



INTERNATIONAL COURT OF JUSTICE

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Press Release

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

Request for the indication of provisional measures

Conclusion of the public hearings held on Thursday 12 October 2023

THE HAGUE, 12 October 2023. The public hearings on the request for the indication of provisional measures submitted by Armenia in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* were held today at the Peace Palace in The Hague, the seat of the Court.

The delegation of Armenia was led by HE Mr Yeghishe Kirakosyan, Representative of the Republic of Armenia before the European Court of Human Rights, as Agent. The delegation of Azerbaijan was led by HE Mr Elnur Mammadov, Deputy Minister for Foreign Affairs, Republic of Azerbaijan, as Agent.

The Court will now begin its deliberation.

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

Submissions of the Parties

The Agent of Armenia presented the following submissions to the Court:

“On the basis of the Request for provisional measures dated 28 September 2023 and its oral pleadings, Armenia respectfully requests the Court to indicate the following provisional measures pending its determination of the case on the merits:

- 1) ‘Azerbaijan shall refrain from taking any measures which might entail breaches of its obligations under the CERD’;
- 2) ‘Azerbaijan shall refrain from taking any actions directly or indirectly aimed at or having the effect of displacing the remaining ethnic Armenians from Nagorno-Karabakh, or preventing the safe and expeditious return to their homes of persons

displaced in the course of the recent military attack including those who have fled to Armenia or third States, while permitting those who wish to leave Nagorno-Karabakh to do so without any hindrance’;

- 3) ‘Azerbaijan shall withdraw all military and law-enforcement personnel from all civilian establishments in Nagorno-Karabakh occupied as a result of its armed attack on 19 September 2023’;
- 4) ‘Azerbaijan shall facilitate, and refrain from placing any impediment on, the access of the United Nations and its specialized agencies to the ethnic Armenians of Nagorno-Karabakh, and shall not interfere with their activities in any way’;
- 5) ‘Azerbaijan shall facilitate, and refrain from placing any impediment on, the ability of the International Committee of the Red Cross to provide humanitarian aid to the ethnic Armenians of Nagorno-Karabakh, and shall cooperate with the International Committee of the Red Cross to address the other consequences of the recent conflict’;
- 6) ‘Azerbaijan shall immediately facilitate the full restoration of public utilities, including gas and electricity, to Nagorno-Karabakh, and shall refrain from disrupting them in the future’;
- 7) ‘Azerbaijan shall refrain from taking punitive actions against the current or former political representatives or military personnel of Nagorno-Karabakh’;
- 8) ‘Azerbaijan shall not alter or destroy any monument commemorating the 1915 Armenian genocide or any other monument or Armenian cultural artefact or site present in Nagorno-Karabakh’;
- 9) ‘Azerbaijan shall recognize and give effect to civil registers, identity documents and property titles and registers established by the authorities of Nagorno-Karabakh, and shall not destroy or confiscate such registers and documents’;
- 10) ‘Azerbaijan 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, and thereafter every three months, until a final decision on the case is rendered by the Court.’

Armenia further requests that the Court reaffirm Azerbaijan’s obligations under the Court’s existing Orders.”

The Agent of Azerbaijan presented the following submissions to the Court:

“In accordance with Article 60 (2) of the Rules of Court, for the reasons explained during these hearings, the Republic of Azerbaijan respectfully asks the Court to reject the request for the indication of provisional measures submitted by the Republic of Armenia.”

History of the proceedings

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 Application also contained a Request for the indication of

provisional measures. By an Order dated 7 December 2021, the Court indicated certain provisional measures. Armenia subsequently requested that the Court's Order be modified. By an Order of 12 October 2022, the Court decided that the circumstances cited by Armenia "[did] not constitute a change in the situation justifying modification of the Order".

On 28 December 2022, Armenia submitted a second Request for the indication of provisional measures, in which it sought, in particular, to have the Court direct Azerbaijan to "cease its orchestration and support of the alleged 'protests' blocking uninterrupted free movement along the Lachin Corridor in both directions" and to "ensure uninterrupted free movement of all persons, vehicles, and cargo along the Lachin Corridor in both directions". By an Order dated 22 February 2023, the Court, by thirteen votes to two, indicated a provisional measure.

On 21 April 2023, Azerbaijan raised preliminary objections to the jurisdiction of the Court and, in accordance with Article 79*bis*, paragraph 3, of the Rules of Court, the proceedings on the merits were therefore suspended, pending a decision of the Court on these preliminary objections.

On 15 May 2023, the Court received a Request from Armenia to modify its Order of 22 February 2023. In its Order of 6 July 2023, the Court concluded that the circumstances to which Armenia referred to in its Request did not "constitute a change in the situation justifying modification of [its] Order".

On 29 September 2023, Armenia submitted a new Request to the Court for the indication of provisional measures. The requested measures are set out in press release No. [2023/51](#), available on the Court's website, together with earlier [press releases](#) relating to this case.

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

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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