



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

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Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)

Conclusion of public hearings on the preliminary objections raised by the Republic of Kenya

The Court to begin its deliberation

THE HAGUE, 23 September 2016. The public hearings on the preliminary objections raised by Kenya in the case of Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) were concluded today. The Court will now begin its deliberation.

During the hearings, which opened on Monday 19 September 2016 at the Peace Palace, seat of the Court, the delegation of Kenya was led by Professor Githu Muigai, Attorney-General of the Republic of Kenya, as Agent. The delegation of Somalia was led by H.E. Mr. Ali Said Faqi, Ambassador of the Federal Republic of Somalia to the Kingdom of Belgium, as Co-Agent.

The Court's Judgment on the preliminary objections will be delivered at a public sitting, the date of which will be announced in due course.

Submissions of the Parties

At the end of the hearings, the Agents of the Parties presented the following submissions to the Court:

For Kenya:

“The Republic of Kenya respectfully requests the Court to adjudge and declare that:

The case brought by Somalia against Kenya is not within the jurisdiction of the Court and is inadmissible, and is accordingly dismissed.”

For Somalia:

“On the basis of its Written Statement of 5 February 2016, and its oral pleadings, Somalia respectfully requests the Court:

1. To reject the Preliminary Objections raised by the Republic of Kenya; and
2. To find that it has jurisdiction to entertain the Application filed by the Federal Republic of Somalia.”

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Internal judicial practice of the Court with respect to deliberations

Deliberations take place in private in accordance with the following procedure. The Court first holds a preliminary deliberation, during which the President outlines the issues which, in his opinion, require discussion and decision by the Court. A full deliberation is subsequently held, at the end of which a drafting committee is chosen by secret ballot, taking account of the views expressed. That committee consists in principle of two judges holding the majority view of the Court, together with the President, unless it appears that his views are in the minority. The committee prepares a preliminary draft text, which is the subject of written amendments. Two further drafts are then produced in turn, each of which is subject to a detailed reading. In the meantime, judges who wish to do so may prepare a declaration, a separate opinion or a dissenting opinion, which are communicated to the other judges. The final vote is taken after adoption of the final text of the judgment at the second reading.

History of the proceedings

The history of the proceedings can be found in Press Release No. 2016/15 of 26 May 2016, available on the Court’s website (www.icj-cij.org) under the heading “Press Room”/“Press Releases”.

Note: The Court’s press releases do not constitute official documents. The complete verbatim records of the hearings held from 19 to 21 and on 23 September 2016 are published on the website of the Court (www.icj-cij.org).

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and,

second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an *ad hoc* court created by the Security Council), the International Criminal Court (ICC, the first permanent international criminal court, established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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