advisory Opinion*). Even when issuing the "Opinión Consultiva", it makes a clear separation between the section pertaining to its jurisdiction (wherein it ascertains whether or not it has jurisdiction vis-à-vis the request for advisory opinion) from the section pertaining to the Advisory Opinion itself (wherein it gives its opinion on the issue it has been seized with, in the event it finds that it has jurisdiction to issue the Advisory Opinion).[17]

16 Resolución de la corte interamericana de derechos humanos de 23 de junio de 2016, solicitud de opinión consultiva presentada por el secretario general de la organización de los estados americanos; resolución de la corte interamericana de derechos humanos de 27 de enero de 2009, solicitud de opinión consultiva presentada por la comisión interamericana de derechos humanos.

17 Advisory Opinion Oc-21/14 of August 19, 2014 Requested by The Argentine Republic, The Federative Republic Of Brazil, The Republic Of Paraguay And The Oriental Republic Of Uruguay; Advisory Opinion Oc-20/09 Of September 29, 2009 Requested By The Republic Of Argentina.

19. The Permanent Court of International Justice (PCIJ), in the Request for Advisory Opinion submitted by the Council of the League of Nations in the case of *Russia v Finland*, implicitly[18] used the expression "Advisory Opinion",[19] when it found that it could issue the Advisory Opinion due to Russia's *ad hoc* refusal to accept its jurisdiction. However, this precedent is an incongruous and isolated dating back a century, and it cannot inform the instant case. In actual fact, this precedent has never informed any of the approaches adopted by the Court in its previous decisions on Requests for Advisory Opinion.

IV. My position

20. I am of the opinion that, for the reasons expounded above, the Court should use the term "Decision" to name the act by which it conducts preliminary examination of its jurisdiction and the admissibility of request for Advisory Opinion, in light of Article 39 of the Rules of the Court. Indeed, the recurring practice of using the term "Decision" when it declares its lack of jurisdiction to adjudicate on contentious matters, is perfectly applicable in matters for advisory opinion. This is because Article 72 of the Rules requires that the Court applies *mutatis mutandis* the procedure for contentious matters to procedure relating advisory opinions.

21. The use of the term "Decision" would avoid giving the wrong impression that the Court issues an Advisory Opinion, even when it has issued none. On the other hand, this Court would benefit by remaining consistent in using appropriate terms for its acts, and this would ensure that it is in line with its well-established jurisprudence wherein it uses the term "Decision" when it determines jurisdiction on contentious matters.

18 Why not termed formally as such. Only at the end of the provision is "(...) Present Avis ... (…)" mentioned.

19 Decision of the Third Ordinary Session of 23 July 1923, Dossier F. v V Rôle III. 3, available at http://www.icj-cij.org/pcij/serie_B/B_05/Statut_de_la_Carelie_orientale_Avis_consultatif.pdf , accessed 24.05.2017.