



INTERNATIONAL COURT OF JUSTICE

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Press Release

Unofficial

No. 2022/55

20 October 2022

Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)

Request for the modification of the Court's Order of 7 December 2021 indicating provisional measures

THE HAGUE, 20 October 2022. On 12 October 2022, the International Court of Justice, the principal judicial organ of the United Nations, issued an Order on Armenia's request for the modification of the Court's Order of 7 December 2021 indicating provisional measures in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*. That request was received in the Registry on 16 September 2022.

In its Order of 12 October 2022, which has binding effect, the Court "concludes that the hostilities which erupted between the Parties in September 2022 and the detention of Armenian military personnel do not constitute a change in the situation justifying modification of the Order of 7 December 2021 within the meaning of Article 76 of the Rules of Court".

The Court also "takes note of Azerbaijan's 'commitment to treat any detained Armenians in accordance with paragraph 98 (1) (a) of th[e Order of 7 December 2021]', which it expressed in a letter dated 7 October 2022".

It is stated in the Order that "[t]he Court further considers that the tenuous situation between the Parties confirms the need for effective implementation of the measures indicated in its Order of 7 December 2021" and that, "[i]n these circumstances, the Court finds it necessary to reaffirm [those] measures . . . , in particular the requirement that both Parties 'shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve'".

The operative part of the Order of 12 October 2022 reads as follows:

"For these reasons,

THE COURT,

(1) By thirteen votes to three,

Finds that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power to modify the measures indicated in the Order of 7 December 2021;

IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Salam, Iwasawa, Nolte, Charlesworth; *Judges ad hoc* Keith, Daudet;

AGAINST: *Judges* Sebutinde, Bhandari, Robinson;

(2) Unanimously,

Reaffirms the provisional measures indicated in its Order of 7 December 2021, in particular the requirement that both Parties ‘shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve’.”

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Judge TOMKA appends a declaration to the Order of the Court; Judge SEBUTINDE appends a separate opinion to the Order of the Court; Judge BHANDARI appends a dissenting opinion to the Order of the Court; Judge ROBINSON appends a separate opinion to the Order of the Court; Judge *ad hoc* DAUDET appends a declaration to the Order of the Court.

The full text of the Order and the opinions and declarations are available on the Court’s [website](#).

History of the proceedings

The history of the proceedings can be found in [press releases](#) Nos. 2021/20, 2021/27, 2021/34 and 2022/40, available on the Court’s website.

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, through judgments which have binding force and are without appeal for the parties concerned, legal

disputes submitted to it by States; 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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