



INTERNATIONAL COURT OF JUSTICE

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Press Release

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Amendments to Articles 81, 82 and 86 of the Rules of Court

THE HAGUE, 28 February 2024. The International Court of Justice has amended certain provisions of its Rules relating to intervention, in particular (i) the time-limits for the filing of an application for permission to intervene under Article 62 of the Statute and 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 (ii) the possibility to decide whether States intervening under Article 63 of the Statute should remain entitled to submit their observations during the oral proceedings under Article 86, paragraph 2, of the Rules of Court, or whether it would be sufficient that these States submit their observations in written form. The amendments will enter into force on 1 June 2024.

The text of Articles 81, 82 and 86 of the Rules of Court, as amended, reads as follows:

“Article 81

1. An application for permission to intervene under the terms of Article 62 of the Statute, signed in the manner provided for in Article 38, paragraph 3, of these Rules, shall be filed as soon as possible, and not later than the date fixed for the filing of the Counter-Memorial.

2. If the Court has authorized further written pleadings either under Article 45, paragraph 2, or under Article 46, paragraph 2, or if a counter-claim has been made in accordance with Article 80, paragraph 2, of these Rules, an application for permission to intervene shall be filed as soon as possible, and not later than the date fixed for the filing of the last written pleading.

3. If and to the extent that an application for permission to intervene concerns preliminary objections, it shall be filed as soon as possible, and not later than the date fixed for the filing of the written statement of observations and submissions on the preliminary objections.

4. In exceptional circumstances, an application submitted later may however be admitted.

5. The application shall state the name of an agent. It shall specify the case to which it relates, and shall set out:

- (a) the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case;
- (b) the precise object of the intervention;
- (c) any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case.

6. The application shall contain a list of the documents in support, which documents shall be attached.

Article 82

1. A State which desires to avail itself of the right of intervention conferred upon it by Article 63 of the Statute shall file a declaration to that effect, signed in the manner provided for in Article 38, paragraph 3, of these Rules. Such a declaration shall be filed as soon as possible, and no later than the date fixed for the filing of the Counter-Memorial.

2. If the Court has authorized further written pleadings either under Article 45, paragraph 2, or under Article 46, paragraph 2, or if a counter-claim has been made in accordance with Article 80, paragraph 2, of these Rules, a declaration of intervention shall be filed as soon as possible, and not later than the date fixed for the filing of the last written pleading.

3. If and to the extent that a declaration of intervention concerns preliminary objections, it shall be filed as soon as possible, and not later than the date fixed for the filing of the written statement of observations and submissions on the preliminary objections.

4. In exceptional circumstances a declaration submitted later may however be admitted.

5. The declaration shall state the name of an agent. It shall specify the case and the convention to which it relates and shall contain:

- (a) particulars of the basis on which the declarant State considers itself a party to the convention;
- (b) identification of the particular provisions of the convention the construction of which it considers to be in question;
- (c) a statement of the construction of those provisions for which it contends;
- (d) a list of the documents in support, which documents shall be attached.

6. Such a declaration may be filed by a State that considers itself a party to the convention, the construction of which is in question but has not received the notification referred to in Article 63 of the Statute.

Article 86

1. If an intervention under Article 63 of the Statute is admitted, the intervening State shall be furnished with copies of the pleadings and documents annexed, and shall be entitled, within a time-limit to be fixed by the Court, or by the President if the Court is not sitting, to submit its written observations on the subject-matter of the intervention.

2. These observations shall be communicated to the parties and to any other State admitted to intervene. The intervening State may also submit its observations with respect to the subject-matter of the intervention in the course of the oral proceedings, unless the Court decides otherwise.”

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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