



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [X](#) [YouTube](#) [LinkedIn](#)

Press Release

Unofficial

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

The Court indicates provisional measures

THE HAGUE, 17 November 2023. The International Court of Justice has today delivered its Order on the request for the indication of provisional measures made by Armenia in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*.

In its [Order](#), which has binding effect, 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.*

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Judge YUSUF appends a dissenting opinion to the Order of the Court; Judge *ad hoc* KOROMA appends a dissenting opinion to the Order of the Court.

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 28 September 2023, Armenia submitted a new Request to the Court for the indication of provisional measures (see press release No. [2023/51](#)). Public hearings on the request for the indication of provisional measures submitted by Armenia were held on 12 October 2023.

Earlier [press releases](#) relating to this case are available on the Court's website.

A summary of the Order appears in the document entitled "Summary 2023/7", to which summaries of the opinions are annexed. This summary and the full text of the Order are available on the Court's website under the heading [Cases](#).

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.

Information Department:

Ms Monique Legerman, First Secretary of the Court, Head of Department: +31 (0)70 302 2336

Ms Joanne Moore, Information Officer: +31 (0)70 302 2337

Mr Avo Sevag Garabet, Associate Information Officer: +31 (0)70 302 2394

Email: info@icj-cij.org