

Note for States concerning contentious cases before the Court

Institution of proceedings

1. Cases are brought before the Court by an application instituting proceedings or by the notification of a special agreement (Art. 40, para. 1, of the Statute of the Court). In order to institute proceedings, an appointment must be made with the Office of the Registrar to file the original of the application or notification.
2. At the time of filing, the party or parties concerned must communicate to the Registry:
 - (a) two originals (or one original and a certified copy) of the application instituting proceedings or notification of a special agreement, signed as provided for in Article 38, paragraph 3, of the Rules of Court¹;
 - (b) an electronic version of the application or notification (in PDF and MS Word formats);
 - (c) in the case of the notification of a special agreement, the notification must be accompanied by the original special agreement or a certified copy of it (Art. 39 of the Rules).

Request for the indication of provisional measures

3. The formalities required for the institution of proceedings (see above) apply to requests for the indication of provisional measures.

Intervention

4. The formalities required for the institution of proceedings (see above) apply to applications for permission to intervene (Art. 62 of the Statute and Art. 81 of the Rules) and to declarations of intervention (Art. 63 of the Statute and Art. 82 of the Rules). However, if the document is 30 pages or less, it is not necessary to furnish paper copies; if the document is more than 30 pages, 20 paper copies should be provided.
5. They also apply to the written statement (Art. 85 of the Rules) or written observations (Art. 86 of the Rules) of the intervening State. However, if the document is 30 pages or less, it is not necessary to furnish paper copies; if the document is more than 30 pages, 20 paper copies should be provided.

¹ Pursuant to Article 38, paragraph 3, of the Rules, the original application may be signed:

- either by the agent of the party submitting the application (in which case the original document(s) appointing the agent and authenticating his or her signature must be submitted. This or these documents must be signed by the diplomatic representative of that party accredited to the Kingdom of the Netherlands or by the competent authority (e.g. the Minister for Foreign Affairs or Minister for Justice, as the case may be));
- or by the diplomatic representative of that party accredited to the Kingdom of the Netherlands;
- or by some other duly authorized person (in which case the original document(s) authorizing that person to sign the application and authenticating his or her signature must also be submitted. This or these documents must be signed by the diplomatic representative of that party accredited to the Kingdom of the Netherlands or by the competent authority (e.g. the Minister for Foreign Affairs or Minister for Justice, as the case may be)).

These requirements apply *mutatis mutandis* to the notification of a special agreement.

Preparation and filing of a pleading

Original and additional copies of the pleading

6. The original of every pleading must be signed by the agent and filed in the Registry, in two copies, or accompanied by a certified copy, for communication to the other party; it must include the documents annexed and any translations (Art. 52, para. 1, of the Rules of Court). A list of all documents annexed must also be furnished at the time the pleading is filed (Art. 50, para. 3, of the Rules of Court). Lastly, the original of the pleading must be accompanied by 50 paper copies (pleading itself and annexes).

Annexes to the pleading

7. The documents annexed to the pleading must be certified by the agent as true copies of the originals (Art. 50, para. 1, of the Rules of Court). It should be remembered that it may well not be necessary to annex to a pleading the complete text of a document produced in support of the contentions advanced and that it may be possible to annex only the relevant extracts (Art. 50, para. 2, of the Rules of Court)². In that event, however, *at least two certified copies* of the whole document must be deposited with the pleading, unless it has been published and is readily available (*ibid.*), one of which will be transmitted to the other party. Further, if the reproduction in large numbers of a particular annex (e.g. a large map) presents technical problems, the matter should be raised with the Registrar at the earliest opportunity, so that other arrangements can be made.
8. Documents which are not in English or French must be translated into one of those languages and the translation certified as accurate by the agent (Art. 51, para. 3, of the Rules of Court). For practical convenience, it is acceptable for such a translation to constitute the relevant annex to a pleading, but, if this is done, *at least two certified copies* of the original language text of the document must be filed with the pleading, one of which will be transmitted to the other party. Audio or video-recordings which are not in English or French should be accompanied by a certified transcript in one of those languages.

Electronic version of the pleading and annexes

9. An electronic version of any pleading and its annexes must also be filed in PDF and in MS Word format, for use by the Registry (if the annexes are not available in MS Word, they may be provided in PDF only). The process for the filing of the electronic versions of the pleadings is the following:
 - (a) Around one week prior to the date of the filing, the Registry sends to the filing party a link to a platform that will be used to upload the electronic version of the pleading.
 - (b) On the day of the filing, the party submitting the pleading should upload the electronic version thereof by using the link provided and following the instructions on the platform. This uploading should be done prior to the meeting with the Registry for the formal submission of the pleading.
 - (c) The letter of transmission to the opposing party will provide a different link and a password to retrieve and download the electronic version of the pleading (in PDF format).

² However, it is not sufficient to merely provide a hyperlink to a document. Such hyperlinked documents will not be considered part of the case file.

Document format

10. The preferred format for all documents submitted to the Court is 210 mm x 297 mm (A4), with standard margins of 2.54 cm, so as to ensure some degree of uniformity. In addition, documents and their annexes must be readily legible and easy to handle.
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