



**United Nations**

# **Report of the International Court of Justice**

**1 August 2023–31 July 2024**

**General Assembly  
Official Records  
Seventy-ninth Session  
Supplement No. 4**





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**1 August 2023–31 July 2024**



United Nations • New York, 2024

*Note*

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1 August 2024

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## Chapter I

### Summary

#### 1. Overview of the judicial work of the Court

1. During the period under review, the International Court of Justice handed down two judgments and one advisory opinion:

- *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 on the merits delivered on 31 January 2024 (see paras. 82–90);
- *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*, judgment on the preliminary objections raised by the Russian Federation delivered on 2 February 2024 (see paras. 165–181);
- *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, advisory opinion delivered on 19 July 2024 (see paras. 253–259).

2. In addition, the Court, or its President, rendered 27 orders (presented below in chronological order):

- (a) By an order dated 4 August 2023, the President of the Court extended the time limits for the submission of written statements and written comments on those statements by States and organizations authorized to participate in the advisory proceedings on the *Obligations of States in respect of Climate Change* (see paras. 260–265);
- (b) By an order dated 18 September 2023, the Court extended the time limit for the filing of the rejoinder of the United States of America in the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)* (see paras. 107–116);
- (c) By an order dated 16 October 2023, the Court fixed the time limits for the filing of the memorial of the Islamic Republic of Iran and the counter-memorial of Canada in the case concerning *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)* (see paras. 207–210);
- (d) By a further order of the same date, the Court fixed the time limits for the filing of the memorial of Canada, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland and the counter-memorial of the Islamic Republic of Iran in the case concerning *Aerial Incident of 8 January 2020 (Canada, Sweden, Ukraine and United Kingdom v. Islamic Republic of Iran)* (see paras. 211–215);
- (e) By a third order of the same date, the Court fixed the time limits for the filing of the reply of the Gambia and the rejoinder of Myanmar in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)* (see paras. 124–134);
- (f) By an order dated 16 November 2023, the Court decided, pursuant to Article 66, paragraph 1, of its Statute, that the International Labour Organization (ILO) and the States parties to the Freedom of Association and Protection of the Right to Organise Convention (No. 87) were likely to be able to furnish information on the question submitted to the Court in

the advisory proceedings on the *Right to Strike under ILO Convention No. 87* and authorized them to submit written statements and written comments within the time limits fixed in that order (see paras. 266–272);

- (g) By an order of the same date, the Court indicated provisional measures in the case concerning *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* (see paras. 201–206);
- (h) By an order dated 17 November 2023, the Court indicated additional provisional measures in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (see paras. 141–153);
- (i) By an order dated 1 December 2023, the Court indicated provisional measures in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (see paras. 91–106);
- (j) By an order dated 5 December 2023, the President of the Court extended the time limits for the filing of the memorial of Germany and the counter-memorial of Italy in the case concerning *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)* (see paras. 182–188);
- (k) By an order dated 15 December 2023, the President of the Court further extended the time limits for the submission of written statements and written comments on those statements by States and organizations authorized to participate in the advisory proceedings on the *Obligations of States in respect of Climate Change* (see paras. 260–265);
- (l) By an order dated 26 January 2024, the Court indicated provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (see paras. 216–233);
- (m) By an order dated 1 February 2024, the Court fixed the time limits for the filing of the memorial of Canada and the Kingdom of the Netherlands and the counter-memorial of the Syrian Arab Republic in the case concerning *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* (see paras. 201–206);
- (n) By an order dated 2 February 2024, the Court fixed the new time limit for the filing of the counter-memorial of the Russian Federation in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* (see paras. 165–181);
- (o) By an order dated 28 March 2024, the Court indicated additional provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (see paras. 216–233);
- (p) By an order dated 5 April 2024, the Court fixed the time limits for the filing of the memorial of South Africa and the counter-memorial of Israel in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (see paras. 216–233);



- (q) By an order dated 30 April 2024, the Court found that the circumstances were not such as to require it to exercise its power to indicate provisional measures in the case concerning *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* (see paras. 234–241);
- (r) By an order dated 23 May 2024, the Court found that the circumstances were not such as to require it to exercise its power to indicate provisional measures in the case concerning the *Embassy of Mexico in Quito (Mexico v. Ecuador)* (see paras. 242–248);
- (s) By an order dated 24 May 2024, the Court reaffirmed its previous provisional measures and indicated further provisional measures in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (see paras. 216–233);
- (t) By an order dated 28 May 2024, the President of the Court fixed the time limits for the filing of the reply of Equatorial Guinea and the rejoinder of France in the case concerning *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)* (see paras. 189–195);
- (u) By an order dated 30 May 2024, the President of the Court further extended the time limits for the submission of written comments on written statements by States and organizations participating in the advisory proceedings on the *Obligations of States in respect of Climate Change* (see paras. 260–265);
- (v) By an order dated 14 June 2024, the Court fixed the time limits for the filing of the reply of Guyana and the rejoinder of the Bolivarian Republic of Venezuela in the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (see paras. 91–106);
- (w) By an order dated 3 July 2024 in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, the Court decided that the declaration of intervention submitted by Maldives and the declaration of intervention submitted jointly by Canada, Denmark, France, Germany, the Kingdom of the Netherlands and the United Kingdom were both admissible insofar as they concerned the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide (see paras. 124–134);
- (x) By an order dated 19 July 2024, the Court fixed the time limits for the filing of the memorial of Nicaragua and the counter-memorial of Germany in the case concerning *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* (see paras. 234–241);
- (y) By a further order of the same date, the Court fixed the time limits for the filing of the memorial of Mexico and the counter-memorial of Ecuador in the case concerning the *Embassy of Mexico in Quito (Mexico v. Ecuador)* (see paras. 242–248);
- (z) By a third order of the same date, the Court fixed the time limits for the filing of the memorial of Ecuador and the counter-memorial of Mexico in the case concerning *Glas Espinel (Ecuador v. Mexico)* (see paras. 249–252);

- (aa) By an order dated 30 July 2024, the Court extended the time limit for the filing of the counter-memorial of the Russian Federation in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* (see paras. 165–181).
3. During the period under review, the Court held public hearings in the following 11 cases (in chronological order):
- (a) *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States intervening)*, hearings on the preliminary objections raised by the Russian Federation held from 18 to 27 September 2023 (see paras. 165–181);
  - (b) *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)*, hearing on the request for the indication of provisional measures submitted by Canada and the Kingdom of the Netherlands held on 10 October 2023 (see paras. 201–206);
  - (c) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, hearings on the request for the indication of provisional measures submitted by Armenia held on 12 October 2023 (see paras. 141–153);
  - (d) *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, hearings on the request for the indication of provisional measures submitted by Guyana held on 14 and 15 November 2023 (see paras. 91–106);
  - (e) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, hearings on the request for the indication of provisional measures submitted by South Africa held on 11 and 12 January 2024 (see paras. 216–233);
  - (f) *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, hearings on the request for an advisory opinion held from 19 to 26 February 2024 (see paras. 253–259);
  - (g) *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*, hearings on the request for the indication of provisional measures submitted by Nicaragua held on 8 and 9 April 2024 (see paras. 234–241);
  - (h) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, hearings on the preliminary objections raised by Azerbaijan held from 15 to 19 April 2024 (see paras. 141–153);
  - (i) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, hearings on the preliminary objections raised by Armenia held from 22 to 26 April 2024 (see paras. 154–164);
  - (j) *Embassy of Mexico in Quito (Mexico v. Ecuador)*, hearings on the request for the indication of provisional measures submitted by Mexico held on 30 April and 1 May 2024 (see paras. 242–248);
  - (k) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, hearings on

the request for the modification of the order indicating provisional measures of 28 March 2024 held on 16 and 17 May 2024 (see paras. 216–233).

4. During the period under review, the Court was seized of four new contentious cases and one request for an advisory opinion (in chronological order):

- (a) *Right to Strike under ILO Convention No. 87* (request for an advisory opinion) (see paras. 266–272);
- (b) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (see paras. 216–233);
- (c) *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* (see paras. 234–241);
- (d) *Embassy of Mexico in Quito (Mexico v. Ecuador)* (see paras. 242–248);
- (e) *Glas Espinel (Ecuador v. Mexico)* (see paras. 249–252).

5. On 31 July 2024, the number of cases entered in the Court's General List stood at 23 (21 contentious cases and 2 advisory proceedings):

- (a) *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* (paras. 70–74);
- (b) *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)* (paras. 75–81);
- (c) *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)* (paras. 91–106);
- (d) *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)* (paras. 107–116);
- (e) *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)* (paras. 117–120);
- (f) *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* (paras. 121–123);
- (g) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 7 States intervening)* (paras. 124–134);
- (h) *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)* (paras. 135–140);
- (i) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (paras. 141–153);
- (j) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)* (paras. 154–164);
- (k) *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)* (paras. 165–181);
- (l) *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)* (182–188);
- (m) *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)* (paras. 189–195);

- (n) *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* (paras. 196–200);
- (o) *Obligations of States in respect of Climate Change* (request for an advisory opinion) (paras. 260–265);
- (p) *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* (paras. 201–206);
- (q) *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)* (paras. 207–210);
- (r) *Aerial Incident of 8 January 2020 (Canada, Sweden, Ukraine and United Kingdom v. Islamic Republic of Iran)* (paras. 211–215);
- (s) *Right to Strike under ILO Convention No. 87* (request for an advisory opinion) (paras. 266–272);
- (t) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* (paras. 216–233);
- (u) *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)* (paras. 234–241);
- (v) *Embassy of Mexico in Quito (Mexico v. Ecuador)* (paras. 242–248);
- (w) *Glas Espinel (Ecuador v. Mexico)* (paras. 249–252).

6. The States parties to contentious cases pending before the Court as at 31 July 2024 included four States from the Group of Asia-Pacific States, eight from the Group of Latin American and Caribbean States, four from the Group of African States, six from the Group of Eastern European States, and nine from the Group of Western European and other States.

7. In addition, 40 States had filed requests for permission to intervene or declarations of intervention in contentious cases pending before the Court as at 31 July 2024, including 22 from the Group of Western European and other States, 10 from the Group of Eastern European States, 4 from the Group of Latin American and Caribbean States, 3 from the Group of Asia-Pacific States and 1 from the Group of African States.

8. Furthermore, 116 States and several international organizations presented written or oral statements as part of the three sets of advisory proceedings before the Court during the period under review. Those States included 22 from the Group of Western European and other States, 8 from the Group of Eastern European States, 22 from the Group of Latin American and Caribbean States, 40 from the Group of Asia-Pacific States and 23 from the Group of African States.

9. Overall, 134 States were involved in contentious or advisory proceedings before the Court in one of the above-mentioned capacities during the period under review.

10. Cases submitted to the Court involve a wide range of issues, including territorial and maritime delimitation, human rights, reparation for internationally wrongful acts, environmental protection, the jurisdictional immunity of States, and the interpretation and application of international treaties concerning, among other things, diplomatic relations, the elimination of racial discrimination, the prevention of genocide, the suppression of the financing of terrorism, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the safety of civil aviation. The geographical spread of the cases brought before the Court and the diversity of their subject matter illustrate the universal and general character of the Court's jurisdiction.

11. The cases that States entrust to the Court for settlement frequently involve a number of phases as a result of the introduction of incidental proceedings, such as the raising of preliminary objections to the jurisdiction of the Court or the admissibility of the claim, the submission of requests for the indication of provisional measures, or the filing of requests for permission to intervene and declarations of intervention. During the period under consideration, the Court delivered one judgment on preliminary objections, eight orders on requests for the indication or modification of provisional measures and one order on the admissibility of declarations of intervention.

## **2. Continuation of the Court's sustained level of activity**

12. The persistent flow of new cases submitted to the Court and the significant number of judgments and orders it delivered during the period under review reflect the institution's dynamism. In addition to working on pending cases, the Court actively reviews its procedures and working methods on an ongoing basis.

13. In order to ensure the sound administration of justice, the Court sets itself a demanding schedule of hearings and deliberations, enabling it to consider several cases simultaneously and to deal with any associated incidental proceedings as promptly as possible. At the same time, the resources allocated to the Court do not match the significant increase in the number and complexity of the cases on the Court's General List and the related workload for the Registry, which means that appropriate adjustments need to be made.

14. It is worth recalling that having recourse to the principal judicial organ of the United Nations is a cost-effective solution. While the time frame for certain written proceedings may be relatively lengthy in view of the time required by the participating States for the preparation of their pleadings, it should be noted that, on average, despite the complexity of the cases involved, the period between the conclusion of the oral proceedings and the delivery of a judgment or an advisory opinion by the Court does not exceed six months.

## **3. Promotion of the rule of law**

15. The Court takes the opportunity offered by the submission of its annual report to comment on its role in promoting the rule of law, as the General Assembly invited it to do in its resolution [78/112](#) of 7 December 2023. The Court notes with appreciation that, in that resolution, the Assembly again calls upon "States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute".

## **4. Judicial Fellowship Programme**

16. The Court is committed to improving young people's understanding of international law and the Court's procedures. Its annual Judicial Fellowship Programme enables interested universities to nominate recent law graduates to pursue their training in a professional context at the Court for a period of about 10 months, from early September to June or July of the following year. The Court normally accepts up to 15 participants each year from various universities across the world.

17. In 2021, the Court welcomed the establishment of the trust fund for the Judicial Fellowship Programme of the Court following the adoption by consensus, on 14 December 2020, of General Assembly resolution [75/129](#). As stated in the terms of reference of the trust fund, which are annexed to the resolution, the purpose of the fund is to "grant fellowship awards to selected candidates who are nationals of developing countries from universities based in developing countries, thereby guaranteeing the geographic and linguistic diversity of the participants in the

Programme”. The fund is aimed at enhancing the geographic and linguistic diversity of the participants in the Programme and providing a training opportunity that would not otherwise be available to certain young jurists from developing countries. Under the initiative, the trust fund – rather than the relevant nominating university – will provide funding to a number of selected candidates.

18. The fund is administered by the Secretary-General and is open to contributions by States, international financial institutions, donor agencies, intergovernmental and non-governmental organizations and natural and juridical persons. In order to preserve its impartiality and independence, the Court does not directly engage with individual Member States to mobilize contributions to the trust fund, nor is it directly involved in the administration of the financial resources collected.

19. The first three judicial fellows sponsored by the trust fund joined the Court as part of the 2022–2023 cohort; three further judicial fellows were sponsored by the trust fund in 2023–2024.

20. For the 2024–2025 Judicial Fellowship Programme, the Court received 131 eligible applications from 83 nominating universities from all over the world, with 50 universities seeking sponsorship through the trust fund for the 68 candidates they nominated. Fifty-seven candidates were nominated by universities that offered to provide financial support for those applicants. The number and diversity of the applications demonstrate the continuing interest in the Programme and its trust fund.

21. Of the 15 candidates selected by the Court to take part in the Programme in 2024–2025, four are nationals of developing countries who were nominated by universities located in developing countries (Eritrea, Kenya, Philippines and Türkiye) and will receive an award from the trust fund.

22. On 31 July 2024, the trust fund stood at \$416,554. The Court greatly appreciates the generous contributions received to date and the interest shown in the Judicial Fellowship Programme by both contributors and nominating universities.

23. The Court is optimistic that the opportunities provided by the trust fund will continue to grow, allowing a wider pool of young lawyers to gain professional experience in public international law by participating in the work of the Court. The next call for applications for the Judicial Fellowship Programme will be published on the Court’s website in the fourth quarter of 2024.

## **5. Budget of the Court**

### **(a) Budget for 2023**

24. In 2023, the level of judicial activity at the Court was in many respects unprecedented. The Court held seven sets of hearings in six contentious cases, delivered three judgments and issued a total of 25 orders. Over the course of 2023, the Registry continued its efforts to streamline and optimize its working methods, for example by making increased use of electronic means of transmission for judicial proceedings and correspondence and by leveraging new translation and publishing technology. These internal efforts and reforms enabled the Court to address the increase in workload in 2023 within the resources approved for the year.

### **(b) Budget for 2024**

25. By its resolution [78/252](#) of 22 December 2023, the General Assembly endorsed the recommendations contained in the report of the Advisory Committee on Budgetary and Administrative Questions ([A/78/7](#)), with the exception of those set out in paragraphs III.14 and III.18 of the report. In those paragraphs, the Advisory Committee recommended a reduction of 2 per cent (\$42,000) to the proposed

resources for other staff costs and the downgrading from P-5 to P-4 of the general temporary assistance position requested by the Court for 60 days to provide technical support to the Registry with respect to the asbestos remediation project.

**(c) Budget for 2025**

26. In early 2024, the Court submitted its proposed programme budget for 2025 to the United Nations Controller. In preparing its budget proposal for 2025, the Court focused on the financial resources that are essential for the Registry of the Court to pursue two interconnected objectives: (a) strengthening the support provided by the Registry to the Court for its judicial functions, particularly in the light of the sustained increase in workload, and (b) modernizing the Registry to ensure that it is equipped to face new challenges. The proposed budget for 2025 amounts to \$33,729,200 before recosting, representing an overall increase of \$1,114,400 compared with the approved appropriations for 2024.

**6. Renovation of the Peace Palace**

27. In 2020, the Court was informed by the host country that the latter planned to conduct a full renovation of the Peace Palace to remove any asbestos in the building, and that it was possible that the Court's Registry would have to be relocated during the renovation work.

28. In July 2022, the Court was informed that the host country was now contemplating a more limited approach. Under the plan put forward by the Netherlands authorities in the fourth quarter of 2022, as a first phase, asbestos would be removed from areas where it is known to be present, namely in the attic of the building, and a thorough survey conducted to locate any other areas where asbestos might be found. Based on the results of these further investigations, the Netherlands authorities will then decide on the best approach to resolve the issue, which may or may not include a full or partial relocation of the Registry. In December 2022, a project co-ordinator was appointed by the Netherlands authorities for the implementation of the first phase of the plan. Consultations between the Court and the host country are ongoing with a view to determining, through a memorandum of understanding, the applicable governance framework and modalities for implementing this new plan while ensuring the safety of judges and staff members and the continuity of the official activities of the Court. In parallel, in February 2024, the Court and the Carnegie Foundation concluded an operational protocol on the salvage of the Court's materials, which was endorsed by the Netherlands Ministry of Foreign Affairs. Under the Protocol, the removal of certain Court materials currently stored in asbestos-contaminated areas in the attic of the Peace Palace has been initiated, in close coordination with the Court.

## Chapter II

### Role and jurisdiction of the Court

29. The International Court of Justice, which has its seat in The Hague, is the principal judicial organ of the United Nations. It was established by the Charter of the United Nations in June 1945 and began its activities in April 1946.

30. The basic documents governing the Court are the Charter and the Statute of the Court, which is annexed to the Charter. They are supplemented by the Rules of Court and the Practice Directions, as well as by the Resolution concerning the Internal Judicial Practice of the Court. These documents can be found in electronic form on the Court's website, under the heading "Basic Documents". They are also available in paper form in the series *Acts and Documents concerning the Organization of the Court*, the eighth edition of which was published in 2024.

31. During the period under review, the documents governing the Court were amended on two occasions. In October 2023, the Court amended the Rules of Court, the Resolution concerning the Internal Judicial Practice of the Court and the Practice Directions to make the text of their provisions gender-inclusive. In February 2024, the Court announced the amendment of certain provisions of its Rules relating to intervention, in particular (a) the time limits for the filing of an application for permission to intervene under Article 62 of the Statute or a declaration of intervention under Article 63 of the Statute, which are set out in article 81, paragraph 1, and article 82, paragraph 1, of the Rules of Court; and (b) the possibility for the Court to decide whether States intervening under Article 63 of the Statute are entitled to submit observations during the oral proceedings under article 86, paragraph 2, of the Rules of Court, or whether it is sufficient for these States to submit their observations in written form. These amendments entered into force on 1 June 2024.

32. The International Court of Justice is the only international court of a universal character with general jurisdiction. This jurisdiction is twofold: contentious and advisory.

#### 1. Jurisdiction in contentious cases

33. Pursuant to its Statute, the Court's function is to decide in accordance with international law such disputes as are submitted to it by States in the exercise of their sovereignty.

34. In that respect, it should be noted that, as at 31 July 2024, 193 States were parties to the Statute of the Court by virtue of their membership of the United Nations, and thus had access to it. In addition, on 4 July 2018, the State of Palestine filed a declaration with the Registry, which reads as follows:

The State of Palestine hereby declares that it accepts with immediate effect the competence of the International Court of Justice for the settlement of all disputes that may arise or that have already arisen covered by Article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes (1961), to which the State of Palestine acceded on 22 March 2018.

On 31 May 2024, the State of Palestine filed a second such declaration, which reads as follows:

The State of Palestine hereby declares that it accepts with immediate effect the competence of the International Court of Justice for the settlement of all disputes that may arise or that have already arisen covered by Article IX of the



Convention on the Prevention and Punishment of the Crime of Genocide (1948), to which the State of Palestine acceded on 2 April 2014.

35. As at 31 July 2024, 74 of the States parties to the Statute had made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated in Article 36, paragraphs 2 and 5, of the Statute. A list of those States, and the texts of their declarations filed with the Secretary-General, are available, for information purposes, on the Court's website in the "Declarations recognizing the jurisdiction of the Court as compulsory" section under "Jurisdiction".

36. In addition, more than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction over various types of disputes between States. A representative list of those treaties and conventions may also be found on the Court's website, in the "Treaties" section under "Jurisdiction". The Court's jurisdiction can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. Lastly, when submitting a dispute to the Court, a State may propose to found the Court's jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, pursuant to article 38, paragraph 5, of the Rules of Court. If the latter State gives its consent, the Court's jurisdiction is established and the new case is entered in the General List on the date on which consent is given (this situation is known as *forum prorogatum*).

## 2. Jurisdiction in advisory proceedings

37. The Court may also give advisory opinions. In addition to the General Assembly and the Security Council, which are authorized to request advisory opinions of the Court on any legal questions (Charter, Article 96, para. 1), three other United Nations organs (the Economic and Social Council, the Trusteeship Council and the Interim Committee of the General Assembly), as well as the following specialized agencies and related organizations, are currently authorized to request advisory opinions of the Court on legal questions arising within the scope of their activities (*ibid.*, para. 2):

- International Labour Organization;
- Food and Agriculture Organization of the United Nations;
- United Nations Educational, Scientific and Cultural Organization;
- International Civil Aviation Organization;
- World Health Organization;
- International Bank for Reconstruction and Development;
- International Finance Corporation;
- International Development Association;
- International Monetary Fund;
- International Telecommunication Union;
- World Meteorological Organization;
- International Maritime Organization;
- World Intellectual Property Organization;
- International Fund for Agricultural Development;
- United Nations Industrial Development Organization;
- International Atomic Energy Agency.

38. A list of the international instruments that make provision for the advisory jurisdiction of the Court is published, for information purposes, in the Court's *Yearbook* (see *Yearbook 2021–2022*, annex 20, available on the Court's website under the heading "Publications").

## Chapter III

### Organization of the Court

#### A. Composition

##### 1. Members of the Court

39. The International Court of Justice consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. One third of the Court's membership is renewed every three years.

40. In the latest elections, held on 9 November 2023, Judge Hilary Charlesworth (Australia) was re-elected, and Judges Bogdan-Lucian Aurescu (Romania), Sarah H. Cleveland (United States), Juan Manuel Gómez Robledo (Mexico) and Dire Tladi (South Africa) were elected as new members of the Court, with effect from 6 February 2024. On 6 February 2024, the Court in its new composition elected Judge Nawaf Salam (Lebanon) as its President and Judge Julia Sebutinde (Uganda) as its Vice-President, each for a term of three years.

41. On 31 July 2024, the composition of the Court was thus as follows: President: Nawaf Salam (Lebanon); Vice-President: Julia Sebutinde (Uganda); Judges: Peter Tomka (Slovakia), Ronny Abraham (France), Abdulqawi Ahmed Yusuf (Somalia), Xue Hanqin (China), Dalveer Bhandari (India), Iwasawa Yuji (Japan), Georg Nolte (Germany), Hilary Charlesworth (Australia), Leonardo Nemer Caldeira Brant (Brazil), Bogdan-Lucian Aurescu (Romania), Sarah H. Cleveland (United States), Juan Manuel Gómez Robledo (Mexico) and Dire Tladi (South Africa).

##### 2. President and Vice-President

42. The President and the Vice-President of the Court are elected by the members of the Court every three years by secret ballot (Statute, Art. 21). The Vice-President replaces the President when the latter is absent or unable to exercise his or her duties, or in the event of a vacancy in the presidency. Among other things, the President:

- (a) Presides at all meetings of the Court, directs its work and supervises its administration;
- (b) In every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure; for this purpose, the President summons the agents of the parties to a meeting as soon as possible after their appointment, and whenever necessary thereafter;
- (c) May call upon the parties to act in such a way as will enable any order that the Court may make on a request for provisional measures to have its appropriate effects;
- (d) May authorize the correction of a slip or error in any document filed by a party during the written proceedings;
- (e) When the Court decides, for the purposes of a contentious case or a request for an advisory opinion, to appoint assessors to sit with it without the right to vote, takes steps to obtain all the information relevant to the choice of assessors;
- (f) Directs the Court's judicial deliberations;
- (g) Has a casting vote in the event of votes being equally divided during judicial deliberations;

- (h) Is ex officio a member of the drafting committees unless the President does not share the majority opinion of the Court, in which case the President is replaced by the Vice-President or, failing that, by a third judge elected by the Court;
- (i) Is ex officio a member of the Chamber of Summary Procedure formed annually by the Court;
- (j) Signs all judgments, advisory opinions and orders of the Court, as well as the minutes of meetings;
- (k) Delivers the judicial decisions of the Court at public sittings;
- (l) Chairs the Budgetary and Administrative Committee of the Court;
- (m) In the third quarter of every year, addresses the representatives of the Member States in New York during plenary meetings of the session of the General Assembly in order to present the report of the Court;
- (n) Receives, at the seat of the Court, heads of State and government and other dignitaries during official visits;
- (o) May be called upon to make procedural orders when the Court is not sitting.

### **3. Chamber of Summary Procedure and committees of the Court**

43. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2024, was constituted as follows:

- (a) Members:
  - President Salam;
  - Vice-President Sebutinde;
  - Judges Abraham, Nolte and Brant.
- (b) Substitute members:
  - Judges Charlesworth and Tladi.

44. The Court also forms committees to facilitate the performance of its administrative tasks. Their composition as at 31 July 2024 was as follows:

- (a) Budgetary and Administrative Committee:
  - President Salam;
  - Vice-President Sebutinde;
  - Judges Tomka, Abraham, Xue, Iwasawa and Nolte.
- (b) Rules Committee:
  - Judge Tomka (Chair);
  - Judges Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu and Tladi.
- (c) Library Committee:
  - Judge Bhandari (Chair);
  - Judges Iwasawa, Nolte, Charlesworth, Brant and Tladi.

#### 4. Judges ad hoc

45. In accordance with Article 31 of the Statute, parties to a case that have no judge of their nationality on the bench may choose a judge ad hoc for the purposes of that case.

46. Listed below are the names of the judges ad hoc sitting in cases pending before the Court during the period under review:

- (a) In the case concerning *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, Djamchid Momtaz was chosen by the Islamic Republic of Iran and Rosemary Barkett was chosen by the United States. Following the election of Sarah H. Cleveland as a Member of the Court, Rosemary Barkett ceased her functions as judge ad hoc in the case;
- (b) In the case concerning *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)*, Fausto Pocar was chosen by Ukraine and Bakhtiyar Tuzmukhamedov was chosen by the Russian Federation;
- (c) In the case concerning the *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*, Rüdiger Wolfrum was chosen by Guyana and Philippe Couvreur was chosen by the Bolivarian Republic of Venezuela;
- (d) In the case concerning *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, Djamchid Momtaz was chosen by the Islamic Republic of Iran;
- (e) In the case concerning *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)*, Gilbert Guillaume was chosen by the State of Palestine;
- (f) In the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, Philippe Couvreur was chosen by Guatemala and Donald McRae was chosen by Belize;
- (g) In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Navanethem Pillay was chosen by the Gambia and Claus Kress was chosen by Myanmar;
- (h) In the case concerning *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*, Mónica Pinto was chosen by Gabon and Rüdiger Wolfrum was chosen by Equatorial Guinea;
- (i) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Yves Daudet was chosen by Armenia and Abdul G. Koroma was chosen by Azerbaijan;
- (j) In the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, Abdul G. Koroma was chosen by Azerbaijan and Yves Daudet was chosen by Armenia;
- (k) In the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, Yves Daudet was chosen by Ukraine and Bakhtiyar Tuzmukhamedov was chosen by the Russian Federation;

- (l) In the case concerning *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)*, Giorgio Gaja was chosen by Italy;
- (m) In the case concerning *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)*, Silvia Alejandra Fernández de Gurmendi was chosen by Canada and the Kingdom of the Netherlands and Kirill Gevorgian was chosen by the Syrian Arab Republic;
- (n) In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Dikgang Ernest Moseneke was chosen by South Africa and Aharon Barak was chosen by Israel. Following the election of Dire Tladi as a member of the Court, Dikgang Ernest Moseneke ceased his functions as judge ad hoc in the case. Judge ad hoc Barak later resigned and was replaced by Ron A. Shapira;
- (o) In the case concerning *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*, Awn Shawkat Al-Khasawneh was chosen by Nicaragua;
- (p) In the case concerning the *Embassy of Mexico in Quito (Mexico v. Ecuador)*, Donald McRae was chosen by Ecuador.

## B. Registrar and Deputy-Registrar

47. Pursuant to article 22 of the Rules of Court, the Court elects its Registrar by secret ballot for a term of seven years. The procedures set out in article 22 also apply to the election and term of office of the Deputy-Registrar (Rules, art. 23). The Registrar of the Court is Philippe Gautier (Belgium). The Deputy-Registrar is Jean-Pelé Fomété (Cameroon).

## C. Privileges and immunities

48. Under Article 19 of the Statute of the Court, the members of the Court, when engaged in the business of the Court, enjoy diplomatic privileges and immunities.

49. In the Kingdom of the Netherlands, pursuant to an exchange of letters dated 26 June 1946 between the President of the Court and the Minister for Foreign Affairs, the members of the Court enjoy, generally, the same privileges, immunities, facilities and prerogatives as heads of diplomatic missions accredited to the Kingdom of the Netherlands.

50. By its resolution 90 (I) of 11 December 1946, the General Assembly approved the agreements concluded with the Government of the Netherlands, as recorded in the above-mentioned exchange of letters, and recommended that if a judge, for the purpose of holding himself or herself permanently at the disposal of the Court, resides in some country other than his or her own, he or she should be accorded diplomatic privileges and immunities during the period of his or her residence there. In addition, the Assembly recommended that judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it; and that, on journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by those countries to diplomatic envoys.

51. In the same resolution, the General Assembly recommended that the authorities of Member States recognize and accept the laissez-passer issued by the Court to its members, Registrar and staff since 1950. Such laissez-passer were originally produced by the Court itself. Since February 2014, the Court has delegated the task of producing laissez-passer to the United Nations Office at Geneva. The new laissez-passer are modelled on electronic passports and meet the most recent International Civil Aviation Organization standards.

52. Furthermore, Article 32, paragraph 8, of the Statute provides that the salaries, allowances and compensation received by judges and the Registrar should be free of all taxation.

53. Matters relating to the privileges and immunities of the Court that are not addressed in the preceding paragraphs are covered by Article 105 of the Charter of the United Nations and by the provisions of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

#### **D. Seat**

54. The seat of the Court is established at The Hague; this, however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1, and Rules, art. 55). The Court has so far never held sittings outside The Hague.

55. The Court occupies premises in the Peace Palace in The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which owns and manages the Peace Palace, determines the conditions under which the Court uses the premises and provides for the United Nations to pay an annual contribution to the Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951, 1958, 1997 and 2007. The annual contribution by the United Nations to the Foundation was €1,662,630 for 2023 and €1,725,090 for 2024.

## Chapter IV

### Registry

56. The Court is the only principal organ of the United Nations to have its own administration (Charter, Article 98). The Registry is the international secretariat of the Court. Since the Court is both a judicial body and an international institution, the role of the Registry includes providing judicial support and acting as an administrative organ.

57. The duties of the Registry are set out in detail in instructions drawn up by the Registrar and approved by the Court (Rules, art. 28, paras. 2 and 3). The version of the Instructions for the Registry currently in force was adopted by the Court in March 2012 (A/67/4, para. 66) and is available on the Court's website, under the heading "The Registry".

58. Registry officials are appointed by the Court on proposals by the Registrar or, for General Service staff, by the Registrar with the approval of the President of the Court. Temporary staff are appointed by the Registrar. Working conditions are governed by the Staff Regulations for the Registry adopted by the Court (Rules, art. 28, para. 4; the Staff Regulations are also available on the Court's website, under the heading "The Registry"). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy remuneration and pension rights corresponding to those of United Nations Secretariat officials of equivalent category or grade.

59. The organizational structure of the Registry is fixed by the Court on proposals by the Registrar. The Registry consists of three departments and seven technical divisions (see annex) under the direct supervision of the Registrar or the Deputy-Registrar. As required under the Instructions for the Registry, the Registrar and Deputy-Registrar place particular emphasis on coordinating the activities of the various departments and divisions. Guidelines relating to the organization of work between the Registrar and the Deputy-Registrar were adopted by the Court in 2020 and reviewed in 2021 and 2022 with a view to achieving further efficiencies in the management and coordination of the Registry's activities.

60. As at 31 July 2024, the total number of posts in the Registry was 118, namely 62 posts in the Professional category and above and 56 in the General Service category.

61. The President of the Court and the Registrar are each aided by a special assistant (grade P-3). The members of the Court are each assisted by a law clerk (grade P-2). Those 15 associate legal officers, who are assigned to individual judges, are members of the Registry staff, administratively attached to the Department of Legal Matters. The law clerks carry out research for the members of the Court and the judges ad hoc and work under their supervision. A total of 15 executive assistants, who are also members of the Registry staff, assist the members of the Court and the judges ad hoc.

#### 1. Registrar

62. The Registrar of the Court is Philippe Gautier, of Belgian nationality. He was elected to that post by the members of the Court on 22 May 2019 for a period of seven years beginning on 1 August of the same year.

63. The Registrar is responsible for all departments and divisions of the Registry. Pursuant to article 1 of the Instructions for the Registry, the staff are under the authority of the Registrar, who alone is authorized to direct the work of the Registry. In the discharge of his or her functions, the Registrar reports to the Court. The Registrar's role is threefold: judicial, diplomatic and administrative.



64. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In that regard, the Registrar has, inter alia, the following responsibilities (Rules, art. 26):

- (a) Keeps the General List of all cases and is responsible for recording documents in the case files;
- (b) Manages the proceedings in the cases;
- (c) Is present in person, or represented by the Deputy-Registrar, at meetings of the Court and of Chambers; provides any assistance required and is responsible for the preparation of reports or minutes of such meetings;
- (d) Countersigns all judgments, advisory opinions and orders of the Court, and the minutes of meetings;
- (e) Maintains relations with the parties to a case and has specific responsibility for the receipt and transmission of various documents, most importantly those instituting proceedings (applications and special agreements) and all written pleadings;
- (f) Is responsible for the translation, printing and publication of the Court's judgments, advisory opinions and orders, the pleadings, written statements and minutes of the public sittings in every case, and of such other documents as the Court may decide to publish;
- (g) Has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the International Military Tribunal of Nuremberg).

65. The Registrar's diplomatic role entails the following tasks:

- (a) Attending to the Court's external relations and acting as the channel of communication to and from the Court;
- (b) Managing external correspondence, including that relating to cases, and providing any consultations required;
- (c) Managing relations of a diplomatic nature, in particular with the organs and States Members of the United Nations, with other international organizations and with the government of the country in which the Court has its seat;
- (d) Maintaining relations with the local authorities and with the press;
- (e) Being responsible for information concerning the Court's activities and for the Court's publications, including press releases.

66. The administrative work of the Registrar includes:

- (a) The Registry's internal administration;
- (b) Financial management, in accordance with the financial procedures of the United Nations, and in particular preparing and implementing the budget;
- (c) The supervision of all administrative tasks and of printing;
- (d) Making arrangements for such provision or verification of translations and interpretations into the Court's two official languages (English and French) as the Court may require.

67. Pursuant to the exchange of letters and General Assembly resolution 90 (I) referred to in paragraphs 49–51, the Registrar is accorded the same privileges and

immunities as heads of diplomatic missions in The Hague and, on journeys to third States, all the privileges, immunities and facilities granted to diplomatic envoys.

**2. Deputy-Registrar**

68. The Deputy-Registrar of the Court is Jean-Pelé Fomété, of Cameroonian nationality. He was elected on 11 February 2013 for a period of seven years and re-elected on 20 February 2020 for a second term of seven years beginning on 1 April of the same year.

69. The Deputy-Registrar assists the Registrar and acts as Registrar in the latter's absence (Rules, art. 27).

## Chapter V

### Judicial activity of the Court

#### A. Pending contentious proceedings during the period under review

##### 1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*

70. On 2 July 1993, Hungary and Slovakia jointly notified to the Court a special agreement, signed on 7 April 1993, for the submission to the Court of certain issues arising out of differences regarding the implementation and the termination of the Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system. In its judgment of 25 September 1997, the Court, having ruled on the issues submitted by the parties, called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989.

71. On 3 September 1998, Slovakia filed in the Registry a request for an additional judgment in the case. Such an additional judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the judgment delivered by the Court in that case on 25 September 1997. The parties subsequently resumed negotiations and regularly informed the Court of the progress made.

72. By a letter from the agent of Slovakia dated 30 June 2017, the Government of Slovakia requested that the Court place on record the discontinuance of the proceedings instituted by means of the request for an additional judgment in the case. In a letter dated 12 July 2017, the agent of Hungary stated that his Government did not oppose the discontinuance of the proceedings instituted by means of the request of Slovakia of 3 September 1998 for an additional judgment.

73. By a letter to both agents dated 18 July 2017, the Court communicated its decision to place on record the discontinuance of the procedure begun by means of the request of Slovakia for an additional judgment and informed them that it had taken note of the fact that both parties had reserved their right under article 5, paragraph 3, of the special agreement signed between Hungary and Slovakia on 7 April 1993 to request the Court to render an additional judgment to determine the procedure for executing its judgment of 25 September 1997.

74. On 23 January 2018, the President of the Court met with the agents of the parties to discuss whether the case could, in its entirety, be considered closed. Taking into account the views expressed by the parties at that time, the Court decided in March 2018 that the case was still pending; it therefore remains on the Court's General List.

##### 2. *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*

75. On 14 June 2016, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning "the adoption by the USA of a series of measures that, in violation of the Treaty of Amity, Economic Relations, and Consular Rights signed at Tehran on 15 August 1955, ... have had, and/or are having a serious adverse impact on the ability of the Islamic Republic of Iran and of Iranian companies (including Iranian State-owned companies) to exercise their rights to control and enjoy their property, including property located outside the territory of Iran/within the territory of the USA". In particular, the Islamic Republic of Iran requested the Court to adjudge, order and declare that the United States had breached certain obligations under the Treaty of Amity and that it was under an obligation to make full reparation for the damage thus caused to the Islamic

Republic of Iran. As basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty.

76. On 1 May 2017, the United States raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

77. On 13 February 2019, following public hearings, the Court rendered its judgment on the preliminary objections raised by the United States. It found that it had jurisdiction to rule on part of the application filed by the Islamic Republic of Iran and that the application was admissible. In particular, it concluded that the Treaty of Amity did not confer jurisdiction on the Court to consider the claims of the Islamic Republic of Iran in respect of the alleged violation of the rules of international law on sovereign immunities. The Court also found that the third preliminary objection, relating to claims predicated on treatment accorded to the Government of the Islamic Republic of Iran or Bank Markazi, did not possess an exclusively preliminary character.

78. Public hearings on the merits of the case were held from 19 to 23 September 2022.

79. On 30 March 2023, the Court delivered its judgment on the merits of the case, in which it upheld the objection to jurisdiction raised by the United States relating to whether the Central Bank of the Islamic Republic of Iran, Bank Markazi, was a “company” within the meaning of the Treaty of Amity and thus entitled to protection under its provisions. Accordingly, the Court found that it had no jurisdiction to consider the claims of the Islamic Republic of Iran under articles III, IV and V of the Treaty of Amity, to the extent that they related to treatment accorded to Bank Markazi. The Court rejected, however, the objection to admissibility raised by the United States based on an alleged failure by Iranian companies to exhaust local remedies.

80. With regard to the merits of the case, the Court found that the United States had violated its obligations under article III, paragraph 1, article IV, paragraph 1, article IV, paragraph 2, and article X, paragraph 1, of the Treaty of Amity.

81. The Court found that the United States was under an obligation to compensate the Islamic Republic of Iran for the injurious consequences of those violations and held that, should the parties be unable to agree on the question of the compensation due to the Islamic Republic of Iran within a period of 24 months from the date of the judgment, the matter would, at the request of either party, be settled by the Court. The Court reserved the subsequent procedure in the case.

**3. *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)***

82. On 16 January 2017, Ukraine filed an application instituting proceedings against the Russian Federation concerning alleged violations of the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965. Ukraine asserted in particular that, since 2014, the Russian Federation had intervened militarily in Ukraine, financed acts of terrorism and violated the human rights of millions of citizens of Ukraine. Ukraine claimed that, in eastern Ukraine, the Russian Federation had instigated and sustained an armed insurrection against the authority of the Ukrainian State, flouting by its actions fundamental principles of international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism. Ukraine also claimed that, in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, the Russian Federation had created “a climate of violence and intimidation against

non-Russian ethnic groups” and undertaken a “deliberate campaign of cultural erasure” in violation of the International Convention on the Elimination of All Forms of Racial Discrimination. Ukraine requested the Court to adjudge and declare that the Russian Federation had violated its obligations under the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination, and that it must comply with those obligations and make reparation for the harm caused to Ukraine. As basis for the jurisdiction of the Court, the applicant invoked article 24 of the International Convention for the Suppression of the Financing of Terrorism and article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination.

83. On 16 January 2017, Ukraine also filed a request for the indication of provisional measures.

84. On 19 April 2017, the Court delivered its order on the request for the indication of provisional measures. It ordered, *inter alia*, that, with regard to the situation in Crimea, the Russian Federation must, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination: (a) refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis; and (b) ensure the availability of education in the Ukrainian language.

85. By an order dated 12 May 2017, the President of the Court fixed 12 June 2018 and 12 July 2019 as the respective time limits for the filing of a memorial by Ukraine and a counter-memorial by the Russian Federation. Ukraine filed its memorial within the time limit thus fixed.

86. Following public hearings on preliminary objections raised by the Russian Federation on 12 September 2018, the Court delivered its judgment on those objections on 8 November 2019, finding that it had jurisdiction to entertain the claims made by Ukraine on the basis of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. The Court also rejected the objection to admissibility raised by the respondent in respect of the claims made by Ukraine under the International Convention on the Elimination of All Forms of Racial Discrimination and concluded that the application in relation to those claims was admissible.

87. By an order dated 8 November 2019, the Court fixed 8 December 2020 as the new time limit for the filing of the counter-memorial of the Russian Federation. Following requests made by the Russian Federation, the Court decided, by orders dated 13 July 2020, 20 January 2021 and 28 June 2021, to extend the time limit for the filing of that counter-memorial to 8 April, 8 July and 9 August 2021, respectively. The counter-memorial was filed within the time limit thus extended.

88. By an order dated 8 October 2021, the Court fixed 8 April and 8 December 2022 as the respective time limits for the filing of a reply by Ukraine and a rejoinder by the Russian Federation. By an order dated 8 April 2022, those time limits were subsequently extended to 29 April 2022 and 19 January 2023, respectively. By orders dated 15 December 2022 and 3 February 2023, the Court extended the time limit for the filing of the rejoinder of the Russian Federation to 24 February and 10 March 2023, respectively. The reply and the rejoinder were filed within the time limits thus extended.

89. Public hearings on the merits were held from 6 to 14 June 2023.

90. On 31 January 2024, the Court delivered its judgment on the merits of the case, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By thirteen votes to two,

Finds that the Russian Federation, by failing to take measures to investigate facts contained in information received from Ukraine regarding persons who have allegedly committed an offence set forth in Article 2 of the International Convention for the Suppression of the Financing of Terrorism, has violated its obligation under Article 9, paragraph 1, of the said Convention;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Pocar;

Against: Judge Xue; Judge ad hoc Tuzmukhamedov;

(2) By ten votes to five,

Rejects all other submissions made by Ukraine with respect to the International Convention for the Suppression of the Financing of Terrorism;

In favour: Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Salam, Iwasawa, Nolte, Brant; Judge ad hoc Tuzmukhamedov;

Against: President Donoghue; Judges Sebutinde, Bhandari, Charlesworth; Judge ad hoc Pocar;

(3) By thirteen votes to two,

Finds that the Russian Federation, by the way in which it has implemented its educational system in Crimea after 2014 with regard to school education in the Ukrainian language, has violated its obligations under Articles 2, paragraph 1 (a), and 5 (e) (v) of the International Convention on the Elimination of Racial Discrimination;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Pocar;

Against: Judge Yusuf; Judge ad hoc Tuzmukhamedov;

(4) By ten votes to five,

Rejects all other submissions made by Ukraine with respect to the International Convention on the Elimination of Racial Discrimination;

In favour: Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Salam, Iwasawa, Nolte, Brant; Judge ad hoc Tuzmukhamedov;

Against: President Donoghue; Judges Sebutinde, Bhandari, Charlesworth; Judge ad hoc Pocar;

(5) By eleven votes to four,

Finds that the Russian Federation, by maintaining limitations on the Mejlis, has violated its obligation under paragraph 106 (1) (a) of the Order of 19 April 2017 indicating provisional measures;

In favour: President Donoghue; Judges Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth; Judge ad hoc Pocar;

Against: Judges Tomka, Xue, Brant; Judge ad hoc Tuzmukhamedov;

(6) By ten votes to five,

Finds that the Russian Federation has violated its obligation under paragraph 106 (2) of the Order of 19 April 2017 indicating provisional measures to refrain from any action which might aggravate or extend the dispute between the Parties, or make it more difficult to resolve;

In favour: President Donoghue; Judges Tomka, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Pocar;

Against: Judges Abraham, Bennouna, Yusuf, Xue; Judge ad hoc Tuzmukhamedov;

(7) By eleven votes to four,

Rejects all other submissions made by Ukraine with respect to the Order of the Court of 19 April 2017 indicating provisional measures.

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Salam, Iwasawa, Brant; Judge ad hoc Tuzmukhamedov;

Against: Judges Sebutinde, Nolte, Charlesworth; Judge ad hoc Pocar.”

#### 4. *Arbitral Award of 3 October 1899 (Guyana v. Venezuela)*

91. On 29 March 2018, Guyana filed an application instituting proceedings against the Bolivarian Republic of Venezuela. In its application, Guyana requested the Court “to confirm the legal validity and binding effect of the Award regarding the Boundary between the Colony of British Guiana and the United States of Venezuela, of 3 October 1899”. As basis for the jurisdiction of the Court, the applicant invoked article IV, paragraph 2, of the Agreement to Resolve the Controversy between Venezuela and the United Kingdom of Great Britain and Northern Ireland over the Frontier between Venezuela and British Guiana, signed at Geneva on 17 February 1966 (the “Geneva Agreement”), and the decision of 30 January 2018 of the Secretary-General of the United Nations, pursuant to the Geneva Agreement, choosing the Court as the means for the settlement of the dispute.

92. On 18 June 2018, the Bolivarian Republic of Venezuela informed the Court that it considered that the Court manifestly lacked jurisdiction to hear the case and that it had decided not to take part in the proceedings.

93. By an order dated 19 June 2018, the Court decided that the written pleadings in the case must first address the question of the jurisdiction of the Court and fixed 19 November 2018 and 18 April 2019 as the respective time limits for the filing of a memorial by Guyana and a counter-memorial by the Bolivarian Republic of Venezuela. The memorial of Guyana was filed within the time limit thus fixed.

94. By a letter dated 12 April 2019, the Bolivarian Republic of Venezuela confirmed that it would not participate in the written proceedings, while indicating that it would provide timely information in order to assist the Court “in the fulfilment of its [duty] as indicated in Article 53, paragraph 2, of its Statute”. On 28 November 2019, the Bolivarian Republic of Venezuela submitted to the Court a document entitled “Memorandum of the Bolivarian Republic of Venezuela on the Application filed before the International Court of Justice by the Cooperative Republic of Guyana on March 29th, 2018”.

95. A public hearing was subsequently held in a hybrid format on 30 June 2020, with the participation of the delegation of Guyana.

96. On 18 December 2020, the Court delivered its judgment, in which it concluded that it had jurisdiction to entertain the application filed by Guyana insofar as it concerned the validity of the Arbitral Award of 3 October 1899 and the related question of the definitive settlement of the land boundary dispute between Guyana

and the Bolivarian Republic of Venezuela. However, the Court found that it did not have jurisdiction to entertain the claims of Guyana arising from events that had occurred after the signature of the Geneva Agreement.

97. By an order dated 8 March 2021, the Court fixed 8 March 2022 and 8 March 2023 as the respective time limits for the filing of a memorial by Guyana and a counter-memorial by the Bolivarian Republic of Venezuela. The memorial of Guyana was filed within the time limit thus fixed.

98. On 7 June 2022, the Bolivarian Republic of Venezuela raised preliminary objections to the admissibility of the application of Guyana. By an order dated 13 June 2022, the Court fixed 7 October 2022 as the time limit within which Guyana might present a written statement of its observations and submissions on those preliminary objections. Guyana filed its written observations on the preliminary objections of the Bolivarian Republic of Venezuela within the time limit thus fixed.

99. Public hearings on the preliminary objections raised by the Bolivarian Republic of Venezuela were held from 17 to 22 November 2022.

100. On 6 April 2023, the Court delivered its judgment, in which it considered that the Bolivarian Republic of Venezuela was in substance making only a single preliminary objection. The Court rejected that preliminary objection and found that it could adjudicate upon the merits of the claims of Guyana insofar as they fell within the scope of the judgment of 18 December 2020, as described above.

101. By an order of the same date, the Court fixed 8 April 2024 as the new time limit for the filing of the counter-memorial of the Bolivarian Republic of Venezuela. That pleading was filed within the time limit thus fixed.

102. On 30 October 2023, Guyana filed a request for the indication of provisional measures. In its request, Guyana stated that, on 23 October 2023, the Government of the Bolivarian Republic of Venezuela had published a list of five questions that it planned to put before the Venezuelan people on 3 December 2023 as part of a consultative referendum.

103. According to Guyana, the purpose of those questions was “to obtain responses that would support Venezuela’s decision to abandon [the current proceedings before the Court], and to resort instead to unilateral measures to ‘resolve’ the controversy with Guyana by formally annexing and integrating into Venezuela all of the territory at issue in these proceedings”.

104. Public hearings on the request for the indication of provisional measures submitted by Guyana were held on 14 and 15 November 2023.

105. On 1 December 2023, the Court rendered its order on that request, the operative part of which reads as follows:

“For these reasons,

The Court,

Indicates the following provisional measures:

(1) Unanimously,

Pending a final decision in the case, the Bolivarian Republic of Venezuela shall refrain from taking any action which would modify the situation that currently prevails in the territory in dispute, whereby the Co-operative Republic of Guyana administers and exercises control over that area;

(2) Unanimously,



Both Parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.”

106. By a further order dated 14 June 2024, the Court fixed 9 December 2024 and 11 August 2025 as the respective time limits for the filing of a reply by Guyana and a rejoinder by the Bolivarian Republic of Venezuela.

**5. *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)***

107. On 16 July 2018, the Islamic Republic of Iran filed an application instituting proceedings against the United States with regard to a dispute concerning alleged violations of the Treaty of Amity, Economic Relations, and Consular Rights, which was signed by the two States in Tehran on 15 August 1955 and entered into force on 16 June 1957. The Islamic Republic of Iran stated that its application related to the decision of the United States in May 2018 to impose a series of restrictive measures on the Islamic Republic of Iran and Iranian companies and nationals. The Islamic Republic of Iran requested the Court to adjudge, order and declare that, through those measures and through further measures that it had announced, the United States had breached multiple obligations under the Treaty of Amity, that it must put an end to such breaches and that it must compensate the Islamic Republic of Iran for the harm caused. As basis for the jurisdiction of the Court, the applicant invoked article XXI, paragraph 2, of the Treaty of Amity.

108. On 16 July 2018, the Islamic Republic of Iran also filed a request for the indication of provisional measures.

109. On 3 October 2018, the Court delivered its order on that request, indicating in particular that the United States must remove any impediments arising from the measures announced on 8 May 2018 to the free exportation to the territory of the Islamic Republic of Iran of certain categories of goods and services, and ensure that licences and necessary authorizations were granted and that transfers of funds were not subject to any restriction insofar as they related to those goods and services.

110. By an order dated 10 October 2018, the Court fixed 10 April and 10 October 2019 as the respective time limits for the filing of a memorial by the Islamic Republic of Iran and a counter-memorial by the United States; these time limits were later extended to 24 May 2019 and 10 January 2020, respectively, by an order of the President dated 8 April 2019. The memorial of the Islamic Republic of Iran was filed within the time limit thus extended.

111. On 23 August 2019, the United States raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

112. On 3 February 2021, following public hearings, the Court delivered its judgment, in which it rejected all the preliminary objections raised by the United States and found that it had jurisdiction to entertain the application filed by the Islamic Republic of Iran on the basis of the Treaty of Amity and that the application was admissible.

113. By an order dated 3 February 2021, the Court fixed 20 September 2021 as the new time limit for the filing of the counter-memorial of the United States. Following a request by the United States, by an order dated 21 July 2021, the Court extended that time limit to 22 November 2021. The counter-memorial of the United States was filed within the time limit thus extended.

114. By an order dated 21 January 2022, the Court fixed 21 November 2022 and 21 September 2023 as the respective time limits for the filing of a reply by the Islamic Republic of Iran and a rejoinder by the United States.

115. By an order dated 20 October 2022, the Court extended to 21 December 2022 and 23 October 2023 the respective time limits for the filing of the reply of the Islamic Republic of Iran and the rejoinder of the United States. The reply was filed within the time limit thus extended.

116. By an order dated 18 September 2023, the Court extended to 15 December 2023 the time limit for the filing of the rejoinder of the United States. The rejoinder was filed within the time limit thus extended.

**6. *Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)***

117. On 28 September 2018, the State of Palestine filed an application instituting proceedings against the United States with respect to a dispute concerning alleged violations of the Vienna Convention on Diplomatic Relations of 18 April 1961. It is recalled in the application that, on 6 December 2017, the President of the United States recognized Jerusalem as the capital of Israel and announced the relocation of its Embassy in Israel from Tel Aviv to Jerusalem. The Embassy of the United States in Jerusalem was inaugurated on 14 May 2018. The State of Palestine contended that it flowed from the Vienna Convention that the diplomatic mission of a sending State must be established on the territory of the receiving State. Thus, according to the State of Palestine, in view of the special status of Jerusalem, “[t]he relocation of the United States Embassy in Israel to the Holy City of Jerusalem constitute[d] a breach of the Vienna Convention”. In its application, the State of Palestine requested the Court to recognize that violation and to order the United States to put an end to it, to take all steps necessary to comply with its obligations and to provide assurances and guarantees of non-repetition of its unlawful conduct. As basis for the Court’s jurisdiction, the applicant invoked article I of the Optional Protocol to the Vienna Convention on Diplomatic Relations, concerning the Compulsory Settlement of Disputes.

118. The United States informed the Court that it did not consider itself to be in a treaty relationship with the applicant under the Vienna Convention or its Optional Protocol. Accordingly, in its view, the Court was manifestly without jurisdiction in respect of the application, and the case ought to be removed from the Court’s General List.

119. By an order dated 15 November 2018, the Court decided that the written pleadings in the case must first address the questions of the Court’s jurisdiction and the admissibility of the application. It fixed 15 May and 15 November 2019 as the respective time limits for the filing of the memorial of the State of Palestine and the counter-memorial of the United States addressing those questions. The memorial of the State of Palestine was filed within the time limit thus fixed.

120. By a letter to the Registrar dated 12 April 2021, the State of Palestine requested the postponement of the oral proceedings that were due to be held on 1 June 2021, “in order to provide the parties with an opportunity to find a solution to [the] dispute through negotiations”. By a letter dated 19 April 2021, the Registrar was informed that the United States “ha[d] no objection to the applicant’s request”. Taking into account the views of the parties, the Court decided to postpone the hearings until further notice.

**7. *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)***

121. On 7 June 2019, the Court was seized of a dispute between Guatemala and Belize by way of a special agreement. Under the terms of articles 1 and 2 of the agreement, the parties requested the Court to determine, in accordance with applicable rules of international law as specified in Article 38, paragraph 1, of the Statute of the

Court, any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to those territories, to declare the rights therein of both parties and to determine the boundaries between their respective territories and areas.

122. By an order dated 18 June 2019, the Court fixed 8 June 2020 and 8 June 2021 as the respective time limits for the filing of a memorial by Guatemala and a counter-memorial by Belize. By an order dated 22 April 2020, these time limits were later extended to 8 December 2020 and 8 June 2022, respectively. The memorial and the counter-memorial were filed within the time limits thus extended.

123. By an order dated 24 June 2022, the Court fixed 8 December 2022 and 8 June 2023 as the respective time limits for the filing of a reply by Guatemala and a rejoinder by Belize. Those pleadings were filed within the time limits thus fixed.

**8. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar: 7 States intervening)***

124. On 11 November 2019, the Gambia filed in the Registry an application instituting proceedings against Myanmar, concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948. In its application, the Gambia requested, inter alia, that the Court adjudge and declare that Myanmar had breached its obligations under the Convention, that it must cease forthwith any internationally wrongful act, that it must perform the obligations of reparation in the interest of the victims of genocidal acts who were members of the Rohingya group, and that it must offer assurances and guarantees of non-repetition. As basis for the Court's jurisdiction, the applicant invoked article IX of the Convention.

125. The application was accompanied by a request for the indication of provisional measures.

126. On 23 January 2020, the Court delivered an order indicating a number of provisional measures, requiring, inter alia, that Myanmar, in relation to the members of the Rohingya group in its territory, take all measures within its power to prevent the commission of all acts within the scope of article II of the Convention on the Prevention and Punishment of the Crime of Genocide; take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of such acts; and submit a report to the Court on all measures taken to give effect to the order within four months, as from the date of the order, and thereafter every six months, pending a final decision in the case by the Court.

127. By a further order dated 23 January 2020, the Court fixed 23 July 2020 and 25 January 2021 as the respective time limits for the filing of a memorial by the Gambia and a counter-memorial by Myanmar. By an order dated 18 May 2020, the Court extended these time limits to 23 October 2020 and 23 July 2021, respectively. The memorial of the Gambia was filed within the time limit thus extended.

128. On 20 January 2021, Myanmar raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

129. On 22 July 2022, following public hearings, the Court delivered its judgment, in which it rejected the preliminary objections raised by Myanmar and found that it had jurisdiction to entertain the application filed by the Gambia on the basis of article IX of the Genocide Convention, and that the application was admissible.

130. By an order dated 22 July 2022, the Court fixed 24 April 2023 as the new time limit for the filing of the counter-memorial of Myanmar. Following a request by Myanmar, the Court extended that time limit, first to 24 May 2023 by an order dated

6 April 2023, and then to 24 August 2023 by an order dated 12 May 2023. The counter-memorial of Myanmar was filed within the time limit thus extended.

131. By an order dated 16 October 2023, the Court fixed 16 May 2024 and 16 December 2024 as the respective time limits for the filing of a reply by the Gambia and a rejoinder by Myanmar. The reply of the Gambia was filed within the time limit thus fixed.

132. On 15 November 2023, Maldives filed a declaration of intervention in the case with reference to Article 63 of the Statute of the Court. On the same date, a joint declaration of intervention was filed, pursuant to the same provision, by Canada, Denmark, France, Germany, the Kingdom of the Netherlands and the United Kingdom.

133. Myanmar filed objections to the admissibility of the two declarations of intervention. Pursuant to article 84, paragraph 2, of its Rules, the Court decided to hear the parties by means of a written procedure. The Court fixed 26 February 2024 as the time limit within which the States seeking to intervene could furnish their written observations on the admissibility of their declarations, and 26 March 2024 as the time limit within which the parties could furnish their written observations thereon. Both sets of written observations were filed within the time limits thus fixed.

134. By an order dated 3 July 2024, the Court decided on the admissibility of the declarations of intervention under Article 63 of its Statute. The operative part of the order reads as follows:

“For these reasons,

The Court,

(1) Unanimously,

Decides that the declaration of intervention under Article 63 of the Statute submitted by the Republic of the Maldives is admissible in so far as it concerns the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide;

(2) Unanimously,

Decides that the declaration of intervention under Article 63 of the Statute submitted jointly by Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland is admissible in so far as it concerns the construction of provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.”

**9. *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)***

135. On 5 March 2021, the Court was seized of a dispute between Gabon and Equatorial Guinea by way of a special agreement which was signed in 2016 and entered into force in March 2020. In the special agreement, the parties requested the Court “to determine whether the legal titles, treaties and international conventions invoked by the Parties ha[d] the force of law in the relations between the Gabonese Republic and the Republic of Equatorial Guinea in so far as they concern[ed] the delimitation of their common maritime and land boundaries and sovereignty over the islands of Mbanié/Mbañe, Cocotiers/Cocoteros and Conga”.

136. It is stated in the special agreement that “[t]he Gabonese Republic recognizes as applicable to the dispute the special Convention on the delimitation of French and Spanish possessions in West Africa, on the coasts of the Sahara and the Gulf of

Guinea, signed in Paris on 27 June 1900, and the Convention demarcating the land and maritime frontiers of Equatorial Guinea and Gabon, signed in Bata on 12 September 1974”, and that “[t]he Republic of Equatorial Guinea recognizes as applicable to the dispute the special Convention on the delimitation of French and Spanish possessions in West Africa, on the coasts of the Sahara and the Gulf of Guinea, signed in Paris on 27 June 1900”.

137. In the special agreement, both Gabon and Equatorial Guinea reserve the right to invoke other legal titles, and they set out their common views regarding the procedure to be followed for written and oral proceedings before the Court.

138. By an order dated 7 April 2021, the Court fixed 5 October 2021 and 5 May 2022 as the respective time limits for the filing of a memorial by Equatorial Guinea and a counter-memorial by Gabon. Those written pleadings were filed within the time limits thus fixed.

139. By an order dated 6 May 2022, the President of the Court fixed 5 October 2022 and 6 March 2023 as the respective time limits for the filing of a reply by Equatorial Guinea and a rejoinder by Gabon. Those pleadings were filed within the time limits thus fixed.

140. Public hearings on the merits of the case are scheduled to be held from 30 September to 4 October 2024.

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

141. On 16 September 2021, Armenia filed an application instituting proceedings against Azerbaijan with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination. The applicant contended that, “[f]or decades, Azerbaijan ha[d] subjected Armenians to racial discrimination” and that, “[a]s a result of th[at] State-sponsored policy of Armenian hatred, Armenians ha[d] been subjected to systemic discrimination, mass killings, torture and other abuse”. According to Armenia, those violations had been directed at individuals of Armenian ethnic or national origin regardless of their actual nationality. Armenia claimed that “[those] practices [had] once again c[ome] to the fore in September 2020, after Azerbaijan’s aggression against the Republic of Artsakh and Armenia” and that, “[d]uring that armed conflict, Azerbaijan [had] committed grave violations of the [Convention]”. The applicant alleged that “[e]ven after the end of hostilities”, following a ceasefire that had entered into effect on 10 November 2020, “Azerbaijan ha[d] continued to engage in the murder, torture and other abuse of Armenian prisoners of war, hostages and other detained persons”.

142. In its application, Armenia claimed, inter alia, that Azerbaijan “[was] responsible for violating the [Convention], including Articles 2, 3, 4, 5, 6 and 7”. Armenia further contended that “[a]ll good-faith efforts by Armenia to put an end to Azerbaijan’s violations of the [Convention] through other means [had] failed”. Armenia therefore requested the Court “to hold Azerbaijan responsible for its violations of the [Convention], to prevent future harm, and to redress the harm that ha[d] already been caused”.

143. As basis for the Court’s jurisdiction, the applicant invoked Article 36, paragraph 1, of the Statute of the Court and article 22 of the Convention, to which both States are parties.

144. The application was accompanied by a request for the indication of provisional measures.

145. On 7 December 2021, following public hearings, the Court delivered its order on that request, indicating certain provisional measures. In particular, the Court decided that, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, Azerbaijan must (a) protect from violence and bodily harm all persons captured in relation to the 2020 conflict who remained in detention, and ensure their security and equality before the law, (b) take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin, and (c) take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts. The Court further ordered both parties to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

146. By an order dated 21 January 2022, the Court fixed 23 January 2023 and 23 January 2024 as the respective time limits for the filing of a memorial by Armenia and a counter-memorial by Azerbaijan. The memorial of Armenia was filed within the time limit thus fixed.

147. On 19 September 2022, Armenia, referring to article 76 of the Rules of Court, filed a request for the modification of the Court's order of 7 December 2021 indicating provisional measures. By an order dated 12 October 2022, the Court concluded that "the hostilities which erupted between the Parties in September 2022 and the detention of Armenian military personnel d[id] 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", and it reaffirmed the provisional measures indicated in its order of 7 December 2021.

148. On 28 December 2022, Armenia submitted a second request for the indication of provisional measures. By an order dated 22 February 2023, following public hearings on that request, the Court indicated a new provisional measure, ordering Azerbaijan to take all measures at its disposal to ensure the unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.

149. On 21 April 2023, Azerbaijan raised preliminary objections to the jurisdiction of the Court. By an order dated 25 April 2023, the President of the Court fixed 21 August 2023 as the time limit within which Armenia might present a written statement of its observations and submissions on the preliminary objections raised by Azerbaijan. Armenia submitted its statement within the time limit thus fixed.

150. On 15 May 2023, the Court received a request from Armenia asking it to modify its order of 22 February 2023 indicating a provisional measure. By an order dated 6 July 2023, the Court concluded that the circumstances to which Armenia referred in its request did not "constitute a change in the situation justifying modification of the Order of 22 February 2023".

151. On 28 September 2023, Armenia submitted a further request to the Court for the indication of provisional measures. Public hearings on that request were held on 12 October 2023.

152. On 17 November 2023, the Court delivered its order on the request, the operative part of which reads as follows:

“For these reasons,

The Court,

Indicates the following provisional measures:

- (1) By thirteen votes to two,

The Republic of Azerbaijan shall, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, (i) ensure that persons who have left Nagorno-Karabakh after 19 September 2023 and who wish to return to Nagorno-Karabakh are able to do so in a safe, unimpeded and expeditious manner; (ii) ensure that persons who remained in Nagorno-Karabakh after 19 September 2023 and who wish to depart are able to do so in a safe, unimpeded and expeditious manner; and (iii) ensure that persons who remained in Nagorno-Karabakh after 19 September 2023 or returned to Nagorno-Karabakh and who wish to stay are free from the use of force or intimidation that may cause them to flee;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Bennouna, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Judge Yusuf; Judge ad hoc Koroma;

- (2) By thirteen votes to two,

The Republic of Azerbaijan shall, in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, protect and preserve registration, identity and private property documents and records that concern the persons identified under subparagraph (1) and have due regard to such documents and records in its administrative and legislative practices;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Bennouna, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Judge Yusuf; Judge ad hoc Koroma;

- (3) By thirteen votes to two,

The Republic of Azerbaijan shall submit a report to the Court on the steps taken to give effect to the provisional measures indicated and to the undertakings made by the Agent of the Republic of Azerbaijan, on behalf of his Government, at the public hearing that took place on the afternoon of 12 October 2023, within eight weeks, as from the date of this Order.

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Bennouna, Xue, Sebutinde, Bhandari, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Judge Yusuf; Judge ad hoc Koroma.”

153. The Court held public hearings on the preliminary objections raised by Azerbaijan from 15 to 19 April 2024. As at 31 July 2024, the case was under deliberation. The Court will deliver its decision on the preliminary objections at a public sitting, the date of which will be announced in due course.

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

154. On 23 September 2021, Azerbaijan filed an application instituting proceedings against Armenia concerning alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination.

155. According to the applicant, “Armenia ha[d] engaged and [was] continuing to engage in a series of discriminatory acts against Azerbaijanis on the basis of their

‘national or ethnic’ origin within the meaning of [the Convention]”. The applicant claimed that “through both direct and indirect means, Armenia continue[d] its policy of ethnic cleansing”, and that it “incite[d] hatred and ethnic violence against Azerbaijanis by engaging in hate speech and disseminating racist propaganda, including at the highest levels of its government”. Referring to the period of hostilities between the two countries that had erupted in the fourth quarter of 2020, Azerbaijan contended that “Armenia [had] once again targeted Azerbaijanis for brutal treatment motivated by ethnic hatred”. Azerbaijan further contended that “Armenia’s policies and conduct of ethnic cleansing, cultural erasure and fomenting of hatred against Azerbaijanis systematically infringe[d] the rights and freedoms of Azerbaijanis, as well as Azerbaijan’s own rights, in violation of [the Convention]”.

156. In its application, Azerbaijan claimed, inter alia, that the policy and practice of anti-Azerbaijani discrimination on the part of Armenia “ha[d] had both the purpose and effect of nullifying and impairing the human rights and fundamental freedoms of Azerbaijanis in violation of Articles 2, 3, 4, 5, 6 and 7 of [the Convention]”. Azerbaijan added that “[t]he Parties’ attempts to negotiate a settlement of Azerbaijan’s claims ... ha[d] resulted in deadlock”. Azerbaijan therefore requested the Court “to hold Armenia accountable for its violations” under the Convention and to “redress the harm thereby visited on Azerbaijan and its people”.

157. As basis for the Court’s jurisdiction, Azerbaijan invoked Article 36, paragraph 1, of the Statute of the Court and article 22 of the Convention, to which both States are parties.

158. The application was accompanied by a request for the indication of provisional measures.

159. On 7 December 2021, following public hearings, the Court delivered its order on that request, indicating certain provisional measures. In particular, the Court decided that, in accordance with its obligations under the Convention, Armenia must take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin. The Court further ordered both parties to refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.

160. By an order dated 21 January 2022, the Court fixed 23 January 2023 and 23 January 2024 as the respective time limits for the filing of a memorial by Azerbaijan and a counter-memorial by Armenia. The memorial of Azerbaijan was filed within the time limit thus fixed.

161. On 4 January 2023, Azerbaijan filed a second request for the indication of provisional measures, asking the Court to order Armenia to “immediately take all necessary steps to enable Azerbaijan to undertake the prompt, safe and effective demining of the towns, villages, and other areas to which Azerbaijani civilians will return in the Lachin District, Kalbajar District and other formerly occupied districts of Azerbaijan” and to “immediately cease and desist from any further efforts to plant or to sponsor or support the planting of landmines and booby traps in these areas to which Azerbaijani civilians will return in Azerbaijan’s territory, including, but not limited to, the use of the Lachin Corridor for this purpose”.

162. On 22 February 2023, following public hearings, the Court issued an order on the request for the indication of provisional measures submitted on 4 January 2023, unanimously rejecting the request.

163. On 21 April 2023, Armenia raised preliminary objections to the jurisdiction of the Court and the admissibility of the application. By an order dated 25 April 2023, the President of the Court fixed 21 August 2023 as the time limit within which



Azerbaijan might present a written statement of its observations and submissions on those preliminary objections. Azerbaijan submitted its statement within the time limit thus fixed.

164. Public hearings on the preliminary objections raised by Armenia were held from 22 to 26 April 2024. As at 31 July 2024, the case was under deliberation. The Court will deliver its decision on the preliminary objections at a public sitting, the date of which will be announced in due course.

**12. *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)***

165. On 26 February 2022, Ukraine filed an application instituting proceedings against the Russian Federation concerning “a dispute ... relating to the interpretation, application and fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide”.

166. Ukraine contended, inter alia, that “the Russian Federation ha[d] falsely claimed that acts of genocide ha[d] occurred in the Luhansk and Donetsk oblasts of Ukraine, and on that basis recognized the so-called ‘Donetsk People’s Republic’ and ‘Luhansk People’s Republic’, and then declared and implemented a ‘special military operation’ against Ukraine”. Ukraine “emphatically denie[d]” that such acts of genocide had occurred and stated that it had submitted the application “to establish that Russia ha[d] no lawful basis to take action in and against Ukraine for the purpose of preventing and punishing any purported genocide”.

167. As basis for the Court’s jurisdiction, Ukraine invoked Article 36, paragraph 1, of the Statute of the Court and article IX of the Convention, to which both States are parties.

168. The application of Ukraine was accompanied by a request for the indication of provisional measures.

169. On 16 March 2022, following public hearings with the participation of the delegation of Ukraine, the Court delivered its order on that request. In that order, the Court indicated certain provisional measures. In particular, it ordered the Russian Federation to immediately suspend the military operations that it had commenced on 24 February 2022 in the territory of Ukraine and to ensure that any military or irregular armed units which might be directed or supported by it, as well as any organizations and persons which might be subject to its control or direction, took no steps in furtherance of such military operations. The Court further directed both parties to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

170. By an order dated 23 March 2022, the Court fixed 23 September 2022 and 23 March 2023 as the respective time limits for the filing of a memorial by Ukraine and a counter-memorial by the Russian Federation. The memorial of Ukraine was filed on 1 July 2022.

171. On 17 August 2022, the European Union, referring to Article 34, paragraph 2, of the Statute of the Court, and article 69, paragraph 2, of the Rules of Court, furnished, on its own initiative, information that it considered relevant to the case.

172. On 3 October 2022, the Russian Federation raised preliminary objections to the jurisdiction of the Court and the admissibility of the application.

173. By an order dated 7 October 2022, the Court fixed 3 February 2023 as the time limit within which Ukraine might present a written statement of its observations and submissions on the preliminary objections raised by the Russian Federation. Ukraine filed its statement within the time limit thus fixed.

174. By letters dated 31 October 2022, the Court informed the States parties to the Convention that, taking into account the number of declarations of intervention filed in the case, it considered that the interest of the sound administration of justice and procedural efficiency would be advanced if any State that intended to avail itself of the right of intervention conferred on it by Article 63 of the Statute of the Court were to file its declaration not later than 15 December 2022.

175. From 21 July to 15 December 2022, 33 States filed in the Registry declarations of intervention in the case, pursuant to Article 63, paragraph 2, of the Statute of the Court.

176. The Russian Federation filed objections to the admissibility of all the declarations of intervention. The Court therefore decided, pursuant to article 84, paragraph 2, of its Rules, to hear the parties and the States seeking to intervene on the admissibility of the declarations of intervention by means of a written procedure. The Court fixed 13 February 2023 as the time limit within which the States seeking to intervene could furnish their written observations on the admissibility of their declarations and 13 March 2023 as the time limit within which Ukraine and the Russian Federation could furnish their written observations thereon. The time limit for the submission by the parties of their written observations on the admissibility of the declarations of intervention was subsequently extended to 24 March 2023. The written observations of both the States seeking to intervene and the parties were filed within the time limits thus fixed.

177. By an order dated 5 June 2023, the Court decided that the declarations of intervention under Article 63 of the Statute submitted by Australia, Austria, Belgium and Bulgaria, by Canada and the Kingdom of the Netherlands (jointly), and by Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom were admissible at the preliminary objections stage of the proceedings insofar as they concerned the construction of article IX and other provisions of the Convention on the Prevention and Punishment of the Crime of Genocide that were relevant for the determination of the jurisdiction of the Court. The Court also decided that the declaration of intervention under Article 63 of the Statute submitted by the United States was inadmissible insofar as it concerned the preliminary objections stage of the proceedings.

178. By the same order, the Court fixed 5 July 2023 as the time limit for the filing of written observations on the subject matter of the interventions by the States whose declarations of intervention had been deemed admissible at the preliminary objections stage of the proceedings. Thirty-one intervening States filed written observations within the time limit thus fixed.

179. Public hearings on the preliminary objections raised by the Russian Federation were held from 18 to 27 September 2023. Thirty-two intervening States presented oral observations at the hearings.

180. On 2 February 2024, the Court rendered its judgment on the preliminary objections, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By fifteen votes to one,

Rejects the first preliminary objection raised by the Russian Federation;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian;

(2) By twelve votes to four,

Upholds the second preliminary objection raised by the Russian Federation, which relates to submissions (c) and (d) in paragraph 178 of the Memorial of Ukraine;

In favour: Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Salam, Iwasawa, Nolte, Brant; Judge ad hoc Daudet;

Against: President Donoghue; Judges Sebutinde, Robinson, Charlesworth;

(3) By fifteen votes to one,

Rejects the third preliminary objection raised by the Russian Federation relating to submission (b) in paragraph 178 of the Memorial of Ukraine;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian;

(4) By fourteen votes to two,

Rejects the third preliminary objection raised by the Russian Federation relating to submissions (c) and (d) in paragraph 178 of the Memorial of Ukraine;

In favour: Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: President Donoghue; Vice-President Gevorgian;

(5) By fourteen votes to two,

Rejects the fourth preliminary objection raised by the Russian Federation;

In favour: President Donoghue; Judges Tomka, Abraham, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian; Judge Bennouna;

(6) By thirteen votes to three,

Rejects the fifth preliminary objection raised by the Russian Federation;

In favour: President Donoghue; Judges Tomka, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian; Judges Abraham, Bennouna;

(7) By fifteen votes to one,

Rejects the sixth preliminary objection raised by the Russian Federation;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian;

(8) By fifteen votes to one,

Finds that it has jurisdiction, on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, to entertain submission (b) in paragraph 178 of the Memorial of Ukraine;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian;

(9) By thirteen votes to three,

Finds that submission (b) in paragraph 178 of the Memorial of Ukraine is admissible.

In favour: President Donoghue; Judges Tomka, Yusuf, Xue, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Daudet;

Against: Vice-President Gevorgian; Judges Abraham, Bennouna.”

181. By a further order dated 2 February 2024, the Court fixed 2 August 2024 as the new time limit for the filing of the counter-memorial of the Russian Federation. By an order dated 30 July 2024, the Court extended that time limit to 16 September 2024.

**13. *Questions of Jurisdictional Immunities of the State and Measures of Constraint against State-Owned Property (Germany v. Italy)***

182. On 29 April 2022, Germany filed an application instituting proceedings against Italy for allegedly failing to respect its jurisdictional immunity as a sovereign State.

183. In its application, Germany recalled that, on 3 February 2012, the Court rendered its judgment on the question of jurisdictional immunity in the case concerning *Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)*. Germany stated that, “[n]otwithstanding [the] pronouncements [in that judgment], the Italian domestic courts, since 2012, ha[d] entertained a significant number of new claims against Germany in violation of Germany’s sovereign immunity”. Germany referred in particular to judgment No. 238/2014 of 22 October 2014 of the Italian Constitutional Court, by which the latter “[had] acknowledged ‘[t]he duty of the Italian judge ... to comply with the ruling of the [International Court of Justice] of 3 February 2012’” but, nevertheless, “[had] subjected that same duty to the ‘fundamental principle of judicial protection of fundamental rights’ under Italian constitutional law, which it read to permit individual claims by victims of war crimes and crimes against humanity to be brought against sovereign States”. Germany argued that judgment No. 238/2014 of the Italian Constitutional Court, “adopted in conscious violation of international law and of Italy’s duty to comply with a judgment of the principal judicial organ of the United Nations, [had] had wide-ranging consequences”. It added that, since the delivery of the judgment, “at least 25 new cases ha[d] been brought against Germany [before Italian courts]” and that “in at least 15 proceedings, Italian domestic courts ... ha[d] entertained and decided upon claims against Germany in relation to conduct of the German Reich during World War II”.

184. As basis for the jurisdiction of the Court, Germany invoked Article 36, paragraph 1, of the Statute of the Court and article 1 of the European Convention for the Peaceful Settlement of Disputes of 29 April 1957.

185. The application of Germany was accompanied by a request for the indication of provisional measures. Hearings on that request were scheduled to open on 9 May 2022.

186. By a letter dated 4 May 2022, Germany informed the Court that, following recent judicial developments in Italy and discussions between representatives of the two States held from 2 to 4 May 2022, it had decided to withdraw its request for the indication of provisional measures.

187. By an order dated 10 May 2022, the President of the Court placed on record the withdrawal by Germany of its request for the indication of provisional measures.

188. By an order dated 10 June 2022, the Court fixed 12 June 2023 and 12 June 2024 as the respective time limits for the filing of a memorial by Germany and a counter-memorial by Italy. By an order dated 30 May 2023, the Court extended these time limits to 12 January 2024 and 12 August 2025, respectively. By an order of the President dated 5 December 2023, these time limits were further extended to 12 January 2025 and 12 August 2027, respectively.

**14. *Request relating to the Return of Property Confiscated in Criminal Proceedings (Equatorial Guinea v. France)***

189. On 29 September 2022, Equatorial Guinea instituted proceedings against France with regard to a dispute concerning the alleged violation, by France, of its obligations under the United Nations Convention against Corruption of 31 October 2003, on the grounds that France had not returned to Equatorial Guinea property which constituted the proceeds of a crime of misappropriation of public funds committed against it, including immovable property of which it was the effective and legitimate owner before its confiscation by France, and that France had not extended to Equatorial Guinea the cooperation and assistance required for the purpose of returning such property to it. As basis for the jurisdiction of the Court, the applicant invoked Article 36, paragraph 1, of the Statute of the Court and article 66 of the Convention against Corruption.

190. In its application, Equatorial Guinea stated that, on 15 September 2011, it had acquired from Teodoro Nguema Obiang Mangue all of the shares of five Swiss companies, one of which owned the entire share capital of two French companies, including “Société du 42 avenue Foch”, which managed the building located at the same address in Paris. Equatorial Guinea further contended that, on 28 July 2021, the French Cour de cassation had upheld the conviction of Teodoro Nguema Obiang Mangue for the offence of laundering the proceeds of misappropriation of public funds, misuse of corporate assets and breach of trust, and that the Cour de cassation had also upheld the confiscation of the building, the property that had been seized and other movable property. Equatorial Guinea asserted that it had initiated requests, on the basis of the Convention against Corruption, for the return of certain assets corresponding to property confiscated by France, to which the latter had not responded. It added that, on 29 July 2022, France had announced “the imminent offering for sale of an item of property whose return [was] sought by Equatorial Guinea, namely the building located at 40–42 avenue Foch in Paris”.

191. The application was accompanied by a request for the indication of provisional measures, which the applicant contended were “necessary to protect its right to the return of the building located at 40–42 avenue Foch”. The applicant considered that there was “an imminent risk of irreparable prejudice to [that] right”, since “the competitive bidding procedure and sale of the building would make it impossible for [that] property to be returned”. Hearings on that request were scheduled to open on 2 November 2022.

192. By a letter communicated to the Registry under cover of a note verbale dated 19 October 2022, the agent of Equatorial Guinea informed the Court that his Government had decided to withdraw its request for the indication of provisional measures.

193. By an order dated 21 October 2022, the President of the Court placed on record the withdrawal by Equatorial Guinea of its request for the indication of provisional measures.

194. By an order dated 15 December 2022, the Court fixed 17 July 2023 and 19 February 2024 as the respective time limits for the filing of the memorial of Equatorial Guinea and the counter-memorial of France. Those pleadings were filed within the time limits thus fixed.

195. By an order dated 28 May 2024, the President of the Court fixed 28 March 2025 and 28 January 2026 as the respective time limits for the filing of the reply of Equatorial Guinea and the rejoinder of France.

**15. *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)***

196. On 16 November 2022, Belize instituted proceedings against Honduras with regard to a dispute concerning sovereignty over the Sapodilla Cayes/Cayos Zapotillos, which it described as a group of cayes lying in the Gulf of Honduras at the southern tip of the Belize Barrier Reef.

197. In its application, Belize stated that, since the early nineteenth century, the Sapodilla Cayes had formed part of the territory of Belize, initially as part of the settlement of Belize and later the colony of British Honduras, and since 1981 as part of the independent State of Belize. The applicant argued that, “[u]nder international law, Belize [was] sovereign over the Sapodilla Cayes” and that “[t]he Honduran claim to the Sapodilla Cayes, articulated in its 1982 Constitution, which remain[ed] in force as a matter of the internal law of Honduras, ha[d] no basis in international law”.

198. Belize requested the Court “to adjudge and declare that, as between Belize and Honduras, Belize [was] sovereign over the Sapodilla Cayes”. As basis for the jurisdiction of the Court, the applicant invoked article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948 and Article 36, paragraph 1, of the Statute of the Court.

199. By an order dated 2 February 2023, the Court fixed 2 May and 4 December 2023 as the respective time limits for the filing of the memorial of Belize and the counter-memorial of Honduras. Those pleadings were filed within the time limits thus fixed.

200. On 1 December 2023, Guatemala, referring to Article 62 of the Statute of the Court, filed an application for permission to intervene in the case. In accordance with article 83 of the Rules of Court, Belize and Honduras were invited to furnish written observations on whether the application of Guatemala for permission to intervene should be granted. Those written observations were duly furnished by the parties.

**16. *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)***

201. On 8 June 2023, Canada and the Kingdom of the Netherlands filed a joint application instituting proceedings against the Syrian Arab Republic concerning alleged violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In their application, Canada and the Kingdom of the Netherlands contended that “Syria ha[d] committed countless violations of international law, beginning at least in 2011, with its violent repression of civilian

demonstrations, and continuing as the situation in Syria devolved into a protracted armed conflict”. According to the applicants, “[those] violations include[d] the use of torture and other cruel, inhuman or degrading treatment or punishment ..., including through abhorrent treatment of detainees, inhumane conditions in places of detention, enforced disappearances, the use of sexual and gender-based violence, and violence against children”. The applicants claimed that the violations for which Syria was responsible also included the use of chemical weapons. As basis for the jurisdiction of the Court, the applicants invoked article 30, paragraph 1, of the Convention against Torture and Article 36, paragraph 1, of the Statute of the Court.

202. The application was accompanied by a request for the indication of provisional measures “to preserve and protect the rights owed to [Canada and the Kingdom of the Netherlands] under the Convention against Torture, which Syria continue[d] to violate, and protect the lives and physical and mental integrity of individuals within Syria who [were] currently, or [were] at risk of, being subjected to torture and other cruel, inhuman or degrading treatment or punishment”.

203. Public hearings on the request for the indication of provisional measures, initially due to open on 19 July 2023, were postponed following a request to that end from the Syrian Arab Republic.

204. A public hearing was held on 10 October 2023 with the participation of the delegations of Canada and the Kingdom of the Netherlands.

205. On 16 November 2023, the Court rendered its order on the request for the indication of provisional measures, the operative part of which reads as follows:

“For these reasons,

The Court,

Indicates the following provisional measures

(1) By thirteen votes to two,

The Syrian Arab Republic shall, in accordance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment and ensure that its officials, as well as any organizations or persons which may be subject to its control, direction or influence, do not commit any acts of torture or other acts of cruel, inhuman or degrading treatment or punishment;

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant;

Against: Vice-President Gevorgian; Judge Xue;

(2) By thirteen votes to two,

The Syrian Arab Republic shall take effective measures to prevent the destruction and ensure the preservation of any evidence related to allegations of acts within the scope of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In favour: President Donoghue; Judges Tomka, Abraham, Bennouna, Yusuf, Sebutinde, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant;

Against: Vice-President Gevorgian; Judge Xue”.

206. By an order dated 1 February 2024, the Court fixed 3 February 2025 and 3 February 2026 as the respective time limits for the filing of a memorial by Canada and the Kingdom of the Netherlands and a counter-memorial by the Syrian Arab Republic.

**17. *Alleged Violations of State Immunities (Islamic Republic of Iran v. Canada)***

207. On 27 June 2023, the Islamic Republic of Iran filed an application instituting proceedings against Canada concerning alleged violations of State immunities.

208. In its application, the Islamic Republic of Iran contended that, since 2012, Canada had adopted and implemented a series of legislative, executive and judicial measures against the Islamic Republic of Iran and its property. According to the Islamic Republic of Iran, those measures “ha[d] abrogated the immunities to which Iran [was] entitled, both with respect to jurisdictional immunity and immunity from measures of constraint”. The Islamic Republic of Iran thus requested the Court to adjudge and declare, inter alia, that, by failing to respect the immunities of the Islamic Republic of Iran and its property, Canada had violated its international obligations towards the Islamic Republic of Iran, in particular by allowing claims to be brought against the Islamic Republic of Iran for alleged support of terrorism, by recognizing or enforcing in Canada foreign judgments rendered against the Islamic Republic of Iran for alleged support of terrorism, and by allowing and adopting pre-judgment and post-judgment measures of constraint against property of the Islamic Republic of Iran.

209. The Islamic Republic of Iran sought to found the Court’s jurisdiction on Article 36, paragraph 2, and Article 40, paragraph 1, of the Statute of the Court and on article 38 of the Rules of Court.

210. By an order dated 16 October 2023, the Court fixed 16 October 2024 and 16 October 2025 as the respective time limits for the filing of a memorial by the Islamic Republic of Iran and a counter-memorial by Canada.

**18. *Aerial Incident of 8 January 2020 (Canada, Sweden, Ukraine and United Kingdom v. Islamic Republic of Iran)***

211. On 4 July 2023, Canada, Sweden, Ukraine and the United Kingdom filed a joint application instituting proceedings against the Islamic Republic of Iran concerning a dispute under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (the “Montreal Convention”).

212. In their application, Canada, Sweden, Ukraine and the United Kingdom claimed that the Islamic Republic of Iran had violated a series of obligations arising under the Montreal Convention as a result of the shooting down on 8 January 2020 of a civil aircraft in service, Ukraine International Airlines flight PS752, by military personnel of the Islamic Revolutionary Guard Corps of the Islamic Republic of Iran. All 176 passengers and crew aboard the flight, many of whom were nationals and residents of the applicant States, were killed in the crash.

213. According to the applicants, the Islamic Republic of Iran failed to take all practicable measures to prevent the unlawful and intentional commission of an offence described in article 1 of the Montreal Convention, including the destruction of flight PS752, and subsequently failed to conduct an impartial, transparent and fair criminal investigation and prosecution consistent with international law. In the applicants’ view, these and other acts and omissions by the Islamic Republic of Iran violated the requirements of the Montreal Convention.



214. Canada, Sweden, Ukraine and the United Kingdom sought to found the Court's jurisdiction on Article 36, paragraph 1, of the Statute of the Court and article 14, paragraph 1, of the Montreal Convention.

215. By an order dated 16 October 2023, the Court fixed 16 October 2024 and 16 October 2025 as the respective time limits for the filing of a memorial by Canada, Sweden, Ukraine and the United Kingdom and a counter-memorial by the Islamic Republic of Iran.

**19. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)***

216. On 29 December 2023, South Africa filed an application instituting proceedings against Israel concerning alleged violations by Israel of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide in relation to Palestinians in the Gaza Strip.

217. The acts and omissions by Israel of which South Africa complained included killing Palestinians in Gaza, causing them serious bodily and mental harm, and inflicting on them conditions of life calculated to bring about their physical destruction. According to the applicant, those acts and omissions "[were] genocidal in character, as they [were] committed with the requisite specific intent ... to destroy Palestinians in Gaza as a part of the broader Palestinian national, racial and ethnical group". Accordingly, South Africa alleged that the conduct of Israel in relation to Palestinians in Gaza was in violation of its obligations under the Convention. South Africa contended that "Israel, since 7 October 2023 in particular, ha[d] failed to prevent genocide and ha[d] failed to prosecute the direct and public incitement to genocide", and that "Israel ha[d] engaged in, [was] engaging in and risk[ed] further engaging in genocidal acts against the Palestinian people in Gaza".

218. South Africa sought to found the Court's jurisdiction on Article 36, paragraph 1, of the Statute of the Court and on article IX of the Convention, to which both South Africa and Israel are parties.

219. The application was accompanied by a request for the indication of provisional measures in order to "protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention" and "to ensure Israel's compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and to punish genocide".

220. Public hearings on the request of South Africa were held on 11 and 12 January 2024.

221. On 26 January 2024, the Court delivered its order on the request, the operative part of which reads as follows:

"For these reasons,

The Court,

Indicates the following provisional measures:

(1) By fifteen votes to two,

The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:

(a) killing members of the group;

(b) causing serious bodily or mental harm to members of the group;

(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and

(d) imposing measures intended to prevent births within the group;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke;

Against: Judge Sebutinde; Judge ad hoc Barak;

(2) By fifteen votes to two,

The State of Israel shall ensure with immediate effect that its military does not commit any acts described in point 1 above;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke;

Against: Judge Sebutinde; Judge ad hoc Barak;

(3) By sixteen votes to one,

The State of Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judges ad hoc Barak, Moseneke;

Against: Judge Sebutinde;

(4) By sixteen votes to one,

The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judges ad hoc Barak, Moseneke;

Against: Judge Sebutinde;

(5) By fifteen votes to two,

The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II and Article III of the Convention on the Prevention and Punishment of the Crime of Genocide against members of the Palestinian group in the Gaza Strip;

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke;

Against: Judge Sebutinde; Judge ad hoc Barak;

(6) By fifteen votes to two,

The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one month as from the date of this Order.

In favour: President Donoghue; Vice-President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke;

Against: Judge Sebutinde; Judge ad hoc Barak.”

222. On 23 January 2024, Nicaragua, referring to Article 62 of the Statute of the Court, filed in the Registry an application for permission to intervene “as a party” in the case.

223. By a letter dated 12 February 2024, South Africa, referring to “the developing circumstances in Rafah”, called upon the Court urgently to exercise its power under article 75, paragraph 1, of the Rules of Court.

224. On 16 February 2024, the Court, having duly considered the letter of South Africa and the observations of Israel thereon received on 15 February 2024, took the following decision, which was communicated to the parties by letters from the Registrar:

“The Court notes that the most recent developments in the Gaza Strip, and in Rafah in particular, ‘would exponentially increase what is already a humanitarian nightmare with untold regional consequences’, as stated by the United Nations Secretary-General (Remarks to the General Assembly on priorities for 2024 (7 Feb. 2024)).

This perilous situation demands immediate and effective implementation of the provisional measures indicated by the Court in its Order of 26 January 2024, which are applicable throughout the Gaza Strip, including in Rafah, and does not demand the indication of additional provisional measures.

The Court emphasizes that the State of Israel remains bound to fully comply with its obligations under the Genocide Convention and with the said Order, including by ensuring the safety and security of the Palestinians in the Gaza Strip.”

225. On 6 March 2024, South Africa requested the Court “to indicate further provisional measures and/or to modify its provisional measures indicated on 26 January 2024”, with reference to Article 41 of the Statute, as well as articles 75, paragraphs 1 and 3, and 76, paragraph 1, of the Rules of Court. On 15 March 2024, Israel furnished its written observations on that request.

226. The Court ruled on the request of South Africa by an order dated 28 March 2024, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By fourteen votes to two,

Reaffirms the provisional measures indicated in its Order of 26 January 2024;

In favour: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aureescu, Tladi;

Against: Vice-President Sebutinde; Judge ad hoc Barak;

(2) Indicates the following provisional measures:

The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in

view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation:

(a) Unanimously,

Take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary;

(b) By fifteen votes to one,

Ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance;

In favour: President Salam; Vice-President Sebutinde; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Judge ad hoc Barak;

(3) By fifteen votes to one,

Decides that the State of Israel shall submit a report to the Court on all measures taken to give effect to this Order, within one month as from the date of this Order.

In favour: President Salam; Vice-President Sebutinde; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Judge ad hoc Barak.”

227. By an order dated 5 April 2024, the Court fixed 28 October 2024 and 28 July 2025 as the respective time limits for the filing of the memorial of South Africa and the counter-memorial of Israel.

228. On 5 April and 10 May 2024 respectively, Colombia and Libya, invoking Article 63 of the Statute of the Court, filed declarations of intervention in the case.

229. On 10 May 2024, South Africa submitted to the Court an “urgent request for the modification and indication of provisional measures” pursuant to Article 41 of the Statute of the Court and articles 75 and 76 of the Rules of Court. On 16 and 17 May 2024, the Court held public hearings on that request.

230. On 24 May 2024, the Court delivered its order on the request, the operative part of which reads as follows:

“For these reasons,

The Court,

(1) By thirteen votes to two,

Reaffirms the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, which should be immediately and effectively implemented;

In favour: President Salam; Judges Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Vice-President Sebutinde; Judge ad hoc Barak;

(2) Indicates the following provisional measures:

The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening conditions of life faced by civilians in the Rafah Governorate:

(a) By thirteen votes to two,

Immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part;

In favour: President Salam; Judges Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Vice-President Sebutinde; Judge ad hoc Barak;

(b) By thirteen votes to two,

Maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance;

In favour: President Salam; Judges Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Vice-President Sebutinde; Judge ad hoc Barak;

(c) By thirteen votes to two,

Take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide;

In favour: President Salam; Judges Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Vice-President Sebutinde; Judge ad hoc Barak;

(3) By thirteen votes to two,

Decides that the State of Israel shall submit a report to the Court on all measures taken to give effect to this Order, within one month as from the date of this Order.

In favour: President Salam; Judges Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Vice-President Sebutinde; Judge ad hoc Barak.”

231. On 24 May 2024, Mexico, invoking Article 63 of the Statute of the Court, filed a declaration of intervention in the case.

232. On 31 May 2024, pursuant to Security Council resolution 9 (1946) (adopted by the Council by virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute), the State of Palestine filed in the Registry of the Court a declaration accepting “with immediate effect the competence of the International Court of Justice for the settlement of all disputes that may arise or that have already arisen covered by Article IX of the [Genocide Convention], to which the State of Palestine acceded on 2 April 2014”. On the same day, the State of Palestine filed an application for permission to intervene in the proceedings under Article 62 of the Statute of the Court and a declaration of intervention under Article 63 of the Statute.

233. On 28 June 2024, Spain, invoking Article 63 of the Statute of the Court, filed a declaration of intervention in the case.

**20. *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)***

234. On 1 March 2024, Nicaragua filed an application instituting proceedings against Germany for alleged violations by Germany of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Conventions of 1949 and their Additional Protocols, as well as “intransgressible principles of international humanitarian law and other peremptory norms of general international law” in relation to the Occupied Palestinian Territory, in particular the Gaza Strip.

235. In its application, Nicaragua stated that “[e]ach and every Contracting Party to the Genocide Convention has a duty under the Convention to do everything possible to prevent the commission of genocide” and that, since October 2023, there had been “a recognised risk of genocide against the Palestinian people, directed first of all against the population of the Gaza Strip”.

236. Nicaragua further argued that, by providing political, financial and military support to Israel and by defunding the United Nations Relief and Works Agency for Palestine Refugees in the Near East, “Germany [was] facilitating the commission of genocide and, in any case ha[d] failed in its obligation to do everything possible to prevent the commission of genocide”.

237. Nicaragua sought to found the Court’s jurisdiction on the declarations by which both States had accepted the compulsory jurisdiction of the Court pursuant to Article 36, paragraph 2, of its Statute and on the compromissory clause contained in article IX of the Genocide Convention.

238. The application was accompanied by a request for the indication of provisional measures, in which Nicaragua requested the Court to indicate provisional measures as a matter of extreme urgency, pending the Court’s determination on the merits of the case, with respect to the “participation [of Germany] in the ongoing plausible genocide and serious breaches of international humanitarian law and other peremptory norms of general international law occurring in the Gaza Strip”.

239. Public hearings on the request were held on 8 and 9 April 2024.

240. The Court ruled on the request by an order dated 30 April 2024, the operative part of which reads as follows:

“For these reasons,

The Court,

By fifteen votes to one,

Finds that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

In favour: President Salam; Vice-President Sebutinde; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Judge ad hoc Al-Khasawneh.”

241. By an order dated 19 July 2024, the Court fixed 21 July 2025 and 21 July 2026 as the respective time limits for the filing of the memorial of Nicaragua and the counter-memorial of Germany.

**21. *Embassy of Mexico in Quito (Mexico v. Ecuador)***

242. On 11 April 2024, Mexico filed an application instituting proceedings against Ecuador with regard to a dispute relating to “legal questions concerning the settlement of international disputes by peaceful means and diplomatic relations, and the inviolability of a diplomatic mission”.

243. In its application, Mexico stated that, on 5 April 2024, “[a]round 15 special operations agents” from Ecuador entered the Embassy of Mexico in Quito “by forcible means and without authorization”. It further stated that, during the incident, the Deputy Chief of Mission, Roberto Canseco Martínez, had been “violently assaulted” and that “[t]he agents then took Jorge David Glas Espinel ..., former Vice-president of the Republic of Ecuador, placing him inside one of the vehicles and leaving the premises”. Mexico contended that the incident of 5 April was not isolated but followed “a series of continued acts of intimidation and harassment” prompted by the arrival of Mr. Glas at the Embassy on 17 December 2023 and his subsequent request for asylum, which had been formally filed on 20 December 2023 and had later been granted.

244. The applicant claimed that “Ecuador ha[d] violated Mexico’s rights under customary and conventional international law, as well as fundamental principles upon which the international legal system [was] based”.

245. Mexico sought to found the Court’s jurisdiction on Article 36, paragraphs 1 and 2, of the Statute of the Court and article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948, to which both States are parties. In the light of the violations that it alleged, Mexico requested the Court to award remedies, including full reparation, and “[t]o suspend Ecuador as a member of the United Nations”.

246. The application was accompanied by a request for the indication of provisional measures. Public hearings on that request were held on 30 April and 1 May 2024.

247. On 23 May 2024, the Court delivered its order on the request, the operative part of which reads as follows:

“For these reasons,

The Court,

Unanimously,

Finds that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.”

248. By an order dated 19 July 2024, the Court fixed 22 April 2025 and 22 January 2026 as the respective time limits for the filing of the memorial of Mexico and the counter-memorial of Ecuador.

**22. *Glas Espinel (Ecuador v. Mexico)***

249. On 29 April 2024, Ecuador filed an application instituting proceedings against Mexico with regard to a dispute relating to the alleged violation by Mexico of a series of obligations owed to Ecuador under international law, arising inter alia from the conduct of Mexico in relation to Jorge David Glas Espinel, former Vice-President of Ecuador.

250. In its application, Ecuador contended that Mexico had used the premises of its diplomatic mission in Quito between 17 December 2023 and 5 April 2024 “to shield Mr. Glas from enforcement by Ecuador of its criminal law” in relation to several criminal proceedings and investigations instituted by Ecuador against him, and that those actions had “constituted, among other things, a blatant misuse of the premises of a diplomatic mission”. Ecuador further accused Mexico of unlawfully granting Mr. Glas political asylum and of interfering in its internal affairs.

251. Ecuador sought to found the Court’s jurisdiction on Article 36, paragraph 1, of the Statute of the Court and article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948, to which both States are parties.

252. By an order dated 19 July 2024, the Court fixed 22 April 2025 and 22 January 2026 as the respective time limits for the filing of the memorial of Ecuador and the counter-memorial of Mexico.

**B. Pending advisory proceedings during the period under review**

**1. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem***

253. On 30 December 2022, the General Assembly adopted resolution [77/247](#) entitled “Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem”, in which, referring to Article 96 of the Charter of the United Nations and Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following questions:

“[C]onsidering the rules and principles of international law, including the Charter of the United Nations, international humanitarian law, international human rights law, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, and the advisory opinion of the Court of 9 July 2004:

(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?

(b) How do the policies and practices of Israel referred to in paragraph 18 (a) above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?”

254. The request for an advisory opinion was transmitted to the Court by the Secretary-General of the United Nations by a letter dated 17 January 2023.



255. By an order dated 3 February 2023, the Court decided, pursuant to Article 66, paragraph 1, of its Statute, that the United Nations and its Member States, as well as the observer State of Palestine, were likely to be able to furnish information on the questions submitted to the Court for an advisory opinion. The Court fixed 25 July 2023 as the time limit within which written statements on those questions might be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute, and 25 October 2023 as the time limit within which States and organizations having presented written statements might submit written comments on the written statements made by other States or organizations, in accordance with Article 66, paragraph 4, of the Statute. The Court subsequently authorized the League of Arab States, the Organization of Islamic Cooperation and the African Union to participate in the proceedings.

256. Fifty-seven written statements were filed in the Registry by (in order of receipt): Türkiye, Namibia, Luxembourg, Canada, Bangladesh, Jordan, Chile, Liechtenstein, Lebanon, Norway, Israel, Algeria, League of Arab States, Syrian Arab Republic, State of Palestine, Organization of Islamic Cooperation, Egypt, Guyana, Japan, Saudi Arabia, Qatar, Switzerland, Spain, Russian Federation, Italy, Yemen, Maldives, United Arab Emirates, Oman, African Union, Pakistan, South Africa, United Kingdom, Hungary, Brazil, France, Kuwait, United States, China, Gambia, Ireland, Belize, Plurinational State of Bolivia, Cuba, Mauritius, Morocco, Czechia, Malaysia, Colombia, Indonesia, Guatemala, Nauru, Djibouti, Togo, Fiji, Senegal and Zambia.

257. Fifteen sets of written comments on those statements were filed in the Registry by (in order of receipt): Jordan, Organization of Islamic Cooperation, Qatar, Belize, Bangladesh, State of Palestine, United States, Indonesia, Chile, League of Arab States, Egypt, Algeria, Guatemala, Namibia and Pakistan.

258. Public hearings were held from 19 to 26 February 2024. During the hearings, the State of Palestine, 49 States Members of the United Nations and three international organizations presented oral statements (in the following order): State of Palestine, South Africa, Algeria, Saudi Arabia, Kingdom of the Netherlands, Bangladesh, Belgium, Belize, Plurinational State of Bolivia, Brazil, Chile, Colombia, Cuba, Egypt, United Arab Emirates, United States, Russian Federation, France, Gambia, Guyana, Hungary, China, Islamic Republic of Iran, Iraq, Ireland, Japan, Jordan, Kuwait, Lebanon, Libya, Luxembourg, Malaysia, Mauritius, Namibia, Norway, Oman, Pakistan, Indonesia, Qatar, United Kingdom, Slovenia, Sudan, Switzerland, Syrian Arab Republic, Tunisia, Türkiye, Zambia, League of Arab States, Organization of Islamic Cooperation, African Union, Spain, Fiji and Maldives.

259. On 19 July 2024, the Court delivered its advisory opinion. It responded to the General Assembly's request as follows:

“For these reasons,

The Court,

(1) Unanimously,

Finds that it has jurisdiction to give the advisory opinion requested;

(2) By fourteen votes to one,

Decides to comply with the request for an advisory opinion;

In favour: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

Against: Vice-President Sebutinde;

(3) By eleven votes to four,

Is of the opinion that the State of Israel's continued presence in the Occupied Palestinian Territory is unlawful;

In favour: President Salam; Judges Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

Against: Vice-President Sebutinde; Judges Tomka, Abraham, Aureescu;

(4) By eleven votes to four,

Is of the opinion that the State of Israel is under an obligation to bring to an end its unlawful presence in the Occupied Palestinian Territory as rapidly as possible;

In favour: President Salam; Judges Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

Against: Vice-President Sebutinde; Judges Tomka, Abraham, Aureescu;

(5) By fourteen votes to one,

Is of the opinion that the State of Israel is under an obligation to cease immediately all new settlement activities, and to evacuate all settlers from the Occupied Palestinian Territory;

In favour: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aureescu, Tladi;

Against: Vice-President Sebutinde;

(6) By fourteen votes to one,

Is of the opinion that the State of Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned in the Occupied Palestinian Territory;

In favour: President Salam; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aureescu, Tladi;

Against: Vice-President Sebutinde;

(7) By twelve votes to three,

Is of the opinion that all States are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory;

In favour: President Salam; Judges Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

Against: Vice-President Sebutinde; Judges Abraham, Aureescu;

(8) By twelve votes to three,

Is of the opinion that international organizations, including the United Nations, are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory;

In favour: President Salam; Judges Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

Against: Vice-President Sebutinde; Judges Abraham, Aurescu;

(9) By twelve votes to three,

Is of the opinion that the United Nations, and especially the General Assembly, which requested this opinion, and the Security Council, should consider the precise modalities and further action required to bring to an end as rapidly as possible the unlawful presence of the State of Israel in the Occupied Palestinian Territory.

In favour: President Salam; Judges Tomka, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Tladi;

Against: Vice-President Sebutinde; Judges Abraham, Aurescu.”

## 2. *Obligations of States in respect of Climate Change*

260. On 29 March 2023, the General Assembly of the United Nations adopted resolution [77/276](#), in which, referring to Article 96 of the Charter of the United Nations and Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following questions:

“Having particular regard to the Charter of the United Nations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Framework Convention on Climate Change, the Paris Agreement, the United Nations Convention on the Law of the Sea, the duty of due diligence, the rights recognized in the Universal Declaration of Human Rights, the principle of prevention of significant harm to the environment and the duty to protect and preserve the marine environment,

(a) What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations;

(b) What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to:

(i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?

(ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?”

261. The request for an advisory opinion was transmitted to the Court by the Secretary-General of the United Nations by a letter dated 12 April 2023.

262. By an order dated 20 April 2023, the President of the Court decided, pursuant to Article 66, paragraph 1, of the Statute of the Court, that the United Nations and its Member States were likely to be able to furnish information on the questions submitted to the Court for an advisory opinion. The Court fixed 20 October 2023 as the time limit within which written statements on those questions might be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute, and 22 January 2024 as the time limit within which States and organizations having presented written

statements might submit written comments on the written statements made by other States or organizations, in accordance with Article 66, paragraph 4, of the Statute. The Court subsequently authorized the International Union for Conservation of Nature, the Commission of Small Island States on Climate Change and International Law, the European Union, the African Union, the Organization of the Petroleum Exporting Countries, the Organization of African, Caribbean and Pacific States, the Melanesian Spearhead Group, the Forum Fisheries Agency, the Pacific Community, the Pacific Islands Forum, the Alliance of Small Island States, the Parties to the Nauru Agreement Office and the World Health Organization to participate in the proceedings.

263. By an order dated 4 August 2023, the President of the Court extended the time limits for the submission of written statements and for the submission of written comments on those written statements to 22 January 2024 and 22 April 2024, respectively. By an order dated 15 December 2023, the President further extended those time limits to 22 March 2024 and 24 June 2024, respectively.

264. Ninety-one written statements were filed in the Registry by (in order of receipt): Portugal; Democratic Republic of the Congo; Colombia; Palau; Tonga; Organization of the Petroleum Exporting Countries; International Union for Conservation of Nature; Singapore; Peru; Solomon Islands; Canada; Cook Islands; Seychelles; Kenya; Denmark, Finland, Iceland, Norway and Sweden (jointly); Melanesian Spearhead Group; Philippines; Albania; Vanuatu; Federated States of Micronesia; Saudi Arabia; Sierra Leone; Switzerland; Liechtenstein; Grenada; Saint Lucia; Saint Vincent and the Grenadines; Belize; United Kingdom; Kingdom of the Netherlands; Bahamas; United Arab Emirates; Marshall Islands; Parties to the Nauru Agreement Office; Pacific Islands Forum; France; New Zealand; Slovenia; Kiribati; Forum Fisheries Agency; China; Timor-Leste; Republic of Korea; India; Japan; Samoa; Alliance of Small Island States; Islamic Republic of Iran; Latvia; Mexico; South Africa; Ecuador; Cameroon; Spain; Barbados; African Union; Sri Lanka; Organization of African, Caribbean and Pacific States; Madagascar; Uruguay; Egypt; Chile; Namibia; Tuvalu; Romania; United States; Bangladesh; European Union; Kuwait; Argentina; Mauritius; Nauru; World Health Organization; Costa Rica; Indonesia; Pakistan; Russian Federation; Antigua and Barbuda; Commission of Small Island States on Climate Change and International Law; El Salvador; Plurinational State of Bolivia; Australia; Brazil; Viet Nam; Dominican Republic; Ghana; Thailand; Germany; Nepal; Burkina Faso; and Gambia.

265. By an order dated 30 May 2024, the President of the Court further extended to 15 August 2024 the time limit for the filing of written comments.

### **3. *Right to Strike under ILO Convention No. 87***

266. On 10 November 2023, the Governing Body of ILO, at its 349th bis (special) session, adopted a resolution on the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), with respect to the right to strike, in which it requested an advisory opinion from the Court. In its resolution, the Governing Body, stating that it was “[c]onscious that there [was] serious and persistent disagreement” among the Organization’s tripartite constituents on the interpretation of the Convention, decided, in accordance with article 37, paragraph 1, of the ILO Constitution, “[t]o request the International Court of Justice to render urgently an advisory opinion under Article 65, paragraph 1, of the Statute of the Court, and under Article 103 of the Rules of Court, on the following question: Is the right to strike of workers and their organizations protected under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)?”

267. The request for an advisory opinion was transmitted to the Court by the Director-General of ILO by a letter dated 13 November 2023.

268. By an order dated 16 November 2023, the Court decided, pursuant to Article 66, paragraph 1, of its Statute, that the International Labour Organization and the States parties to the Freedom of Association and Protection of the Right to Organise Convention (No. 87) were likely to be able to furnish information on the question submitted to the Court for an advisory opinion, and that they might therefore present written statements to the Court.

269. By the same order, the Court fixed 16 May 2024 as the time limit within which written statements on the question might be presented to the Court, in accordance with Article 66, paragraph 2, of its Statute, and 16 September 2024 as the time limit within which States and organizations having presented written statements might submit written comments on the written statements made by other States or organizations, in accordance with Article 66, paragraph 4, of the Statute.

270. By the same order, the Court further decided that six organizations that had been granted general consultative status at ILO by the Governing Body were also likely to be able to furnish information on the question submitted to it for an advisory opinion, and it invited those organizations to make written contributions to the Court within the above-mentioned time limits. The six organizations in question are the International Organization of Employers, the International Trade Union Confederation, the World Federation of Trade Unions, the International Cooperative Alliance, the Organization of African Trade Union Unity and Business Africa.

271. The Court subsequently authorized the United States and Brazil, members of ILO not parties to ILO Convention No. 87, as well as the Organization of African, Caribbean and Pacific States, to participate in the proceedings.

272. Thirty-one written statements were filed in the Registry by (in order of receipt): the International Cooperative Alliance, ILO, France, Vanuatu, the Organization of African, Caribbean and Pacific States, Spain, Italy, the International Trade Union Confederation, the World Federation of Trade Unions, United Kingdom, Colombia, Bangladesh, Germany, Poland, Business Africa, the International Organization of Employers, South Africa, Canada, Switzerland, Norway, Tunisia, United States, Australia, Japan, Costa Rica, Indonesia, Mexico, Somalia, Kingdom of the Netherlands, Belize and Brazil.

## Chapter VI

### Information on outreach activities and visits to the Court

273. The Court endeavours to ensure that its work and activities are understood and publicized as widely as possible, through public speeches, meetings with high-level officials and presentations, through the use of multimedia platforms, the Court's website and social media channels, and through various outreach initiatives and cooperation with the United Nations Secretariat.

#### 1. Statements by the President of the Court

274. During the period under review, the President of the Court until 5 February 2024, Judge Joan Donoghue, gave a number of speeches on various aspects of the Court's work. In particular, on 25 October 2023, at the seventy-eighth session of the General Assembly, she delivered an address to the Sixth Committee of the Assembly entitled "What lies ahead for the International Court of Justice?". In her address of 26 October 2023 to the plenary of the Assembly, she gave an overview of the Court's activities in the period from 1 August 2022 to 31 July 2023. On 6 December 2023, she delivered a speech at a dinner for the heads of international organizations in the Kingdom of the Netherlands at the Amsterdam Royal Palace.

275. Since becoming President of the Court on 6 February 2024, Judge Nawaf Salam has engaged with State representatives and various groups at meetings in The Hague in May 2024 and in New York in June 2024. The primary focus of these meetings was to provide comprehensive details on the extensive judicial caseload of the Court, to emphasize the need for corresponding budgetary adjustments and to call for enhanced financial support to effectively address the evolving demands on the Court.

276. On 17 July 2024, the President addressed the International Law Commission on the occasion of its seventy-fifth session.

277. The full texts of certain of these speeches can be found on the website of the Court, in the "Statements by the President" section under "The Court".

#### 2. Visits to the Court

278. From August 2023 to July 2024, the Court also welcomed a number of high-level visitors to its seat at the Peace Palace. During these visits, the President, members of the Court, the Registrar and Registry officials exchanged views with their guests on the role and activities of the Court and its importance in ensuring peace and justice. The following dignitaries were received by the Court during the period under review: on 8 September 2023, a group from the Ministry of Justice of the State of North Rhine-Westphalia, Germany; on 26 September 2023, a delegation of Spanish magistrates; on 12 October 2023, a delegation of judges from the Federal Court of Justice of Germany; on 31 October 2023, a delegation from the Legal Affairs Committee of the Parliament of Estonia; on 1 November 2023, a delegation from the Supreme Judicial Council of Qatar; on 14 December 2023, Alberto van Klaveren Stork, Minister for Foreign Affairs of Chile; on 11 January 2024, Yoko Kamikawa, Minister for Foreign Affairs of Japan; on 18 January 2024, members of the Political Committee of the North Atlantic Treaty Organization; on 14 March 2024, Joe O'Brien, Minister of State of Ireland; on 22 March 2024, a delegation of prosecutors from the Office of the Federal Public Prosecutor of Germany; on 31 May 2024, a delegation from the European External Action Service; on 18 June 2024, a delegation from the Federal Ethics Commission of Belgium; on 27 June 2024, a delegation from the Colombian Navy; and on 5 July 2024, a group of prosecutors from Guangdong Province, China.

279. On 15 May 2024, the Court held a ceremony at the Peace Palace during which a gift was presented to the Court by the State of Qatar as a mark of its appreciation and respect for the Court's efforts to maintain peace and achieve justice.

### **3. Outreach activities and presentations**

280. The President, other members of the Court, the Registrar and various members of the Registry staff also regularly give presentations, in The Hague and outside the Kingdom of the Netherlands, on the functioning, procedure and jurisprudence of the Court. Such presentations enable diplomats, academics, representatives of judicial authorities, students, media representatives and the general public to gain a better understanding of the role and activities of the Court.

281. During the period under review, these activities included: on 25 October 2023, the participation of the Registrar in a side event at the seventy-eighth session of the General Assembly as part of International Law Week, organized by the Hague Academy of International Law, on the subject "Peaceful dispute settlement: the indispensable courts and courses of the Peace Palace"; on 3 November 2023, a briefing on the work of the Court for heads of diplomatic missions and legal advisers to diplomatic missions accredited to the Kingdom of the Netherlands, organized by the Registrar; on 4 December 2023, a working lunch attended by the Registrar, staff of the Information Department and international journalists regularly covering events at the Court; on 16 May 2024, a briefing on the budget of the Court for heads of diplomatic Missions and legal advisers to diplomatic missions accredited to the Kingdom of the Netherlands, organized by the Registrar; and, on 12 June 2024, an introductory meeting involving the Information Department and a select group of international journalists, organized in cooperation with the Permanent Court of Arbitration and the Municipality of The Hague.

### **4. Online resources and services**

282. The Court's website contains its entire jurisprudence and that of its predecessor, the Permanent Court of International Justice, and provides first-hand information for States and international organizations wishing to make use of the procedures open to them at the Court. It also contains electronic versions of case-related documents submitted by parties to contentious cases and by States and organizations participating in advisory proceedings, press releases, summaries of the Court's decisions, the Court's basic documents, publications and multimedia content. Electronic versions of the Court's press releases and summaries of its decisions are regularly sent to a distribution list including embassies, lawyers, universities, journalists and other interested institutions and persons worldwide.

283. As in the past, the Court continues to provide full live and recorded webcast coverage of its public sittings on its website; viewers can follow sittings in the original language or listen to the interpretation into the other official language of the Court. These webcasts are also broadcast on UN Web TV.

284. To increase the visibility of its work, the Court continues to develop and strengthen its social media presence, maintaining and regularly updating its LinkedIn, X (formerly Twitter) and YouTube accounts, and its "CIJ-ICJ" application.

### **5. Museum**

285. Through a combination of archive material, art works and audiovisual presentations, the museum of the International Court of Justice traces the major stages in the establishment of the Court and its role in the peaceful settlement of international disputes. The exhibition provides a detailed introduction to the role and activities of

the United Nations and the Court, which continues the work of its predecessor, the Permanent Court of International Justice.

**6. Cooperation with the Secretariat regarding public information**

286. During the period under review, the Court's Information Department continued to strengthen its cooperation with the Secretariat's Department of Global Communications.

287. The Information Department regularly provides to the relevant services in New York publication-ready information on the Court's activities, including its calendar of public hearings, announcements on the delivery of decisions, brief summaries of the Court's judgments and orders, and background information. This information is used by the Spokesperson for the Secretary-General in daily briefings, in the press releases that result from those briefings, in the *Journal of the United Nations*, in the *Week Ahead at the United Nations*, by United Nations News in articles, and in posts published on the Organization's social networking platforms. The teams responsible for managing the United Nations website and UN Web TV also provide the Court's Information Department with substantial support by disseminating information on the Court's activities and by broadcasting live and recorded coverage of the Court's public sittings.



## Chapter VII

### Publications

288. The publications of the Court are made available to the Governments of all States entitled to appear before it, to international organizations and to the world's major law libraries. A catalogue of these publications, which is produced in English and French, is available on the Court's website under the heading "Publications". A revised and updated version of the catalogue was published in the second half of 2023.

289. The publications of the Court consist of several series. The following two series are published annually: the *Reports of Judgments, Advisory Opinions and Orders (I.C.J. Reports)* and the *C.I.J. Annuaire-I.C.J. Yearbook*, published in bilingual format since 2013–2014. The two bound volumes of *I.C.J. Reports 2022* were published during the period under review and the decisions delivered by the Court from January to June 2023 were published in separate fascicles. The *C.I.J. Annuaire-I.C.J. Yearbook 2022–2023* was published in 2024, and the *C.I.J. Annuaire-I.C.J. Yearbook 2023–2024* will be published in the first half of 2025.

290. The Court also publishes bilingual print versions of the instruments instituting proceedings in the contentious cases brought before it (applications instituting proceedings and special agreements), and any requests for advisory opinions that it receives.

291. The pleadings and other documents submitted to the Court in a case are published after the instruments instituting proceedings, in the series *Pleadings, Oral Arguments, Documents*. The volumes of the series, which contain the full texts of the written pleadings, including QR codes pointing to digital annexes, as well as the verbatim records of the public hearings, give practitioners a complete view of the arguments put forward by the parties. Five volumes, along with 15,000 pages of digital annexes, were published in the series during the period covered by the present report.

292. In the series *Acts and Documents concerning the Organization of the Court*, the Court publishes the instruments governing its organization, functioning and judicial practice, along with an analytical index. The newly revised edition of that publication, *I.C.J. Acts and Documents* No. 8, which was produced in-house on 1 June 2024 and is made available on a print-on-demand basis, includes the latest amendments to the Rules of Court, the Practice Directions of the Court and the Resolution concerning the Internal Judicial Practice of the Court. This eighth edition is available in a bilingual print version and digitally on the Court's website, under the heading "Publications". In addition, unofficial translations of the Rules of Court in the other official languages of the United Nations can be found on the home page of the Court's website, under the heading "Multilingual resources".

293. The Registry publishes a *Bibliography* listing such works and documents relating to the Court as have come to its attention. Bibliographies Nos. 1–18 formed Chapter IX of the relevant *Yearbook* or *Annuaire* up to the 1963–1964 issues. *Bibliographies Nos. 19–57* were issued annually as separate fascicles from 1964 to 2003. Since 2004, *Bibliographies* have been prepared in-house for print-on-demand in multi-year volumes. The most recent volume, No. 61, was issued in the last quarter of 2023 and covers the years 2020 to 2022.

294. The Court also produces the *Handbook*, which is intended to facilitate a better understanding of its history, organization, jurisdiction, procedures and jurisprudence. The latest edition of the *Handbook* was published, in the Court's two official languages, in 2019 and is available on the Court's website, under the heading "Publications".

295. In addition, the Court produces a general information booklet in the form of questions and answers, an updated version of which is available in English and French, along with a leaflet on the Court in the six official languages of the United Nations and in Dutch.

## Chapter VIII

### Finances of the Court

#### 1. Method of covering expenditure

296. In accordance with Article 33 of the Statute of the Court, “[t]he expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly”. Since the budget of the Court is incorporated in the budget of the United Nations, Member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments decided by the Assembly.

#### 2. Budget formulation

297. In accordance with articles 24 to 28 of the Instructions for the Registry, a preliminary draft budget is prepared by the Registrar. This preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court, before going to the full Court for approval.

298. Once approved, the draft budget is forwarded to the Secretariat for incorporation in the draft budget of the United Nations. It is then examined by the Advisory Committee on Administrative and Budgetary Questions and is subsequently submitted to the Fifth Committee of the General Assembly. Lastly, it is adopted by the Assembly in plenary meeting, within the framework of decisions concerning the budget of the Organization.

#### 3. Budget implementation

299. Responsibility for the implementation of the budget is assigned to the Registrar, who is assisted in this by the Finance Division. The Registrar must ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget. The Registrar alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority. In accordance with a decision of the Court, the Registrar regularly communicates a statement of accounts to the Court’s Budgetary and Administrative Committee.

300. The accounts of the Court are audited by the Board of Auditors appointed by the General Assembly.

#### **Budget for the Court for 2023 (appropriations), as adopted by the General Assembly**

(United States dollars)

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*Budget class*

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#### **Members of the Court**

Non-staff compensation	7 794 700
Experts	79 300
Travel	30 200
<b>Subtotal</b>	<b>7 904 200</b>

#### **Registry**

Posts	14 452 200
Other staff costs	1 959 100
Hospitality	9 300
Consultants	44 700

*Budget class*

Travel of staff	38 800
Contractual services	133 800
Grants and contributions	130 400
<b>Subtotal</b>	<b>16 768 300</b>
<b>Programme support</b>	
Contractual services	1 589 800
General operating expenditures	2 349 000
Supplies and materials	316 700
Furniture and equipment	182 900
<b>Subtotal</b>	<b>4 438 400</b>
<b>Total</b>	<b>29 110 900</b>

**Budget for the Court for 2024 (appropriations), as adopted by the General Assembly**

(United States dollars)

*Budget class***Members of the Court**

Non-staff compensation	8 783 700
Experts	81 600
Travel	31 100
<b>Subtotal</b>	<b>8 896 400</b>

**Registry**

Posts	16 427 600
Other staff costs	2 373 400
Hospitality	9 700
Consultants	46 600
Travel of staff	39 900
Contractual services	139 600
Grants and contributions	134 200
<b>Subtotal</b>	<b>19 171 000</b>

**Programme support**

Contractual services	1 614 600
General operating expenditures	2 411 200
Supplies and materials	331 000
Furniture and equipment	190 600
<b>Subtotal</b>	<b>4 547 400</b>
<b>Total</b>	<b>32 614 800</b>

## Chapter IX

### Judges' pension scheme and health insurance

301. In accordance with Article 32, paragraph 7, of the Statute of the Court, members of the Court are entitled to a retirement pension, the exact conditions of which are governed by regulations adopted by the General Assembly. The amount of the pension is based on the number of years of service; for a judge having served on the Court for nine years, it is equal to 50 per cent of the annual net base salary (excluding post adjustment). The Assembly provisions governing the judges' pension scheme are contained in resolution 38/239 of 20 December 1983, section VIII of resolution 53/214 of 18 December 1998, resolution 56/285 of 27 June 2002, section III of resolution 59/282 of 13 April 2005, resolutions 61/262 of 4 April 2007, 63/259 of 24 December 2008, 64/261 of 29 March 2010, 65/258 of 24 December 2010 and section VI of resolution 71/272 A of 23 December 2016.

302. In accordance with the request made in 2010 by the General Assembly in its resolution 65/258, the Secretary-General, in a report to the Assembly in 2011 (A/66/617), discussed the various retirement benefit options that could be considered.

303. Following the issuance of that document, the President of the Court addressed a letter in 2012 to the President of the General Assembly accompanied by an explanatory memorandum (A/66/726, annex), expressing the Court's deep concern about certain proposals made by the Secretary-General, which appeared to raise concerns for the Court with respect to the integrity of its Statute, the status of its members and their right to perform their functions with full independence (see also A/67/4).

304. By its decisions 66/556 B and 68/549 A, the General Assembly deferred consideration of the agenda item on the pension scheme for members of the Court to its sixty-eighth and sixty-ninth sessions, respectively. In its decision 69/553 A, the Assembly decided to further defer until its seventy-first session consideration of the item and the related documents: the reports of the Secretary-General (A/68/188 and A/66/617), the related reports of the Advisory Committee on Administrative and Budgetary Questions (A/68/515, A/68/515/Corr.1 and A/66/709) and the letter from the President of the Court addressed to the President of the General Assembly referred to above.

305. In its resolution 71/272, the General Assembly requested the Secretary-General to submit for the consideration of the Assembly at the main part of its seventy-fourth session a comprehensive proposal on options for a pension scheme taking into account, inter alia, "the integrity of the Statute of the International Court of Justice and other relevant statutory provisions, the universal character of the Court, principles of independence and equality and the unique character of membership of the Court".

306. In a letter dated 2 August 2019 addressed to the Assistant Secretary-General for Human Resources, the Registrar recalled the concerns expressed by the Court in the past and requested that the Court's position be taken into account and reflected in the report of the Secretary-General.

307. In accordance with the request of the General Assembly, the Secretary-General on 18 September 2019 submitted his proposals in his report on conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and President and judges of the International Residual Mechanism for Criminal Tribunals (A/74/354). The Assembly, in its decision 74/540 B of 13 April 2020, decided to defer consideration of that report until the first part of its resumed seventy-fifth session.

308. In its resolution [75/253](#) B of 16 April 2021, the General Assembly took note of the report of the Secretary-General and endorsed the conclusions and recommendations contained in the related report of the Advisory Committee on Administrative and Budgetary Questions ([A/74/7/Add.20](#)). In the same resolution, the Assembly decided to maintain the three-year cycle for the review of conditions of service and compensation and requested the Secretary-General to further refine the review of the pension schemes and his proposed options, and to report thereon at its seventy-seventh session, taking into account certain considerations.

309. In its resolution [77/263](#) B of 18 April 2023, the General Assembly decided to maintain the current pension scheme of the judges (sect. III, para. 3). It also requested that the Chair of the Fifth Committee solicit a formal legal opinion from the Office of Legal Affairs of the Secretariat “containing an assessment of legal impediments, if any, to the introduction of changes to the pension scheme for judges of the International Court of Justice ..., in particular, changes that will result in judges having different pension schemes while serving on the Court, and changes that lower the level of pension benefits for new judges, including through a legal assessment of the Statute of the International Court of Justice” (sect. III, para. 4). The Assembly further invited the Sixth Committee to “consider the legal aspects of this assessment and to consider providing advice on this assessment for further discussion by the Fifth Committee” (sect. III, para. 5).

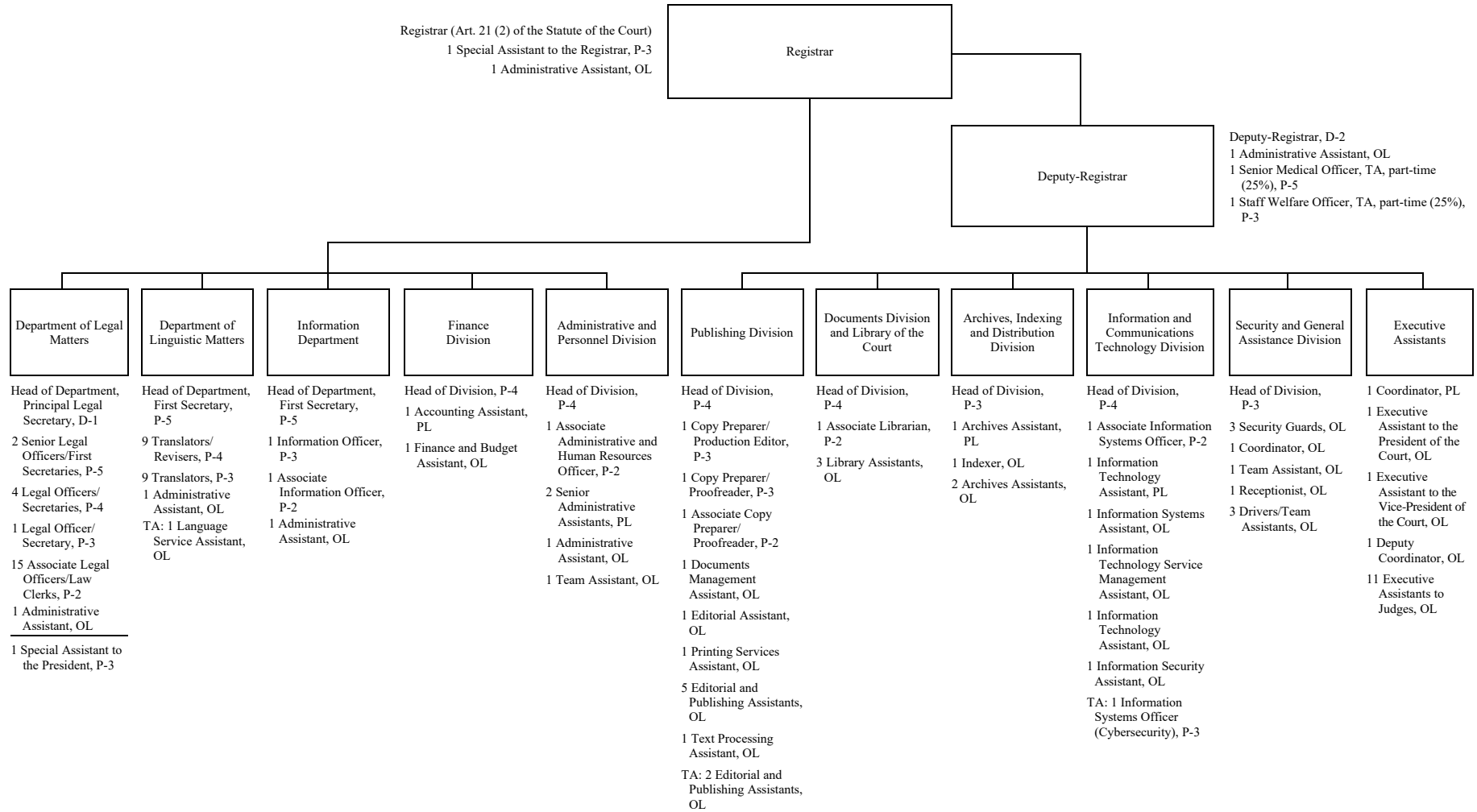
310. As noted in the report of the Court for the period from 1 August 2021 to 31 July 2022 ([A/77/4](#)), the Court has had concerns about the long-term viability of its health insurance scheme for active and retired members of the Court, particularly in the light of the small size of the population insured and the high volatility of premiums paid by participants. After considering various alternatives, including the option for members of the Court to join the health insurance plans administered by United Nations Headquarters, with participants paying the full amount of premiums, the Court decided that members of the Court would remain with Cigna as part of an intergovernmental organization medical insurance pool. Doubts remain as to whether this solution is sustainable, and the Court is continuing to study the matter.

*(Signed)* Nawaf **Salam**  
President of the International Court of Justice

The Hague, 1 August 2024

Annex

International Court of Justice: organizational structure and post distribution of the Registry as at 31 July 2024



Abbreviations: OL, Other level; PL, Principal level; TA, Temporary assistance.