



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Amendments to the Rules of Court

THE HAGUE, 21 October 2019. As part of the ongoing review of its procedures and working methods, the International Court of Justice (ICJ), principal judicial organ of the United Nations, has amended Articles 22, 23, 29, 76 and 79 of its Rules. The amended rules enter into force as of today.

Amendments to Articles 22, 23 and 29 of the Rules of Court

All three of these Articles have been amended so as to make them gender neutral.

In addition, with respect to Article 22, paragraph 1 has been amended to eliminate the requirement that a candidate for the post of Registrar be proposed by a Member of the Court. In paragraph 2, this procedure has been replaced with the publication of a vacancy announcement and the submission of applications. That paragraph has also been revised to require six months' notice of a vacancy before the end of an incumbent's term, instead of three months. In paragraph 3, the information to be included with an application has been revised.

Finally, with respect to Article 29, paragraph 1 has been modified to clarify that the two-thirds majority necessary to remove a Registrar from office is two-thirds of the Members of the Court composing it at the time of the decision to be taken, and that this vote shall be by secret ballot.

Amendment to Article 76 of the Rules of Court

Paragraph 1 of this Article, which concerns the revocation or modification of any decision concerning provisional measures, has been amended to clarify that the Court has the power to revoke or modify provisional measures on its own initiative.

Amendment to Article 79 of the Rules of Court

Article 79 has been reorganized into three separate Articles (i.e. Article 79, Article 79bis and Article 79ter) in order to distinguish provisions relating to “preliminary questions” identified by the Court from those relating to “preliminary objections” filed by a party to the case. In this new reorganization, Article 79 deals exclusively with preliminary questions, Article 79bis addresses preliminary objections and Article 79ter concerns general procedural issues applicable to both scenarios.

The texts of Articles 22, 23, 29, 76 and 79 of the Rules of Court, as amended, as well as new Articles 79bis and 79ter, are appended to this press release.

The integral updated text of the Rules of Court can be viewed on the Court’s website (www.icj-cij.org) by clicking on “basic documents”.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). 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.

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Article 22

1. The Court shall elect its Registrar by secret ballot. The Registrar shall be elected for a term of seven years. The Registrar may be re-elected.

2. The Court shall give public notice of a vacancy or impending vacancy, either forthwith upon the vacancy arising, or, where the vacancy will arise on the expiration of the term of office of the Registrar, not less than six months prior thereto. The Court shall fix a date for the closure of the list of candidates so as to enable information concerning the candidates to be received in sufficient time. Interested persons shall be invited to submit their applications by the date so fixed by the Court.

3. Applications shall indicate the relevant information concerning the candidate, and in particular information as to the candidate's age, nationality, present occupation, university qualifications, knowledge of languages, and any previous experience in public international law, diplomacy, or the work of international organizations and institutional management.

4. The candidate obtaining the votes of the majority of the Members of the Court composing it at the time of the election shall be declared elected.

Article 23

The Court shall elect a Deputy-Registrar: the provisions of Article 22 of these Rules shall apply to the Deputy-Registrar's election and term of office.

Article 29

1. The Registrar may be removed from office only if, in the opinion of two-thirds of the Members of the Court composing it at the time of the decision to be taken, the incumbent has either become permanently incapacitated from exercising his or her functions, or has committed a serious breach of duty. Such decision shall be taken by secret ballot.

2. Before a decision is taken under this Article, the Registrar shall be informed by the President of the action contemplated, in a written statement which shall include the grounds therefor and any relevant evidence. The Registrar shall subsequently, at a private meeting of the Court, be afforded an opportunity of making a statement, of furnishing any information or explanations, and of supplying answers, orally or in writing, to any questions.

3. The Deputy-Registrar may be removed from office only on the same grounds and by the same procedure.

Article 76

1. At the request of a party or proprio motu, the Court may, at any time before the final judgment in the case, revoke or modify any decision concerning provisional measures if, in its opinion, some change in the situation justifies such revocation or modification.

2. Any application by a party proposing such a revocation or modification shall specify the change in the situation considered to be relevant.

3. Before taking any decision under paragraph 1 of this Article the Court shall afford the parties an opportunity of presenting their observations on the subject.

Article 79

1. Following the submission of the application and after the President has met and consulted with the parties, the Court may decide, if the circumstances so warrant, that questions concerning its jurisdiction or the admissibility of the application shall be determined separately.

2. Where the Court so decides, the parties shall submit pleadings concerning jurisdiction or admissibility within the time-limits fixed, and in the order determined, by the Court. Each pleading shall contain the party's observations and submissions, including any evidence on which it relies, and shall attach copies of supporting documents.

Article 79bis

1. When the Court has not taken any decision under Article 79, an objection by the respondent to the jurisdiction of the Court or to the admissibility of the application, or other objection the decision upon which is requested before any further proceedings on the merits, shall be made in writing as soon as possible, and not later than three months after the delivery of the Memorial. Any such objection made by a party other than the respondent shall be filed within the time-limit fixed for the delivery of that party's first pleading.

2. The preliminary objection shall set out the facts and the law on which the objection is based, the submissions and a list of the documents in support; it shall include any evidence on which the party relies. Copies of the supporting documents shall be attached.

3. Upon receipt by the Registry of a preliminary objection, the proceedings on the merits shall be suspended and the Court, or the President if the Court is not sitting, shall fix the time-limit for the presentation by the other party of a written statement of its observations and submissions, which shall include any evidence on which the party relies. Copies of the supporting documents shall be attached.

4. The Court shall give effect to any agreement between the parties that an objection submitted under paragraph 1 be heard and determined within the framework of the merits.

Article 79^{ter}

1. Pleadings with respect to preliminary questions, or objections filed pursuant to Article 79, paragraph 2, or Article 79^{bis}, paragraphs 1 and 3, shall be confined to those matters that are relevant to the preliminary questions or objections.

2. Unless otherwise decided by the Court, the further proceedings shall be oral.

3. The Court, whenever necessary, may request the parties to argue all questions of law and fact, and to adduce all evidence, which bear on the preliminary questions or objections.

4. After hearing the parties, the Court shall decide upon a preliminary question or uphold or reject a preliminary objection. The Court may however declare that, in the circumstances of the case, a question or objection does not possess an exclusively preliminary character.

5. The Court shall give its decision in the form of a judgment. If the judgment does not dispose of the case, the Court shall fix time-limits for the further proceedings.
